

Public Document Pack



NOTICE OF MEETING

Meeting	Executive Member for Policy and Resources Decision Day
Date and Time	Thursday, 1st November, 2018 at 2.00 pm
Place	Chute Room, Ell Court 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. BUILDINGS, LAND AND PROCUREMENT PANEL - 9 OCTOBER 2018

To consider recommendations from the Buildings, Land and Procurement Panel from its meeting on 9 October 2018:

- a) Minutes of the meeting
- b) Strategic Procurement and County Supplies Contracting Activity and Approvals for 2018/19 (Pages 5 - 10)

NON-KEY DECISIONS (NON-EXEMPT/NON-CONFIDENTIAL)

2. INVESTING IN HAMPSHIRE BIDS (Pages 11 - 22)

To consider a report of the Director of Corporate Resources – Corporate Services detailing three requests for funding under the Investing in Hampshire Fund.

3. THE LISS SCHOOL TRUST - TRANSFER BETWEEN SITES (Pages 23 - 28)

To consider a report of the Director of Culture, Communities and Business Services seeking approval to the transfer of charitable trusts relating to the former junior school at Liss.

4. APPOINTMENTS TO STATUTORY JOINT COMMITTEES AND OUTSIDE BODIES (Pages 29 - 30)

To consider a report of the Director of Transformation and Governance – Corporate Services seeking replacement appointments to serve on statutory joint committees and outside bodies.

5. 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.

KEY AND NON-KEY DECISIONS (EXEMPT/CONFIDENTIAL)

6. STRATEGIC PROCUREMENT AND COUNTY SUPPLIES CONTRACTING ACTIVITY AND APPROVALS FOR 2018/19 - EXEMPT APPENDIX (Pages 31 - 32)

To consider an exempt appendix in relation to Item 1b on the agenda.

7. ADULTS' HEALTH AND CARE NEW SOCIAL CARE SYSTEM (KEY DECISION) (Pages 33 - 42)

To consider an exempt report of the Director of Adults' Health and Care seeking approval to spend, procure, implement and run a new case management IT system for Adults' Health and Care.

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:	Buildings, Land and Procurement Panel
Date:	09 October 2018
Title:	Strategic Procurement and County Supplies Contracting Activity and Approvals for 2018/19
Report From:	Director of Transformation and Governance – Corporate Services

Contact name: Belinda Stubbs

Tel: 01962 846235

Email: Belinda.stubs@hants.gov.uk

1. Recommendation(s)

- 1.1. That the Buildings, Land and Procurement Panel make the following recommendation to the Executive Member for Policy and Resources.
- 1.2. That spend approval, as appropriate, be given for the contracts as detailed in Appendix 1.

2. Executive Summary

- 2.1. The purpose of this paper is to present the relevant procurement approvals in relation to the contract identified within the Appendix 1. This approval request is in accordance with the County Council's Contract Standing Orders and Constitution.
- 2.2. This County Council's Contract Standing Orders (CSO) requires that the procurement of a Contract (not including a Framework Agreement) is subject to the approval of the relevant decision maker who has the authority to give approval for the relevant expenditure under the Constitution.
- 2.3. Framework agreements are not linked to specific one-off purchases or projects but provide for the ongoing routine goods and services requirements of a large number of individual budget holders, either through direct call-offs or mini-competitions as required by each framework agreement. Therefore the framework agreement values are only estimates and expenditure will be determined by the actual commitments made by the budget holders keeping within their approved budgets.

Contextual information

- 2.4. The programme of procurements contained within this report includes arrangements for use by the County Council, Hampshire Constabulary and Hampshire Fire and Rescue Service, schools and other external partners and

customers, with a total estimated value over £1 million. Contracts with a total value of under £1 million are approved by the relevant budget holder under the scheme of delegation

2.5. Whilst all the latest finalised procurement proposals are included in this report, further procurement projects are planned during 2018 and 2019. Once fully developed, these proposals will be reported to this Panel prior to seeking Executive Member for Policy and Resources approval.

