

NOTICE OF MEETING

Meeting	Executive Member for Policy and Resources Decision Day
Date and Time	Friday, 9th March, 2018 at 2.00 pm
Place	Chute Room, Ell Courth South, The Castle, Winchester
Enquiries to	members.services@hants.gov.uk

John Coughlan CBE
Chief Executive
The Castle, Winchester SO23 8UJ

FILMING AND BROADCAST NOTIFICATION

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

AGENDA

1. MARKET TOWNS FUND (Pages 5 - 12)

To consider a report of the Director of Economy, Transport and Environment giving an update on the Market Towns Fund initiative and to indicatively allocate the available funding to appropriate schemes.

2. CORE INFRASTRUCTURE GRANTS TO VOLUNTARY AND COMMUNITY SECTOR ORGANISATIONS (Pages 13 - 20)

To consider a report of the Chief Executive seeking approval to core infrastructure grants to Voluntary and Community Sector Organisations.

3. RURAL DELIVERY STRATEGY: RURAL DELIVERY FUNDING (Pages 21 - 30)

To consider a report of the Director of Culture, Communities and Business Services seeking approval to allocate funding from the Rural Delivery budget.

4. GRANTS TO VOLUNTARY ORGANISATIONS AND OTHER BODIES (Pages 31 - 38)

To consider a report of the Director of Transformation and Governance – Corporate Services regarding requests received for financial assistance from the Policy and Resources grants budget.

5. APPOINTMENT TO OUTSIDE BODY - EAST BOLDRE EDUCATIONAL TRUST (Pages 39 - 40)

To consider a report of the Director of Transformation and Governance – Corporate Services seeking approval to an appointment to East Boldre Educational Trust.

6. INDEMNITY FOR MEMBERS AND OFFICERS (Pages 41 - 50)

To consider a report of the Director of Transformation and Governance – Corporate Services seeking approval to the updated indemnity arrangements for Members and Officers.

7. EXCLUSION OF THE PRESS AND PUBLIC

To resolve that the public be excluded from the meeting during the following items of business, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during these items there would be disclosure to them of exempt information within Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons set out in the reports.

8. ADULTS WITH A DISABILITY HOUSING STRATEGY: APPROVAL TO THE PHASE 1 MANAGING LANDLORD APPOINTMENT AND THE PHASE 2 PROJECT PROPOSALS. (Pages 51 - 90)

To consider an exempt report of the Directors of Adult Social Care and Culture, Communities and Business Services seeking approval to the Phase 1 managing landlord appointments and the Phase 2 project proposals within the Adults with a Disability Housing Strategy.

9. STRATEGIC LAND PURCHASE (Pages 91 - 102)

To consider an exempt report of the Director of Culture, Communities and Business Services and Director of Economy, Transport and Environment seeking approval to purchase a piece of strategic land.

ABOUT THIS AGENDA:

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

ABOUT THIS MEETING:

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

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

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HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Policy and Resources
Date:	9 March 2018
Title:	Market Town Fund
Report From:	Director of Economy, Transport and Environment

Contact name: Simon Cramp

Tel: 01962 832348

Email: simon.cramp@hants.gov.uk

1. Recommendations

- 1.1. That the Executive Member for Policy and Resources approves the proposed Market Town Fund programme, the indicative allocation to named locations and enhancement schemes, and the Reserve amount.
- 1.2. That approval is given to transfer £1,320,000 to the Environment and Transport capital programme.

2. Executive Summary

- 2.1. The purpose of this paper is to set out the scope of a proposed Market Town Fund initiative, to identify a programme of appropriate schemes and locations, and to indicatively allocate the available funding.
- 2.2. The Market Town Fund was established by the County Council in February 2017 with £2 million funding to support the diverse, complex and crucial role market towns play in driving forward Hampshire's economic growth. The fund aims to support and develop the economic potential and sustainability of towns including Alton, Petersfield, Romsey and Winchester.
- 2.3. In September 2017, the Executive Member for Policy and Resources approved an initial investment from the Market Town Fund to provide £680,000 for implementation of the enhancement scheme for Bell Street and Market Place in Romsey.
- 2.4. This paper seeks to:
 - Set out the background to the Market Town Funding initiative;
 - Identify a programme of schemes and locations considered suitable for support from the fund;
 - Indicatively allocate the residual £1.32million funding to schemes; and
 - Consider the future management of the Market Town Fund programme.

3. Contextual information

3.1 The Market Town Fund was approved by Cabinet on 3 February 2017. Paragraph 4.32 of the Revenue Report stated:

'The Hampshire economic area is large, diverse and complex and market towns have a crucial role to play in the overall strategy for driving economic growth. The establishment of a fund of £2m against which bids can be submitted with the aim of developing the economic potential and sustainability of these towns will support the County Council's overarching priority of supporting the Hampshire economy.'

3.2 The County Council has a proud tradition of supporting market towns through a range of targeted initiatives including the Hampshire Market Towns Project, the Country Towns Initiative, Hampshire Farmers' Markets as well as investment in individual schemes such as High Street, Winchester and Romsey Town Centre.

3.3 Following the success of the public realm improvements to Church Street, Romsey, in September 2017, the Executive Member for Policy and Resources approved an initial investment from the Market Town Fund to provide £680,000 for implementation of the next phase of enhancement works for Romsey Town Centre in Bell Street and Market Place.

3.4 The Decision Report also confirmed the intention to submit a subsequent report to the Executive Member for Policy and Resources establishing the full scope of the Market Town Fund initiative with a list of recommended locations and enhancement schemes.

3.5 The aim of the individual enhancement schemes, and the Market Town Fund Initiative programme overall, is in line with the County Council's 2017 – 2021 Strategic Plan to:

- *'Maintain Hampshire's strong and sustainable economic growth and prosperity'* by improving Hampshire's connectivity; planning and delivering appropriate development and infrastructure; attracting increased inward investment; supporting businesses to start and grow; helping to create more jobs;
- *'Enable people in Hampshire to enjoy a rich and diverse environment'* by protecting and improving Hampshire's environment and quality of life; enabling people to live healthy lifestyles; enhancing and protecting Hampshire's heritage and culture; and
- *'Ensure people in Hampshire enjoy being part of strong, inclusive communities'* by making it easy for people to find and access support within the community.

4. Proposed Market Town Fund programme

- 4.1. It is intended that the Market Town Fund initiative will support market town environmental enhancement schemes being developed by the County Council, and working closely with the district, town or parish councils.
- 4.2. The term market town is largely synonymous with historic, rural and country towns. They are widely considered to be those places that provide a key focus for their surrounding hinterland of villages and hamlets, have a strong and visible relationship with the rural economy e.g. farmers' market, and the quality of their environment is recognised as a significant draw for tourism. In addition, they provide jobs, major services, and a focus for public transport routes, and cultural and leisure facilities.
- 4.3. In order to target the residual resources of the Market Town Fund most effectively, only those towns meeting the above characteristics with a population in excess of approximately 15,000 and having, by virtue of their size, character and status, potential to provide the widest economic, cultural and social wellbeing benefits, were considered for inclusion in the Market Town Fund programme. Of these, only the following locations (refer table below) provided evidence of environmental enhancement schemes being developed by the County Council with a joined-up approach with local partners, and where the addition of Market Town Fund investment would make a difference to the current funding package and directly support the economic potential and sustainability of the towns.

Market Town	Potential Scheme
Alton	Public realm enhancements and links to the Town Centre.
Andover	Bridge Street and Town Mills environmental improvements.
Romsey	Town centre improvements.
Petersfield	Town Centre Project.
Winchester	Public realm enhancements and links to the Town Centre.

5. Funding

- 5.1. Further to the allocation of £680,000 from the Market Town Fund for implementation of the enhancement works for Romsey Town Centre in Bell Street and Market Place, the investment now available is £1.32million.
- 5.2. At this stage, it is proposed that an indicative funding allocation of £300,000 is made for each of the four remaining locations, Alton, Andover, Petersfield

and Winchester. It is also proposed that the balance of the funding, £120,000, is set aside as a Reserve which can be allocated to top-up the indicative funding allocation as necessary.

Market Town	Indicative allocation
Alton	£300,000
Andover	£300,000
Petersfield	£300,000
Winchester	£300,000
Reserve	£120,000
Total	£1,320,000

- 5.3. It is important to note that these are indicative allocations only at this stage to those areas that have been identified under the criteria as market towns. There remains the opportunity to provide additional funding in the future, either to extend the reach of the programme or to provide additional funds in the towns highlighted above should a suitable business case be put forward, especially where this attracts other local investment from district, town or parish councils.

6. Management of the programme

- 6.1. In order to ensure a fully coordinated approach to the development, delivery and funding of the environmental enhancement schemes, it is proposed that the sum of £1,320,000 be transferred to the Environment and Transport capital programme.
- 6.2. The approval of individual schemes utilising support from the fund, capital transport programme investment and other sources, will be achieved through the submission of Project Appraisals to the Executive Member for Environment and Transport.

CORPORATE OR LEGAL INFORMATION:**Links to the Strategic Plan**

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	no
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Revenue Budget and Precept 2017/18	16 February 2017
Market Town Funding Initiative (Bell Street and Market Place, Romsey Town Centre Improvements)	22 September 2017
Direct links to specific legislation or Government Directives	
<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	

IMPACT ASSESSMENTS:

1. Equality Duty

1.1. 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 under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

1.2. Equalities Impact Assessment:

This report sets out an indicative programme of environmental enhancement schemes to be undertaken by Hampshire County Council and its partners.

It is considered that the individual schemes will have a neutral impact on groups with protected characteristics, apart from two groups. As the environmental enhancement schemes are likely to improve mobility and accessibility, it is considered that they will have the potential for positive impacts for elderly and disabled users in the public realm.

2. Impact on Crime and Disorder:

2.1. The County Council has a legal obligation under Section 17 of the Crime and Disorder Act 1998 to consider the impact of all the decisions it makes on the prevention of crime.

2.2. The proposals in this report are not considered to adversely affect the prevention of crime.

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption? The aim of the Market Town Funding Initiative is to develop the economic potential and sustainability of Hampshire's market towns reducing the need to travel.
- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts? The outcomes of the individual schemes will support market town communities to become more resilient to the effects of future extreme weather events.

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HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Policy and Resources
Date:	9 March 2018
Title:	Annual core infrastructure grants to Voluntary and Community Sector Organisations
Report From:	Assistant Chief Executive – Corporate Services

Contact name: Antonia Perkins

Tel: 01794 835308

Email: antonia.perkins@hants.gov.uk

1. Recommendation(s)

1.1. This report requests the following approvals from the Executive Member for Policy and Resources:

- Approval of one year's grant funding of £17,980 for Relate South Hampshire and the Isle of Wight
- Approval of one year's grant funding of £70,000 for Citizens Advice Hampshire
- Approval of one year's grant funding of £551,100 to Community First for voluntary sector infrastructure support within Hampshire, in accordance with paragraph 5 of this report

2. Executive Summary

2.1. The purpose of this paper is to allocate annual grant funding to support core services within the voluntary sector and to approve the move to fund a single Council for Voluntary Services to be responsible for the delivery of voluntary sector infrastructure support within Hampshire. This new approach builds on work with the voluntary sector to streamline the delivery of infrastructure support and to reduce the risk of service duplication across the nine CVS and Action Hampshire.

3. Context

3.1. The County Council provides core funding to the voluntary sector via the Policy and Resources budget to Councils of Voluntary Service (CVS),

Citizens Advice Hampshire and Relate South West Hampshire and Isle of Wight.

- 3.2. The County Council works closely with CVS to encourage efficient voluntary sector infrastructure support through improved collaboration and joined-up working. Significant progress has been made by reducing the number of separate grant-funded organisations down from nine district-based CVS organisations to three CVS 'clusters' alongside Action Hampshire, who provide county-wide support.
- 3.3. Over the last year, the County Council has been working with the CVS to determine the best way in which it can use its funding to support the Sector to become more resilient and effective. At the heart of this work has been the co-design of the funding specification for this year, with an agreed set of criteria. This includes activities to promote closer working across the CVS in order to streamline some functions and to remove existing levels of competition and duplication – with the clear intention of moving towards a single lead organisation accountable to the County Council for delivery for 2018/19.

4. Background to funding for voluntary sector infrastructure support

- 4.1. CVS organisations provide a variety of support services to Hampshire's voluntary and community sector. This support includes organisational support, training, local networks and collaboration, developing a voice for the sector and Volunteer Services. There are currently nine local CVS organisations across Hampshire which are organised into three CVS 'clusters' for the purpose of the County Council's awards, together with Action Hampshire. Voluntary and community organisations that operate at district level, or below, are able to access support from their local CVS. Countywide organisations tend to receive support from Action Hampshire, which covers all of Hampshire.
- 4.2. In 2015/16, the County Council stopped funding the individual district based CVS organisations and moved to funding four self-selecting CVS clusters (Northern, Central, South West and South East). Subsequently the South East cluster joined the Central cluster. Each cluster has a lead CVS organisation accountable for delivery against an agreed development plan, aligned to County Council priorities, and for distributing funding within the cluster. Action Hampshire was awarded a separate grant to support county-wide working, complementing the work of local CVS – and as such, is increasingly collaborating with the clusters to enable join-up in the level and type of support provided. This includes participating in the quarterly review meetings between the Council and the CVS.
- 4.3. The County Council is supporting and encouraging CVS organisations to become more self-sufficient and less reliant on grant funding. The expectation has been that this could be achieved through sharing services, becoming more streamlined, and looking at new ways of working to reduce costs and generate income. The County Council highly values its strategic partnership with Hampshire's CVS, and is fully committed to strengthening it

further, recognising the important role it undertakes across Hampshire's communities – particularly at a time when public sector services are under financial strain.