2.6. Background and further context has been provided for the procurements in the Appendix 1.

2.7. Provision of Cleaning Services for Non-Educational Establishments

As part of the Property futures initiative Hampshire County Council are looking to move a single supplier for Non-Educational Cleaning.

In order to facilitate this, a Dynamic Purchasing System (DPS) was established in March 2018 with the scope to include additional sites in line with the FM strategy. Site information is in the process of being collated and finalised to create a call off for the Non-Educational establishments across both HCC and Hampshire Fire & Rescue Service against this DPS. This is planned to be out to market by the end of September 2018 to allow for award and mobilisation by the end of this financial year.

Permission is therefore required to extend the 5 current contracts which have either reached or are reaching the end of their term (use of Regulation 72 under the Procurement regulations) to maintain the current service until the 31st March 2019.

3. Consultation and Equalities

3.1. This report seeks approval for spending on individual procurements and no equality impacts have been identified.

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

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:

This report seeks approvals for spending on individual projects and no equality impacts have been identified.

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 decisions it makes on the prevention of crime. The proposals in this report have no impact on the prevention of crime.

3. Climate Change:

Positive impacts on climate change will be considered at the time of each procurement and its strategy. This report seeks solely procurement approvals and is not appropriate to set out specific impacts on climate change for each individual procurement.

<p><u>Project Title</u> Brief project description (including scope of project, customer, procurement route, other relevant bodies)</p>	<p>Contract / framework term & Start date</p>	<p>Anticipated HCC value over term</p>	<p>Anticipated Total Value over term</p>	<p>Approval required / project update</p>
<p><u>Provision of Cleaning Services for Non-Educational Establishments</u></p> <p>A position has been adopted by HCC’s FM team, in accordance with the published FM strategy, that HCC will not be procuring any individual contracts for cleaning to cover the period prior to the appointment of a single provider to cover the Estate, incorporating both HCC and HFRS, against the Cleaning DPS.</p> <p>The scope of the Non-Educational cleaning requirement has therefore been extended to include additional sites not previously included. It is planned to go out to market for this single provider to allow for award and mobilisation by the end of the current financial year.</p> <p>Permission is therefore requested to extend/modify the current agreements until the replacement contract can be awarded.</p> <p>Failure to undertake the proposed interim measures would present a clear health and safety concern for those parts of the Estate that find themselves out of contract prior to the end of the current financial year.</p> <p>Permission is therefore required to extend the 5 current contracts identified below which have either reached or are reaching the end of their term (use of Regulation 72 under the Procurement Regulations) to maintain the current service until the April 2019.</p>	<p>November-2018 to 31 March 2019.</p>	<p>£609,571 extension and £7.6 Million over the full term.</p>	<p>609,571 extension and £7.6 Million over the full term.</p>	<p>Authority to extend current arrangements to 31 March 2019 and Authority to Spend</p>

BUILDINGS, LAND AND PROCUREMENT PANEL – 09 OCTOBER 2018

Strategic Procurement and County Supplies Contracting Activity and Approvals for 2018/19

Appendix 1

<p>N-Viro – extension value of £207,082 Haywards Services Ltd – extension Value of £351,489 GSF Sandylight Ltd (Calshot contract) - extension value of £29,000 Haywards Service Ltd (Data centre contract) - extension value of £9,000 YBC Cleaning Services Ltd (Country Parks contract) – extension value of £13,000</p>				
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HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Policy and Resources
Date of Decision:	1 November 2018
Decision Title:	Investing in Hampshire Bids
Decision Reference:	
Report From:	Director of Corporate Resources – Corporate Services

Contact name: Rob Carr – Head of Finance

Tel: 01962 847508

Email: rob.carr@hants.gov.uk

1. Recommendation(s)

- 1.1 To approve an award of £250,000 to the Oakhaven Hospice Trust, subject to them raising the remaining funding for the capital works.
- 1.2 To approve an award of £50,000 to the Ark Cancer Centre Charity, subject to them raising the remaining funding for the total contribution to the centre.
- 1.3 To approve an award of £15,000 to the Royal Hampshire Regiment Trust for the refurbishment of the memorial garden at Serles House.

2. Executive Summary

- 2.1 This report considers three requests for funding under the Investing in Hampshire Fund :
 - £250,000 towards the capital costs of increasing the capacity of bedded care at Oakhaven Hospice in Lymington
 - A contribution of £50,000 towards the Ark Cancer Centre in Basingstoke to provide enhanced facilities and
 - A contribution of £15,000 towards the refurbishment of the memorial garden at Serles House.
- 2.2 The County Council has always sought to provide support and develop strong links with the organisations that have responsibility for running and maintaining the most significant facilities across the County particularly where these have a strong link the services that the County Council itself provides.
- 2.3 The updated criteria for Investing in Hampshire bids is included at Appendix 1.

3. Oakhaven Hospice

- 3.1 The existing hospice, located in Lymington, started to provide community based services in 1992 and has been providing services to the local community in partnership with the NHS since that time, although only 11% of the Hospice's annual funding comes from the NHS.
- 3.2 For several years, hospice in-patient capacity has been insufficient with waiting lists for admission, which has on occasion meant that people have been admitted to an acute hospital, potentially impacting on the system of health and social care in the area. The catchment area for the hospice has recently been increased by 33% adding further pressure on the existing capacity.
- 3.3 The hospice has drawn up plans to extend bed capacity by a further 8 beds and has developed a business case in conjunction with the CCG whereby they believe they can fund the costs of those beds on an ongoing basis. However there are capital works required to facilitate the extra beds and these are estimated to be £500,000.
- 3.4 A contribution of 50% of the capital costs (£250,000) has been requested from the Investing in Hampshire Fund (contained in Appendix 2), and if approved would be subject to them raising the balance of funding.
- 3.5 The Health and Social Care benefits of the extension are clear as projects of this type will become more and more necessary in the face of an ageing population with growing care needs. Given this position and in light of other awards made for similar provision, it is recommended that the full £250,000 is awarded.

4. Ark Cancer Centre

- 4.1 Hampshire Hospitals NHS Foundation Trust are due to build a cancer centre in Basingstoke and the Ark Cancer Centre Charity aims to provide £5m of grants to ensure the designated cancer centre is built to a considerably enhanced specification.
- 4.2 The Charity has already secured £1.8m of the funding towards their contribution to the cancer centre and this application requests a further award of £50,000 towards their fund raising target of £5m. (Appendix 3).
- 4.3 The award is subject to the Charity reaching their overall fund raising target and that the funds are used exclusively for the provision of the cancer centre.

5. Serles House Memorial Garden

- 5.1 The Memorial Garden is part of the Regimental Museum and was dedicated by the Bishop of Winchester in 1952 as part of a large ceremony to commemorate the 250th anniversary of the founding of the regiment and to honour those soldiers of the Regiment that had fallen in battle.

- 5.2 The gardens are open to the public and are an important link to both the Regimental Museum and the historical military presence within Winchester.
- 5.3 The Memorial Garden is maintained by the Royal Hampshire Regiment Trust who are planning to refurbish the gardens this year at a total cost of £21,000. A pledge of £6,000 has already been made by a county wide military charity and a matching award has been requested from the Investing in Hampshire Fund (Appendix 4).
- 5.4 Given the County Council's ownership of Serles House and the significant links with the Regiment, it is recommended that the full balance of funding of £15,000 be given to the Royal Hampshire Regiment Trust, thereby allowing any additional fundraising to be used to further enhance and improve the memorial garden.

6. Financial Arrangements

- 6.1 Any awards approved under the Investing in Hampshire Fund are only paid out after evidence has been provided to the Director of Corporate Resources of appropriate expenditure on the relevant project.