- 4.4. For this reason, the level of grant awarded for 2017/18 was not reduced - it was maintained at the same level as the previous year (£551,100 in total). This was intended to support CVSs in becoming more efficient and financially self-sustaining through greater joint working.

5. Proposal for relationship with single lead Council for Voluntary Services

- 5.1. The CVS clusters and Action Hampshire have made good progress throughout the year in identifying opportunities to streamline delivery, for example by developing one Hampshire-wide website for training opportunities and governance advice.
- 5.2. It is recommended that, building on this work to date with Hampshire CVS, the County Council distribute grant for voluntary sector infrastructure funding via one lead organisation. This single organisation will be responsible for ensuring the mutually agreed funding specification is delivered and provide a single point of contact for the County Council with regard to these services.
- 5.3. The nine CVS, as well as Action Hampshire, have now agreed to nominate Community First as the single organisation which will receive voluntary sector infrastructure funding grant from the County Council. The County Council will agree the funding specification collaboratively with all Hampshire CVS, and the funding agreement will ensure the new process is fair and transparent.
- 5.4. It is proposed that a grant of £551,100 is awarded to Community First for voluntary sector infrastructure support within Hampshire. This is at the same level as grant funding awarded in 2017/18, recognising that there will be a period of adjustment to the new approach and an additional administrative burden placed on Community First to performance manage the grant.
- 5.5. The single grant for infrastructure support will continue to be managed by the Assistant Chief Executive. Service specific grants will continue to be managed by departments.

6. Citizens Advice Hampshire

- 6.1. Citizens Advice Hampshire delivers training and development to around 220 paid employees and 1000 volunteers across 14 local Citizens Advice offices. It also provides specialist advice lines on employment and welfare and maintains a single point of contact between Local Citizens Advice and wider strategic partners.
- 6.2. Its annual impact report states that the County Council's funding enables the Service to support around 59,000 people each year – who are often among the most vulnerable residents in Hampshire's communities.
- 6.3. It is recommended that a grant of £70,000 is awarded to Citizens Advice Hampshire for 2018/19, representing a reduction of 19% from last year. This

is in line with wider budget reductions across the County Council and is in line with expectations from Citizens Advice Hampshire due to ongoing dialogue with the voluntary sector about the County Council's financial position.

7. Relate South West Hampshire and the Isle of Wight (SWH&IW)

- 7.1. Throughout 2017/18, Relate has continued to provide relationship counselling, therapy and life skills training at venues across Hampshire. Relate has seen an increase in enquiries and initial referrals from the CAMHS team, Children's Services and GPs across the area, although clients themselves continue to be the main source of referral.
- 7.2. During 2017/18 Relate SWH&IW has developed significant links with the County Council's Supporting Families Programme and provided counselling and mediation services to a number of families with complex needs who are included in the Programme.
- 7.3. Relate SWH&IW is actively pursuing significant collaborative opportunities to enhance its offer and achieve efficiencies which will assist in reducing the long term dependency on grant funding from the County Council. In light of this and ongoing work with the County Council to source alternative venue for Relate to reduce accommodation costs, a grant of £17,980 if recommended, reflecting a 19% reduction from 2017/18.

8. Finance

- 8.1. The **total amount** of the grants recommended for approval is **£639,105**, which can be accommodated within the budget allocation for 2018/19. This is consistent with the amount of funding awarded in 2017/18 for the reasons detailed in this report. The proposed allocations are set out in the table below.

Organisation	Funding in 2017/18	Recommended award for 2018/19
Local Councils of Voluntary Services	£470,614	
Action Hampshire	£80,496	
Voluntary sector infrastructure grant to Community First		£551,100
Relate South West Hampshire and the Isle of Wight	£22,199	£17,980
Citizens Advice Hampshire	£86,432	£70,000
Total funding	659,741	639,080

9. Consultation and Equalities

- 9.1. Extensive consultation has been undertaken with the CVS within Hampshire during this year, working towards the allocation of grant to a single CVS for the provision of infrastructure support across Hampshire. A number of meetings have been held at the end of 2017/beginning of 2018 to discuss implications and to gain consensus to this approach.
- 9.2. Continuous dialogue with voluntary sector partners has taken place about the County Council's financial situation, and notice given about the potential reduction to grant funding for 2018/19. Responses were received from Relate and Citizens Advice Hampshire accepting a potential reduction, and the County Council will continue to work with organisations to support them in reducing their reliance on grant funding.

CORPORATE OR LEGAL INFORMATION:**Links to the Strategic Plan**

Hampshire maintains strong and sustainable economic growth and prosperity:	no
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	no
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Section 100 D - Local Government Act 1972 - background documents

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Document

Location

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IMPACT ASSESSMENTS:

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- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

11. Equalities Impact Assessment:

11.1. The purpose of the County Council's financial support to voluntary sector infrastructure organisations is to ensure that groups and organisations are helped to develop their effectiveness, particularly in supporting vulnerable groups. It also promotes individual voluntary action to benefit vulnerable people including those who participate and those who receive help as a result of that activity. The health of the sector and level of voluntary action is fundamental to the wellbeing of residents including the most vulnerable and consequently to the demand on public services.

11.2. The equality impact of the change to CVS funding is deemed to be low because the comparatively significant proposed total investment remains unchanged. The proposed changes to the way this funding is applied is the result of a process of partnership development with the existing providers, facilitated by the County Council, the object of which has been to ensure this investment generates increased value and effectiveness. This will therefore deliver an even greater positive impact on vulnerable groups including those with protected characteristics.

11.3. Work will continue to prepare a detailed delivery specification and will take into account priorities of service departments in supporting their voluntary sector partners and provider markets. The specification will include a

requirement for voluntary organisations to promote equality, diversity and inclusiveness within the voluntary sector for example through training and the development of supported volunteering.

12. Impact on Crime and Disorder:

12.1. The grants support capacity within the community to develop resilience and the effectiveness of local voluntary groups to support strong and safe communities.

13. Climate Change:

12.1 By continuing to work closely with the VCS infrastructure organisations, the County Council may have greater ability in the specification to influence these organisations, and their members, to support the County Council's aims with regard to climate change.

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Policy and Resources
Date:	9 March 2018
Title:	Rural Delivery Strategy – rural delivery funding
Report From:	Director for Culture, Communities and Business Services

Contact name: John Tickle

Tel: 01962 846000

Email: john.tickle@hants.gov.uk

1. Recommendation(s)

It is recommended that the Executive Member for Policy and Resources:

- 1.1. Approves the proposals set out in paragraph 4.1-4.3 of the report, for funding totalling £75,000 from the Rural Delivery budget 2017/18, to include:
 - a £20,000 contribution to the Hitting the Cold Spots programme;
 - a £35,000 contribution to the Parish Lengthsman Scheme; and
 - a £20,000 contribution to the Village Agents scheme.
- 1.2. Approves the proposal set out in paragraph 5.4 of the report, for a £40,000 allocation to the Rural Communities Fund, from the Rural Delivery budget 2018/19.
- 1.3. Approves the Rural Communities Fund grant application set out in section 5 of the report, for a £5,950 contribution towards improvements at Chilbolton Village Stores.