7. Legal Implications

- 7.1 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 Corporate Strategy**

Hampshire safer and more secure for all:	Yes
Maximising well-being:	Yes
Enhancing our quality of place:	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>
Correspondence received from organisations	Director of Corporate Resources - 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:

There is not expected to be any equalities impact as a result of this report.

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 INVESTING IN HAMPSHIRE

The following criteria should be taken into account when considering a request for funding.

1. Assistance will be considered only in response to direct applications from properly constituted organisations seeking assistance. The application must show that the organisation is properly and legally organised and has its own bank account. Funding would only be awarded if the proposal was to support activity within agreed County Council priorities.
2. Applications will only be considered for specific capital projects for the improvement or maintenance of significant assets or facilities within Hampshire, within agreed priorities and where other substantial funding exists.
3. Other applications will be considered at the absolute discretion of the Leader where he considers that the award will make a contribution for the wider benefit of Hampshire and its residents.
4. The wider economic benefits to the residents of Hampshire should be considered together with any complementary benefits for Hampshire County Council. Awards would normally only be given to projects within the remit of Policy and Resources.
5. Awards will not usually be made in respect of applications from the following:-
 - Government Institutions
 - Schools
 - Overseas and out of County organisations which have no direct Hampshire involvement
 - Bodies requesting funds for onward distribution to other charities e.g. mayoral appeals, carnivals, fetes, or for their own fundraising events.
6. Apart from exceptional circumstances, the requesting body would be expected to provide their own funding towards the project.
7. As a general rule, grants in excess of £250,000 will not be awarded unless significant benefits and funding are available. In exceptional cases, where the benefits are significant and directly relate to services and functions close to the County Council's key objectives, then an award greater than the level above would be considered.
8. Given the longer term nature of capital projects, requests can be considered well in advance, but funding will only be released once evidence of capital expenditure has been provided to the County Council or other arrangements made consistent with the agreement of the Director of Corporate Resources.

Investing in Hampshire – Oakhaven Hospice

Applicant	Oakhaven Hospice Trust		
Name / Location of Project	Additional bed capacity at Oakhaven Hospice		
Summary of Project / Bid	<p>The existing hospice was opened in 1992 and has been providing services to the local community in partnership with the NHS for 26 years.</p> <p>For several years, hospice in-patient capacity has been insufficient with waiting lists for admission which has on occasion meant that people have been admitted to an acute hospital. The catchment area for the hospice has recently been increased by 33% adding further pressure on the existing capacity.</p> <p>The project will provide two new build beds and allow for the refurbishment of an existing wing to provide a further 6 bed capacity.</p> <p>The CCG have agreed to support the hospice and future running costs are expected to be fully covered as part of the revised business plan they have drawn up.</p>		
Funding Requested	£250,000	Financial Year	TBD
Funding Arrangements (including matched funding)	The request for funding has been made by the Trust as part of an appeal to raise £500,000 to fund the capital works necessary for the new beds and the refurbishment of the existing wing.		
What are the benefits for Hampshire Residents?	<p>The system of Health and Social Care across the county and indeed the country as a whole is under extreme pressure in the face of increasing demography and complexity of the older population. Facilities and additional capacity of the type identified here will provide a valuable resource as the numbers of people requiring hospice support in future years, given the demographic of our population, will increase.</p> <p>Increasing the number of beds means there will be increased capacity to meet the overall needs of people in a palliative / end of life phase across the increased catchment area. Furthermore, the health and social care system in the area will benefit through being able to access this facility for those people and their families / carers who require such care. This application will directly provide a high quality of care to those extra residents who will benefit from the extended facilities.</p>		

<p>What are the complementary benefits for HCC?</p>	<p>The County Council already has an excellent working relationship with the Hospice and will continue to work with them to offer integrated health and social care services in the area.</p>
<p>Any other relevant factors?</p>	<p>The development and integration of health and social care in the face of immense pressure is one of the most important challenges facing this country at the present time.</p> <p>Projects of this type will become more and more necessary and the fact that half of the funding for this project will not come from the public purse is an important factor in considering this one off award. There is no requirement for revenue funding from HCC and the capital request, in this particular case, represents a positive development of palliative and end of life support for people and their families in a high quality environment.</p>