2. Executive Summary

- 2.1. The purpose of this report is to outline proposals for Rural Delivery funding for 2017/18 and 2018/19. The proposals have been developed in accordance with the Rural Delivery priorities approved by Cabinet in March 2014.
- 2.2. The report outlines proposals for funding towards four initiatives to support rural communities and one application for funding from the Rural Communities Fund.

3. Contextual information

- 3.1. The revised County Council Rural Delivery priority actions were agreed by Cabinet in March 2014 (report 5684). These include supporting community

resilience, rural transport, self-help, communications and economic development.

- 3.2. The funding proposals presented in this report fit within the priority actions and build on existing initiatives to maximise impact and use of available resources. The proposals have been reviewed by cross-departmental colleagues and Councillor Edward Heron, the Assistant to the Executive - Rural Affairs Champion, who are supportive of the recommendations.
- 3.3. The Rural Communities Fund is a combination of four Hampshire County Council grant schemes previously available to rural communities. It supports projects that help deliver against the Rural Delivery priority actions to build community resilience and encourage self-help. The launch of the scheme was approved by the Executive Member for Policy and Resources at his Decision Day in June 2017.

4. Finance

- 4.1. The Rural Delivery budget for 2017/18 is £204,000 (including £4,000 returned due to a project underspend). £129,000 of this budget has already been allocated, approved by the Assistant to the Executive - Rural Affairs Champion in October 2017 and by the Executive Member for Policy and Resources at his Decision Days in June 2017, July 2017 and October 2017.
- 4.2. The Rural Delivery budget for 2018/19 is £200,000. £31,000 of this budget has already been allocated, approved by the Executive Member for Policy and Resources at his Decision Day in October 2017.
- 4.3. Three proposals are presented for consideration, to be allocated from the Rural Delivery budget 2017/18, for funding totalling £75,000 (see funding summary in Table 1. and detail in paragraph 4.1-4.3).

Proposal	Funding recommended
Hitting the Cold Spots	£20,000
Parish Lengthsmen	£35,000
Village Agents	£20,000
Total	£75,000

Table 1. Rural funding proposal summary 2017/18

- 4.4. One proposal is presented for consideration, to be allocated from the Rural Delivery budget 2018/19, for funding totalling £40,000 (see paragraph 5.4).
- 4.5. The Rural Communities Fund budget for 2017/18 is £148,000, split across four themes (countryside access, flood alleviation, retailers and community enterprises, and general community resilience and self-help initiatives). £66,000 of this budget has already been allocated, approved by the Assistant Director for Culture and Heritage, in consultation with the Assistant

to the Executive - Rural Affairs Champion, and by the Executive Member for Policy and Resources at his Decision Day in October 2017.

- 4.6. Decision making for grant applications up to £5,000 was delegated to the Assistant Director for Culture and Heritage by the Executive Member for Policy and Resources at his decision day on 16 June 2017. One new application for funding over £5,000 has been received for consideration; this is for £5,950 from the Rural Communities Fund – retailers and community enterprises theme (see paragraph 5).

5. Funding proposals

5.1. Hitting the Cold Spots (£20,000 requested)

A continuation of the successful initiative, working in rural areas of Hampshire to deliver practical solutions for vulnerable individuals and families who are struggling to heat their homes and/or water. This includes assistance with heating bills, system repairs or replacements and first time central heating. The project is delivered by the Environment Centre, contracted by Adults' Health and Care until 31 March 2019.

Demand for support available through the project has remained steady since its inception, at 25-30% of clients living in rural areas (the typical client is 75-84 years, female, declared as having a disability and living alone). The need to deliver works that will benefit rural fuel poor households is set out in the recent changes in Energy Company Obligation which enables eligible households to access funding for non-gas boiler replacements e.g. oil or LPG, first time central heating and solid wall insulation.

The Socio-economic profile of rural Hampshire 2016 identified that levels of fuel poverty are highest for those living in rural communities, and furthermore that more than 50% of all households living in the most rural communities across Basingstoke and Deane, the New Forest and Test Valley, are not connected to the gas network¹. Funding is requested towards practical measures for eligible households (for the period 1 April 2018- 31 March 2019) that would help to address this recognised problem facing Hampshire's rural communities. The overall Hitting the Cold Spots programme also provides rural households with access to information and advice, via a phone line and home visiting service, that is not covered by this funding.

In consideration of the direct benefits the funding could provide, as well as the overall benefits of the scheme, it is recommended that support for the project is continued with the provision of a £20,000 contribution from the Rural Delivery budget. This amount is recommended based on previous demand from households in rural areas and the predicted match funding available (approximately £20,000).

5.2. Parish Lengthsman (£35,000 requested)

¹ [Socio-economic profile of rural Hampshire – Fuel poverty \(2016\)](#)

The Parish Lengthsman scheme was established in 2009 involving 19 parish and town councils and has grown to 172 in 2017/18. The scheme provides funding for parish and town councils to undertake low value, low risk maintenance work around the highway. In 2015 an extension to the scheme was considered by the Economy, Transport and Environment Select Committee (report 6990) to include duties on rights of way. To support this extension, and in recognition of the overall benefits of the scheme in promoting community resilience and a culture of self-help in rural areas, the Executive Member for Policy and Resources agreed a contribution of £30,000 from the Rural Delivery budget in both 2016/17 (report April 2016) and 2017/18 (report July 2017).

At the Decision Day held in January 2018 the Executive Member for Environment and Transport considered a report recommending that the scheme is continued in 2018/19, and that subject to the availability of funding, the scheme is extended to include additional parish and town councils that have expressed interest in joining prior to 31 January 2018.

The scheme is highly valued by parish and town councils as it provides a mechanism for local prioritisation and delivery. As the County Council continues to strengthen its relationship with parish and town councils, the scheme therefore provides an excellent platform for this. It also builds on the feedback from the series of workshops held with parish and town councils in September 2016, which revealed many are willing to take on greater responsibility.

In recognition of the value of the scheme, in both supporting rural communities and strengthening the relationship with parish and town councils, it is recommended that support towards the scheme is continued with the provision of a £35,000 contribution from the Rural Delivery budget. This is an increased contribution from 2017/18 in recognition of the desire to extend the scheme to allow parish councils on the waiting list to join in 2018/19.

5.3. Village Agents (£20,000 requested)

The Village Agents scheme was established in 2012 supported by funding from the Rural Delivery budget. It was subsequently funded by Adults' Health and Care, with an additional grant from the Rural Delivery budget to support the expansion of the scheme in 2014/15 (report 5940).

The scheme is managed by Adults' Health and Care and has been delivered by Age Concern Hampshire. It currently supports approximately 49 volunteer Village Agents in rural communities across the County, assisting vulnerable older people to access information they need on issues such as day care, foot care, computer training, company at meal times, transport for shopping and medical appointments, finding reputable tradespeople and help around the home. Between July and September 2017 Village Agents received more than 414 enquiries from older people and made more than 76 referrals to other agencies.

In 2016 Adults' Health and Care changed its approach to the delivery of adult social care, through the Supportive Communities work stream. This

included piloting a broader approach than was previously covered by the Village Agents. There was however still seen to be value in continuing to support the delivery of the Village Agents in the short-term, and this was supported with funding from the Rural Delivery budget for an 18 month period (report 8090).

The funding for the Village Agents, and the associated contract with Age Concern Hampshire, comes to an end in March 2018 and it is proposed that the delivery model for the scheme is now brought in line with the wider Demand Management and Prevention programme (currently incorporating the Supportive Communities work stream). This will include the need to extend the scope of the scheme beyond just older people, to support others in the community identified to be socially isolated and therefore at risk of needing support and intervention from social care. This includes young mothers, carers, people from ethnic minorities and people from the LGBT community².

Through the Demand Management and Prevention programme local communities will also be encouraged to play a more active role in local decision making through place based working. This will involve asset mapping a geographical area and encouraging local organisations to work alongside health and social care organisations to provide responsive solutions to local need.

Incorporating the Village Agents into this new way of working will ensure volunteers can continue to be identified in rural areas, based on the needs of the local community. This will include a potential role for parish and town councils in supporting existing Village Agents as well as helping to develop and support new Village Agents where there is a desire to do so. This model will also support the Corporate programme to develop a closer working relationship with parish and town councils, as outlined in the 'Working better together' report presented to Cabinet in June 2017.

The proposed approach to delivering the Village Agents will also ensure its future delivery is cost effective and sustainable. It is therefore recommended that £20,000 is awarded from the Rural Delivery budget, as a contribution towards funding for a suitable organisation to support the set up of Village Agents in priority areas, as well as to support those parish and town councils that wish to continue to support an existing Village Agent or establish one in their area.

5.4. Rural Communities Fund (£40,000 requested)

The Rural Communities Fund, launched in June 2017, combined four existing grant schemes based on a need to improve the internal efficiency of delivering these grants, as well as to improve the experience for rural

² Social Isolation and Loneliness in Hampshire – A Health Needs Assessment (2017)

communities seeking grant funding. The priorities of the scheme are to 'build community resilience and encourage self-help'. Applications are accepted to support three specific themes (retailers and community enterprises, community-led flood alleviation, countryside access), as well as general projects or initiatives supporting the scheme priorities.

The total grants budget for 2017/18 was £148,000, and in the first three quarters of the financial year, spend has totalled just over £66,000. Based on current interest in the scheme it is anticipated that there will be a minimum annual allocation of £88,000. This will leave a budget of approximately £60,000 to carry forward to 2018/19.

It is recommended that going forward the Rural Communities Fund should be aiming for a total allocation of £100,000 per year in grants. With more targeted working with parish and town councils planned, it is hoped that this will stimulate interest in the scheme and lead to an increase in applications. With this in mind it is recommended that £40,000 is awarded from the Rural Delivery budget to top up the Rural Communities Fund budget for 2018/19.

6. Rural Communities Fund grant application

6.1. The Rural Communities Fund offers small grants to support Parish Councils, groups and organisations in rural Hampshire and small market towns. The overall priorities of the scheme are to build community resilience and encourage self-help. Applications are accepted to support one of four themes. Funding approval is sought for one application received under the retailers and community enterprises theme. The aim of this theme is to help them grow, increase their productivity and ultimately improve the services that are offered to communities in rural areas.

6.2. *Chilbolton Village Stores, £5,950 requested (grant reference 14848)*

Chilbolton Village Stores and Post Office is a traditional convenience store, also offering a small seating area for tea, coffee and cake. They currently offer some food to go services (pasties and sandwiches) however the catering facilities are limited and they would like to expand the provision of food to go, offer food to eat in and introduce a new tea room area. Funding is therefore requested to assist with works to provide a dedicated kitchen area and to help purchase kitchen equipment.

Funding is also being requested for a contribution towards awnings, to be installed on the outside of the shop to improve its external appearance and experience for customers. It is also proposed to install a roof light to allow more natural light into an otherwise dark area of the shop/tea room. This will contribute towards improved energy efficiency, ventilation, and refrigeration performance.

The proposed improvements have been well considered and have great potential to boost the shops economic performance. They also have the support of the local elected member and the Parish Council and a village survey conducted by the local shop action group, before it was purchased by the applicant, indicated that a tea room was one of the facilities that local people would like to see.

In addition to the improvements being considered as part of this application, the property is undergoing a full roof replacement, and is having new guttering, shop fascia and signage installed. This will all help improve the appearance of the shop and is being self-funded by the applicant. In total the applicant is committing around £12,000 and is seeking a grant of £6,100 from the Post Office Community Fund (decision expected February 2017).

In recognition of the benefits of the proposed improvements and the match funding being secured, it is recommended that the shortfall in funding is awarded (£5,950).

CORPORATE OR LEGAL INFORMATION:**Links to the Strategic Plan**

Hampshire maintains strong and sustainable economic growth and prosperity:	Yes
People in Hampshire live safe, healthy and independent lives:	Yes
People in Hampshire enjoy a rich and diverse environment:	Yes
People in Hampshire enjoy being part of strong, inclusive communities:	Yes

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Rural Delivery Strategy: rural delivery funding	October 2017
Rural Delivery Strategy: rural delivery funding	July 2017
Rural Delivery Strategy: rural grants	June 2017
Rural Delivery Strategy: rural delivery funding	March 2017
Rural Delivery Strategy: rural delivery funding	April 2016
Hampshire County Council's Rural Delivery Strategy	March 2014

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. Equality Duty

- 1.1. 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 under the Act;

Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;

Foster good relations between persons who share a relevant protected characteristic 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 characteristic connected to that characteristic;

Take steps to meet the needs of persons sharing a relevant protected characteristic 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 which participation by such persons is disproportionately low.

1.2. Equalities Impact Assessment:

The proposals are expected to have a high positive impact on people living in rural areas. No negative impacts are anticipated. Full equality impact assessments for the proposals in this report are available online: Hitting the Cold Spots and Village Agents – www.hants.gov.uk/as-equality-ia-archive; Parish Lengthsman - www.hants.gov.uk/equality/equality-impact-assessments/cx-pu-eqimpact-envi.htm.

2. Impact on Crime and Disorder:

More vibrant and active communities are likely to suffer less crime and anti-social behaviour.

3. Climate Change:

How does what is being proposed impact on our carbon footprint / energy consumption? Supporting rural retailers encourages residents to shop locally thus reducing car use. The grant application supports measures to improve energy efficiency.

How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts? The proposals all support the culture of self-help and community resilience in rural areas.