Investing in Hampshire – Ark Cancer Centre

Applicant	Ark Cancer Centre Charity		
Name / Location of Project	Ark Cancer Centre - Basingstoke		
Summary of Project / Bid	<p>Hampshire Hospitals NHS Foundation Trust are due to build a cancer centre in Basingstoke.</p> <p>The Ark Cancer Centre Charity was registered as a charitable company in November 2012 and aims to provide £5m of grants to ensure the designated cancer centre is built to a considerably enhanced specification.</p>		
Funding Requested	£50,000	Financial Year	TBD
Funding Arrangements (including matched funding)	<p>The bulk of the funding for the Centre will come from the NHS, but the additional funding of £5m is expected to be raised by the charity through fund raising activity.</p> <p>The £50,000 requested will add to the £1.8m that has already been raised by the charity.</p>		
What are the benefits for Hampshire Residents?	<p>The cancer centre itself will obviously provide care and support to mainly Hampshire residents coping with cancer and cancer treatments.</p> <p>The extra funding will enhance the appearance and feeling of light and space throughout the centre and will connect patients to nature by providing many external views, developing a landscaped internal courtyard and external terraces with water features and providing artwork which complements the building.</p> <p>The centre will offer integrated therapies and services including:</p> <ul style="list-style-type: none"> • Acupuncture, reflexology, aromatherapy and massage • Counselling and Support Groups • Gym facilities, exercise and yoga classes • Hair and beauty services including wig fitting and make up advice • Consultations by dieticians and cookery demonstration classes • Information and advice centre • Areas to relax before and after treatments 		

What are the complementary benefits for HCC?	The County Council already has an excellent working relationship with Hampshire Hospitals NHS Foundation Trust and the centre will provide an excellent facility that will complement other health and social care provision in the region.
Any other relevant factors?	The charity wants to ensure that people living with cancer and their families have access to a wide range of support therapies in a therapeutic environment. Ark Cancer Centre Charity believes that their involvement will ensure the provision of a range of complementary and support therapies in one inspirational building that will offer a therapeutic, healing environment.

Investing in Hampshire – Serles House Memorial Garden

Applicant	Royal Hampshire Regiment Trust		
Name / Location of Project	Memorial Garden at Serles House Winchester		
Summary of Project / Bid	<p>The Memorial Garden is part of the Regimental Museum and was dedicated by the Bishop of Winchester in 1952 as part of a large ceremony to commemorate the 250th anniversary of the founding of the regiment and to honour those soldiers of the Regiment that had fallen in battle.</p> <p>The memorial garden is maintained by the Royal Hampshire Regiment Trust and a refurbishment is planned for the current year to ensure the gardens continue to be enjoyed by residents and visitors alike.</p>		
Funding Requested	£6,000	Financial Year	2018/19
Funding Arrangements (including matched funding)	<p>The total costs of the works are expected to be £21,000 and a county wide military charity has already pledged £6,000 towards the costs.</p> <p>A similar amount has been requested from the Investing in Hampshire Fund and the balance will be generated through further fundraising by the Trust.</p> <p>Given the value of the award requested and the County Council's ownership of Serles House and the significant links with the Regiment, it is recommended that the full balance of funding of £15,000 is awarded, which will mean that any additional fundraising can be used to further enhance and improve the gardens.</p>		
What are the benefits for Hampshire Residents?	<p>The gardens are open to Hampshire residents and are an important link to both the Regimental Museum and the historical military presence within Winchester.</p> <p>The memorial garden and museum attract visitors and military enthusiasts to Winchester with the economic benefits that this also brings.</p>		
What are the complementary benefits for HCC?	The County Council has strong links with the Regiment and with the wider site itself which will benefit from the investment.		
Any other relevant factors?			

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HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Policy and Resources
Date:	1 November 2018
Title:	The Liss School Trust – Transfer between Sites
Report From:	Director of Culture Communities and Business Services

Contact name: David Reece

Tel: 01962 846093

Email: david.reece@hants.gov.uk

1. Recommendations

- 1.1. That approval be given to the transfer of the charitable trusts relating to the former junior school at Liss to the current site of Liss Infant School in order to be able to fulfil the objects of the charity.
- 1.2. That the Director of Culture Communities and Business Services (Strategic Manager - Assets and Development) be authorised to settle detailed terms for the proposed transfer.

2. Executive Summary

2.1. This paper seeks to:

- set out the background to the proposal and the reasons for the report
- confirm the specific requirements of the Charity Commission
- consider the proposed transfer of the charitable trust
- consider the valuation and finance implications

3. Background Information

- 3.1. The former Liss Junior School at the junction of Rake Road and Mill Road, Liss was established subject to a charitable trust under the Elementary Education Act 1870. Hampshire County Council is the sole corporate trustee to the charity. The site is shown edged black on the attached plan and comprises approx. 0.117 ha. (0.288 acres)
- 3.2. The purpose of the charity was for the former Liss Junior School site to be used for the advancement of education of children and young people of statutory age resident within the civil parish of Liss.
- 3.3. When the junior school at Rake Road closed in the early 1990s, the site ceased being used for educational purposes. In 1997 the site was let on a 25 year lease to Liss Community Association for community purposes and

continues in such use. It has now been established that this use is in breach of the objects of the charity.

- 3.4. The charitable trust should have been transferred at the time to part of the site of Liss County Infant and (new) Junior Schools at Hill Brow Road, Liss. In 2001 a new draft charitable scheme was produced by the Charity Commission to establish the 'Liss School Trust' on the site of the Liss Infant School building. However, this was not completed and the matter was left in abeyance.

4. Charity Commission Requirements

- 4.1. The Charity Commission has determined that any decision to authorise the transfer of the charitable trust must be made on behalf of the County Council acting in its capacity as sole trustee to the charity and in the best interests of the charity, and any County Council local authority considerations must not play a role in the decision making.
- 4.2. Part of the current infant school site will be transferred from the County Council to The Liss School Trust for which the County Council is sole trustee. By its very nature, this is a transfer between connected parties and the Charity Commission's consent is required. The Commission needs to be satisfied that steps have been taken to manage any potential conflict of interest.
- 4.3. The Commission require an independent surveyor's report which demonstrates that the land is being replaced with at least equivalent land in terms of value and amenity and this has been obtained.
- 4.4. This Executive Member report is a key part of satisfying the Charity Commission's requirements.

5. Proposed Transfer of Charitable Trust

- 5.1. It is now intended to transfer the charitable trust relating to the former junior school at Liss to the site of the buildings footprint of Liss Infant School in order to be able to fulfil the charity's object outlined above. The new site is shown edged black on the attached plan and comprises approximately 0.186 ha. (0.46 acres)
- 5.2. Under the power given in the Charities Act 2011, an Order is to be made by the Charity Commission which authorises the transfer of the land, and that the Scheme which governed the charity previously known as Liss Junior School will subsequently be known as the Liss School Trust (3000018). The area to be transferred to the Trust is restricted to the buildings footprint of the infant school in order to avoid the need for consent under section 77 of the School Standards and Framework Act 1998. The Trust will enjoy rights of access over the car park, shown hatched on the plan.
- 5.3. A consequence of the transfer is that the Council will hold the freehold of the former junior school site at Rake Road free of charitable trusts. The Council will then be free to manage and / or dispose of the site as it wishes, including the intended freehold transfer of the site to the occupying Community

Association. However the future of the Rake Road site has no bearing on this decision by the charity sole trustee.

- 5.4. There will not be an actual disposal of land, rather an order is made by the Charity Commission to authorise the exchange of charity land under powers given in sections 105 and 117 of the Charities Act 2011.