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HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Policy and Resources
Date of Decision:	9 March 2018
Decision Title:	Grants to Voluntary Organisations and Other Bodies
Report From:	Director of Transformation and Governance - Corporate Services

Contact name: Louise Pickford

Tel: 01962 847355 Email: louise.pickford@hants.gov.uk

1. Recommendations:

1.1 That the following recommendations on the grant requests received be approved:

- a) Wessex Cancer Trust - Nil and suggest the Trust approach the Hampshire and Isle of Wight Community Foundation for possible grant aid.
- b) Hampshire Gardens Trust- £17,000p.a. for a period of 3 years from April 2018.

1.2 That the amended criteria (guideline 6 in Appendix 1) to allow for requests to be made from faith groups for small one-off projects be approved.

2. Executive Summary

2.1 This report is to consider two requests received for financial assistance from the Policy and Resources grants budget. Details of these requests are outlined in Appendix 2 to this report.

3. Budget Position

3.1 Following commitments made at previous meetings, the Policy and Resources grants budget available at 9 March 2018 is £64,505.

4. Grant aid to faith groups in Hampshire

4.1 The current guidelines state that funds can only be awarded to faith groups for works in relation to the Disability Discrimination Act (no.6). Experience

has shown this can be quite restrictive to organisations. In order to allow the necessary flexibility and to ensure that the maximum possible community benefit is derived from these funds, it is recommended that this restriction be removed and that in future grants should be considered for small one-off projects.

- 4.2 A copy of the amended guidelines being recommended for approval is attached as Appendix 1 to this report.

5. **Legal Implications**

- 5.1 Subject to certain restrictions, the County Council has the power under Section 1 of the Localism Act 2011 to do anything that individuals generally may do including the power to give grants.

CORPORATE OR LEGAL INFORMATION:**Links to the Strategic Plan**

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Other Significant Links

Links to previous Member decisions:		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
None		
Direct links to specific legislation or Government Directives		
<u>Title</u>	<u>Date</u>	
None		

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>
Application forms and correspondence received from organisations	Director of Transformation and Governance - Corporate Services

IMPACT ASSESSMENTS:

1. Equality Duty

1.1. 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 under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

1.2. Equalities Impact Assessment:

The application procedure includes equalities monitoring information as agreed as part of the corporate review of grants programmes and procedures. Further information may be found on individual requests.

2. Impact on Crime and Disorder:

The proposals in this report aim to improve the wellbeing of Hampshire residents and reduce the risk of crime occurring.

3. Climate Change:

There is no significant link to Climate Change as a result of this decision.

FUNDING CRITERIA FOR THE POLICY AND RESOURCES GRANTS

The following criteria should be taken into consideration when preparing a submission for funding. They are intended as guidelines and not prescriptive rules

1. Assistance will be considered only in response to direct applications from properly constituted organisations seeking assistance. You must show in your application that your organisation is properly and legally organised and has its own bank account.
2. Where appropriate, applications will be referred to the relevant service department (e.g. Adult Services, Culture, Communities and Business Services, Children's Services, etc.) for consideration.
3. Preference will be given to applications for specific projects or activities rather than general running costs of organisations. These grants are not intended to replace shortfalls in service delivery budgets or replace funding for other support you may be able to obtain, or that you have obtained from us in the past.
4. Grants will not usually be made in respect of applications from the following:-
 - District or Parish Councils
 - Government Institutions
 - Schools
 - Overseas and out of County organisations which have no direct Hampshire involvement
 - Branches or organisations assisted centrally with a sum from the County Council
 - Bodies requesting funds for onward distribution to other charities e.g. mayoral appeals, carnivals, fetes, or for their own fundraising events.
5. Applications will not be accepted from political parties or groups affiliated with a political party or from lobbying/campaigning organisations.
6. Applications will only be considered from faith groups who can demonstrate their facilities are open and used by the local community other than for church related activities and are for small one-off projects.
7. Requests may be considered from County wide groups (e.g. Guides, Scouts, Hampshire County Youth Orchestra) for specific trips, e.g. for an international jamboree or cultural tour. Individual requests will not usually be considered.
8. Where possible self-help within organisations should be encouraged and to this end, grants are normally a percentage of the sum required to complete the project.
9. As a general rule, grants in excess of £5,000 will not be awarded.
10. In general grants will only be awarded to projects which are taking place in the same year as application for funds.

WESSEX CANCER TRUST (CG00015268)

Following a £3,400 grant from this budget in 2016 to install computers at its 4 centres (Chandler's Ford, Cosham, Hythe and Winchester), Wessex Cancer Trust (WCT) is now seeking further grant aid of £4,800 to purchase 12 desktop computers for its head office in Eastleigh.

To date, WCT have not approached any other organisations for grant aid.

Total cost: £4,800

Income: £0

Shortfall: £4,800

APPLICATION ADDRESSED TO:

Director of Transformation and Governance – Corporate Services

AMOUNT OF REQUEST

£4,800

GRANTS PREVIOUSLY AWARDED BY OTHER EXECUTIVE MEMBERS AND CONSIDERATION GIVEN BY OTHER LOCAL MEMBERS**This budget:**

Sept 2016 - £3,400 – purchase computers

COMMENTS OF LOCAL MEMBER

This organisation covers the Wessex region and as such there is no local member.

GENERAL COMMENTS

Director of Transformation and Governance – Corporate Services: Neither this nor the previous request has shown any use of its own funds or any other forms of fundraising, including approaching other local authorities, bodies and trusts. Given that WCT has already received a grant from this budget, it may be appropriate to suggest they approach the Hampshire and Isle of Wight Community Foundation for possible grant aid.

RECOMMENDATION

Nil and suggest the Trust approach the Hampshire and Isle of Wight Community Foundation for possible grant aid.

HAMPSHIRE GARDENS TRUST

Hampshire Gardens Trust (HGT) has over many years supported the County Council with a number of key projects, particularly those with a historical garden significance. The Trust has also provided valuable help through its volunteers in researching and recording information relating to historic garden sites in Hampshire.

HGT received an annual service fee of £17,000 from the County Council to assist with this research and recording which expired at the end of March 2015. Recognising the support the Trust gives to projects and schemes at sites which are within the County Council's own programmes and activities, a three-year grant package of £17,000p.a. from this budget was agreed.

The Trust is seeking a further three-year grant agreement of £20,000 p.a from April 2018.

APPLICATION ADDRESSED TO:

Director of Transformation and Governance – Corporate Services

AMOUNT OF REQUEST

£20,000 p.a. for a further three years from April 2018.

GRANTS PREVIOUSLY AWARDED BY OTHER EXECUTIVE MEMBERS AND CONSIDERATION GIVEN BY OTHER LOCAL MEMBERS**This budget:**

April 2015 – three-year grant agreement of £17,000 p.a.

COMMENTS OF LOCAL MEMBER

This is a countywide organisation.

GENERAL COMMENTS

Director of Culture, Communities and Business Services: The Trust is an active and important group and I would support continued funding of £17,000 p.a. for three years from April 2018 as it clearly links in to the County Council's Corporate Strategy and will help people in Hampshire to enjoy a rich and diverse environment.