6. Valuation and Finance

- 6.1. An independent valuation has been provided by Daniells Harrison Chartered Surveyors which is attached as Appendix 2 to the report. This demonstrates that the value and amenity value of the replacement site (the buildings footprint of Liss Infant School) is in excess of the original charitable trust site (former Liss Junior School at Rake Road). It is therefore considered that proceeding with this transfer of trusts is in the charity's best interests.
- 6.2. No actual consideration will pass as a result of the charitable trust transfer.

7. Consultation and Equalities

- 7.1. The Charity Commission has confirmed that it will not be necessary for public notice to be given of the proposed transfer of trusts and a consultation process is not required.
- 7.2. However the governors and head teachers of both Liss Infant and Junior Schools, and also the Chairman of Liss Triangle Community Association have been consulted. No objections have been raised.
- 7.3. The transfer of the charitable trusts has no impact on the day-to-day management and operations of Liss Infant School.
- 7.4. There are no equalities issues arising from the proposal.

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:	no
People in Hampshire enjoy a rich and diverse environment:	no
People in Hampshire enjoy being part of strong, inclusive communities:	no
<p>This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because: The Charity Commission has determined that any decision to authorise the transfer of the charitable trust must be made on behalf of the County Council acting in its capacity as sole trustee to the charity and in the best interests of the charity, and any County Council local authority considerations must not play a role in the decision making.</p>	

Other Significant Links

Links to previous Member decisions:	
<u>Title</u> NONE	<u>Date</u>
Direct links to specific legislation or Government Directives	
<u>Title</u> Charities Act	<u>Date</u> 1993

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:

The proposal has no impact on groups with protected characteristics. The proposal merely addresses an issue relating to the charitable trust following an historic school relocation.

2 Impact on Crime and Disorder:

2.1 The potential impact on crime and disorder has been considered and no impact has been identified.

3 Climate Change:

3.1 The proposal has no impact in terms of climate change, the County Council's carbon footprint or energy consumption.

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HAMPSHIRE COUNTY COUNCIL

Executive Decision Record

Decision Maker:	Executive Member for Policy and Resources
Date of Decision:	1 November 2018
Decision Title:	Appointments to Statutory Joint Committees and Outside Bodies
Report From:	Director of Transformation and Governance - 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 be requested to make the following replacement appointments, the term of office to expire in May 2021.

	<u>Name of Body</u> <i>(number of reps in brackets)</i>	<u>Notes</u>	<u>Current rep(s)</u>	<u>Appt(s)</u>
1.	Southampton International Airport Consultative Committee (2)	To act as the consultative body in relation to the Airport for the purposes of Section and of the Civil Aviation Act 1968, between the airport management, users, local authorities and local organisations and the County.	Executive Member for Environment and Transport (currently Councillor Rob Humby) Economy, Transport and Environment Select Committee Chairman (Councillor Floss Mitchell) (Cllr Mitchell to be replaced)	
2.	Southern Regional Flood and Coastal Committee (SRFCC) 2 (+ deputy)	The Regional Flood and Coastal Committee (RFCC) is a committee established by the Environment Agency under the Flood and Water Management Act 2010 that brings together members appointed by Lead Local	Bolton, Reid (Heron) Cllr Reid to be replaced	

		Flood Authorities (LLFAs) and independent members with relevant experience.		
3.	Thames Regional Flood and Coastal Committee 1 (+ deputy)	The Regional Flood and Coastal Committee (RFCC) is a committee established by the Environment Agency under the Flood and Water Management Act 2010 that brings together members appointed by Lead Local Flood Authorities (LLFAs) and independent members.	Reid (Heron) Cllr Reid to be replaced	

2. Reason for the decision:

2.1. To maintain County Council representation on committees and bodies within the community.

3. Other options considered and rejected:

3.1. Not to make an appointment, which would reduce the County Council's 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: N/A

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:

Executive Member for Policy and Resources
Councillor Roy Perry

Date: 1 November 2018

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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