RECOMMENDATION

£17,000 p.a. for three years from April 2018

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HAMPSHIRE COUNTY COUNCIL

Executive Decision Record

Decision Maker:	Executive Member for Policy and Resources
Date:	9 March 2018
Title:	Appointment to Outside Body – East Boldre Educational Trust
Report From:	Director of Corporate Resources - Corporate Services

Contact name: Louise Pickford

Tel: 01962 847355

Email: louise.pickford@hants.gov.uk

1. The Decision (PROPOSED):

That the Executive Member for Policy and Resources nominates the local County Councillor to the outside body as detailed in the table below; the term of office to expire at the County Council elections in May 2021.

	<u>Name of Body</u>	<u>Previous appointment</u>	<u>Proposed appointment</u>
1.	East Boldre Educational Trust (1 Trustee)	Vacancy	Councillor Keith Mans

2. Reasons for the decision:

- 2.1. To maintain County Council representation on outside bodies within the Community.
- 2.2. The charity exists to promote the education, including social and physical training of children resident in East Boldre by awarding grants.

3. Other options considered and rejected:

- 3.1. Not to make an appointment which would cease County Council representation.

4. Conflicts of interest:

4.1. Conflicts of interest declared by the decision-maker:

None

4.2. Conflicts of interest declared by other Executive Members consulted:

The Executive Lead Member for Children's Services has declared an interest in this body as the local member. Under Part 3: Chapter 2: Para 2.3 of the County Council's Constitution, "Where an Executive Member is unable to act owing to a declaration of, or conflict of interest", the Leader is able to and has agreed to take this decision on his behalf.

5. Dispensation granted by the Conduct Advisory Panel: none.

6. Reason(s) for the matter being dealt with if urgent: not applicable.

7. Statement from the Decision Maker:

Approved by:

Date:

9 March 2018

**Councillor Roy Perry, Executive Member for Policy
and Resources**
(on behalf of the Executive Lead Member for Childrens
Services)

HAMPSHIRE COUNTY COUNCIL

Report

Committee/Panel:	Executive Member for Policy and Resources
Date:	9 March 2018
Title:	Indemnity for Members and Officers
Report From:	Director of Transformation and Governance – Corporate Services

Contact name: Paul Archer
Barbara Beardwell

Tel: 01962 846124 **Email:** Paul.archer@hants.gov.uk
01962 845330 Barbara.beardwell@hants.gov.uk

1. Recommendations

It is recommended that the Executive Member for Policy and Resources:

- 1.1. Notes the update in this report on key issues relating to indemnity arrangements for Members and Officers.
- 1.2. Approves the Updated Indemnity for Members and Officers at Annex 1.

2. Executive Summary

- 2.1. This report outlines the legal position in respect of the indemnification of Members and Officers of the County Council, including volunteers and representatives of the County Council on outside bodies while acting in their official capacity.
- 2.2. Having regard to additional specific legislation introduced since the existing indemnity for Members and Officers was approved, this report seeks to provide clarity as to when and in what circumstances an indemnity might be provided, including associated governance arrangements in determination of any grant of an indemnity.
- 2.3. Finally this report contains a suggested revised standing indemnity for approval by the Executive Member for Policy and Resources.

3. Contextual information

- 3.1. The existing Indemnity for Members and Officers was approved on 20 July 1997 (1997 Indemnity), under general enabling powers contained in the Local Government Act 1972. Since then there have been a number of changes in legislation and related regulations, and also some practical issues, which means it is now appropriate to review the 1997 Indemnity.

- 3.2. In addition, since the County Council now uses volunteer roles more widely it is considered that for good business reasons there should be specific reference to volunteers within an updated indemnity (Updated Indemnity).
- 3.3. It is also appropriate for the avoidance of doubt to make express reference to the position of the County Returning Officer/Deputy Returning Officer and Assistant Deputy Returning Officers in other Councils acting pursuant to the authority of the County Returning Officer.
- 3.4. Finally, the Updated Indemnity retains provision in respect of indemnification of Members and Officer introduced in the 1997 Indemnity, where the Member or Officer is acting by appointment of or at the request of the County Council as its representative in whatever capacity of a corporated or unincorporated outside body.
- 3.5. The proposed Updated Indemnity is attached at Annex 1. The existing 1997 Indemnity is attached at Annex 2.

4. Issues and Proposed Changes

4.1. Regulatory Legislation

1997 Indemnity

The 1997 Indemnity specifically excludes criminal offences save 'where the criminal offence is one under the Health & Safety at Work Act 1974 and related Regulations'. A number of issues arise. Firstly the Health and Safety at Work Act is not the only piece of legislation under which criminal liability might arise in respect of those carrying on the business of the County Council, a recent example being an investigation by Environmental Health Officers under the Food Safety Act 1990 in relation to the provision of school meals. This is particularly important in light of additional powers introduced in 2004 and discussed below. There could be other 'regulatory' legislation applicable in the future, and it is considered sensible for there to be more clarity in this regard. It is also considered that in cases where an indemnity in respect of criminal liability is given, that there should be for obvious reasons good governance arrangements around any grant.

4.2. 2004 Regulations

In 2004, due to case law having raised a number of issues, in particular in respect of the extent of powers to indemnify Members, and the fact that there was a perceived lack of clarity, the Local Government (Indemnities for Members and Officers) Order 2004 (2004 Regulations) were made.

- 4.3. The 2004 Regulations prohibit indemnities made under the 2004 Regulations in respect of any action or failure to act by a Member or Officer which constitutes a criminal offence, or is the result of fraud, or other deliberate wrong doing or recklessness on the part of the Member or Officer. This is however subject to the proviso that an indemnity may be provided in respect of the defence of criminal proceedings brought against a Member or Officer (or civil liability arising as a consequence of any action or failure to act which also constitutes a criminal offence), but subject to repayment of any sums expended in the event of conviction of a criminal offence which is not overturned on appeal. The 2004

Regulations thus restrict the provision of an indemnity given under the 2004 Regulations, in a way which is not the case under the 1972 Act.

- 4.4. The explanatory note to the 2004 Regulations, however, states that the powers contained within the 2004 Regulations are (in addition to any existing powers Local Authorities may have (such as powers under Section 111 of the Local Government Act 1972). In fact the draft Explanatory Memorandum to the 2004 Regulations states 'no power was given to remove any existing powers to grant indemnities, and thus the instrument laid does not alter the existing powers (such as, for example, those under Section 111 of the Local Government Act 1972).
- 4.5. On this basis it is considered possible that the County Council might in the case of defence of criminal proceedings grant an indemnity relating to costs incurred in the defence of a criminal investigation, and not, where such an indemnity is granted necessarily require that any costs incurred pursuant to the indemnity be repaid in the event of conviction. Having said this it is considered that any exception to the 2004 Regulations in the event of conviction could be open to challenge, and therefore it is sensible that there be robust governance arrangements around the granting and extent of any indemnity granted.
- 4.6. Whilst there is no specific case law on this point there was however a district auditor dispute which was widely publicised within Carmarthenshire in 2014. Whilst the dispute related to libel, the application and extent of the Welsh version of the 2004 Regulations was considered in the dispute, the QC advising that any decision to grant an indemnity outside the Regulations should be confined to 'truly exceptional cases', and that Authorities should ensure that any decision to grant one can withstand Judicial Review on ordinary public law principles.

5. Defamation

- 5.1. Under the 2004 Regulations it is unlawful to grant an indemnity in respect of the bringing by a Member or Officer for an action for defamation, in the same way it is unlawful at Common Law to defame a Local Authority. Since this is a question which is asked from time to time, the position is made clear in the Updated Indemnity.
- 5.2. It is however possible under the 2004 Regulations for an indemnity to be granted in respect of defence by a Member or Officer of an allegation of defamation. This is made explicit in the Updated Indemnity. Specific governance arrangements are included regarding the process.

6. General

- 6.1. As indicated at Paragraph 4 of this report, provisions in respect of indemnities made under the 2004 Regulations are in addition to general powers of the County Council, for example under Section 111 of the Local Government Act 1972. From time to time circumstances might arise where it is proper for the good governance of the County Council to consider an indemnity in circumstances other than those set out in the draft standing indemnity at Annex 1. Such circumstances will be rare, and subject to the same governance arrangements set out in this report.

Updated Indemnity

1. This indemnity is made pursuant to Section III of the Local Government Act 1972, Local Authorities (Indemnities for Members and Officers) Order 2004, and all other enabling powers.

For the purposes of this indemnity:

- 1.1. 'County Council' means Hampshire County Council.
- 1.2. 'Member' shall include all elected Members of the County Council and co-opted members and the Independent Person appointed under the Localism Act.
- 1.3. 'Officer' shall include:
 - a) all employees of the County Council,
 - b) the County Returning Officer, nominated deputies and staff engaged by them in County Council elections for the County Council and referenda,
 - c) volunteers and those on work placement whilst undertaking tasks authorised by and under the direct control of the County Council.
2. The County Council will indemnify all Members and Officers of the County Council against whole or part of any damages costs or legal expenses which any such Member or Officer may have been ordered to pay or may have reasonably incurred arising from duties performed by virtue of their being a member of, or being employed by the County Council, or being appointed to a County Council position, or volunteering or undertaking work experience for the County Council or by virtue of their being the County Council's nominated representative in whatever capacity on any incorporated or unincorporated body if such Member or Officer, in the opinion of the County Council, acted in good faith and honestly believed that the act or omission complained of was within their power and that his or her duty required or entitled him or her to do it.
3. Where an act or omission is subsequently found to be beyond the powers of the Member or Officer in question the indemnity is also effective but only to the extent that he or she reasonably believed that the act or omission in question was within his or her powers at the time which he or she acted.

4. This indemnity shall not extend to any loss or damage directly or indirectly arising from:
 - 4.1. Fraud, dishonesty or criminal offence (including prosecution for any of the offences included in Section 34 of the Localism Act 2011 in respect of non disclosure of Disclosable Pecuniary Interests on the part of the Member or Officer), except where the criminal offence is one under the Health and Safety at Work Act etc 1974, or other regulatory legislation, and the Member or Officer acted in good faith.
 - 4.2. In the case of criminal proceedings under the Health and Safety at Work etc Act 1974, or other regulatory legislation, if the Member or Officer is convicted of a criminal offence and that conviction is not overturned on appeal that Officer or Member shall reimburse the County Council or any insurer for any sums expended by the County Council or insurer in relation to those proceedings pursuant to this indemnity or any relevant insurance. Those sums shall be recoverable by the County Council or insurer as a civil debt.
 - 4.3. Where the criminal offence is one under the Health and Safety at Work etc Act 1974, or other regulatory legislation and the Member or Officer acted in good faith the Chief Executive may in exceptional circumstances, in consultation with the Monitoring Officer and Chief Finance Officer, decide at any time to waive the County Council's right to be reimbursed the sums referred to in the paragraph above. A decision to waive the requirement for repayment in the event of conviction shall be kept under review and can be revoked at any time (but such a revocation shall only apply in respect of costs incurred after the date of that decision).
 - 4.4. Any neglect, error or omission by the Member or Officer otherwise than in good faith in accordance with Paragraph 2 in the course of his or her duties.
 - 4.5. Any motor vehicle claims in which an Officer or Member using his or her own private vehicle on the County Council's business has been involved in an accident.
5. This indemnity will not automatically apply if the Member or Officer without the written authority of the Chief Executive admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this resolution.

This indemnity will not cover the making by a Member or Officer of any claim in relation to an alleged defamation of that Member or Officer. This indemnity will however include an indemnity for the defence by a Member or Officer in any action for defamation in cases where the Chief Executive, in consultation with the Monitoring Officer and Chief Finance Officer, considers it appropriate to do

so.

6. This indemnity will not cover any loss or expense in respect of which the Member or Officer can obtain reimbursement from any other source, including insurance whether taken out by the County Council, the Member or Officer or by any other person or body.
7. This indemnity and undertaking shall be without prejudice to the right of the Council to take disciplinary action against the Officer in respect of any act or failure to act.
8. In furtherance of this indemnity the County Council undertakes not to sue (or to join any others in an action as a co-defendant) the Member or Officer in respect of any matter falling within the terms of the indemnity identified above.

1997 Indemnity

The County Council will indemnify all members and officers of the Council against whole or part of any damages costs or legal expenses which any such member or officer may have been ordered to pay or may have incurred arising from duties performed by virtue of their being a member of , or being employed by the County Council, or by virtue of their being the Council's nominated representative in whatever capacity on any incorporated or unincorporated body if such member or officer acted in good faith and honestly believed that the act complained of was within their power and that his or her duty required or entitled him or her to do it. This indemnity shall not extend to any loss or damage directly or indirectly arising from

- i) Fraud, dishonesty or criminal offence on the part of the member or officer except where the criminal offence is one under the Health and Safety at Work Act 1974 and related regulations
- ii) Any neglect error or omission by the member or officer otherwise than in the course of his or her duties
- iii) Liability in respect of surcharges made by the District Auditor.
- iv) The indemnity will not automatically apply if the member or officer without the written authority of the Chief Executive admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this resolution.
- v) Any motor vehicle claims in which an employee using his or her own private vehicle on the County Council's business has been involved in an accident

In furtherance of this indemnity the County Council undertakes not to sue (or to join any others in an action as a co-defendant) the member or officer in respect of any matter falling within the terms of the indemnity identified above.

CORPORATE OR LEGAL INFORMATION:

Links to the Strategic Plan

This proposal does not link to the Strategic Plan but, nevertheless, requires a decision for the good governance of the County Council.

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.)

Document

Location

None

IMPACT ASSESSMENTS:

1. Equality Duty

1.1. 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 under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

1.2. **Equalities Impact Assessment:** There are no identified equalities impacts.

2. Impact on Crime and Disorder: Not Applicable.

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption?
- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

Not Applicable.

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