

PLEASE NOTE VENUE

GENERAL PURPOSES COMMITTEE AGENDA



Friday 18 January 2008

at 10.00am

in the Red Room, Avondale Centre,
Dyke House, Hartlepool
(Raby Road entrance)

MEMBERS: GENERAL PURPOSES COMMITTEE:

Councillors Akers-Belcher, Fleming, Griffin, Henery, J Marshall, Dr Morris, Shaw, Wallace and Wistow.

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **MINUTES**
 - 3.1 To confirm the minutes of the meeting held on 5 December 07 (to follow)
4. **ITEMS REQUIRING DECISION / ITEMS FOR INFORMATION**
 - 4.1 Council Elections by Thirds – *Chief Solicitor*
 - 4.2 Local Government and Public Involvement Health Act 2007 – Provisions relating to Elections – *Chief Solicitor*
 - 4.3 Taking Minutes of Meetings – *Chief Solicitor and Assistant Chief Executive*
 - 4.4 Matters Arising from the Minutes of the Meeting of the General Purposes Committee held on 29 June 2007 (copy attached)
5. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

GENERAL PURPOSES COMMITTEE

MINUTES AND DECISION RECORD

5 December 2007

The meeting commenced at 10.00 a.m. in the Avondale Centre, Hartlepool

Present:

Councillor: John Marshall (In the Chair)

Councillors: Stephen Akers-Belcher, Sheila Griffin, Dr George Morris and Jane Shaw

Officers: Tony Brown, Chief Solicitor
Christine Armstrong, Central Services Manager
Lorraine Bennison, Principal Registration and Members Services Officer
Denise Wimpenny, Principal Democratic Services Officer

31. Apologies for Absence

Councillors Fleming and Wistow

32. Declarations of interest by members

None

33. Confirmation of the minutes of the meetings held on 28 September and 16 November 2007

Confirmed

34. Confirmation of the minutes of the meetings of the Polling District and Polling Places Sub-Committees held on 21 August, 3 September and 21 November 2007

Received

35. Review of Polling Districts and Polling Places – Proposals to be submitted to Council (*Chief Solicitor*)

The Chief Solicitor presented the report which invited the Committee to recommend proposals to Council to approve the review of polling districts and polling places. A summary of the proposals as approved by the Sub-Committee were provided as set out in Appendix A. The proposals had been the subject of a public consultation exercise from 10 September to 9 November 2007 and had also been examined by the Scrutiny Co-ordinating Committee. The proposals had been reviewed in light of the responses received in the consultation exercise, details of which were provided. Members were advised that detailed plans relating to the review were available for Members perusal, a copy of which would also be attached to the report to Council.

In response to concerns raised in relation to the use of portable units and access difficulties, the Central Services Manager advised that portable units with ramp facilities would be utilised which fulfilled the Disability Discrimination Act requirements. Members acknowledged the efforts of officers particularly the Central Services Manager and her team in undertaking this review. It was suggested that the changes to be made were adequately brought to the attention of electors by appropriate publicity and clear endorsement on polling cards when circulated for the next election. The Chief Solicitor advised that apart from publication of statutory notice, arrangements would be made for a press release in the Hartlepool Mail in the new year and an article in Hartbeat.

Decision

That the Sub-Committee's proposals be submitted to Council for approval including publication of the outcome of the review as outlined above.

36. Civic Lottery/Civic Regalia

The Chair provided an update on the recent exchange of correspondence with the Chief Executive in relation to the use of the civic lottery fund and highlighted his disappointment in relation to the Chief Executive's response. A further response was awaited, details of which would be provided in due course.

The Chair referred to his recollection of the June meeting when the Assistant Chief Financial Officer advised that the Grants Committee did not have the power to use the civic lottery fund for the repair of the civic regalia and that a request would have to be made to the Secretary of State. The Chair expressed his disappointment that the letter to the Secretary of State had not been actioned until 26 November, however, discussions in this regard had prompted a report to the Grants Committee.

Further reference was made to the minutes of the General Purposes Committee held on 29 June 2007 and the Chair expressed concern that only some of the comments/observations had been actioned. The Chair commended the Principal Democratic Services Officer for the minutes of the last meeting which provided a very detailed record of discussions. The importance of Members providing clear direction to minute takers to ensure any questions/observations made in meetings were actioned and not forgotten about. There was a clear responsibility for Members to clarify observations/questions.

The Chief Solicitor referred to the Committee's decision at the last meeting that a report would be prepared in relation to the processes in place within the authority and the practice of the Democratic Services Team in the preparation and production of minutes of meetings. An initial draft report had been prepared and forwarded to the Assistant Chief Executive, as responsible officer for the Democratic Services Team outlining the Committee's comments. The issue of comments/questions/observations and resolutions was relevant to the content of the report. It was proposed that the report be considered by this Committee in January. The Chief Solicitor added that the issue in relation to some of the questions not yet actioned from the June meeting had been noted.

With regard to the letter to the Secretary of State, the Chief Solicitor advised that clarification of the criteria had been requested to which an acknowledgement had been received.

In conclusion, the Committee acknowledged that Members had a responsibility in meetings to ensure any requests/actions were clear. A Member suggested that before any training needs were explored it should be recognised that the Democratic Services team were a highly skilled workforce and worked to extremely tight deadlines. It was highlighted that no problems had been experienced and a good standard of service had been received. The concerns referred to were not a reflection on the staff skill base and it was suggested that if staff training was to be explored, staff needs overall should be built into training and development plans. Those comments were endorsed.

The Chair referred to comments from Councillor Wistow following a meeting with a member of the Democratic Services team in relation to the proposed amendments to the minutes of 28 September 2007 that very detailed notes had been taken. The Chair reiterated the importance of Members providing clarification in meetings and allowing the minute taker time to accurately record discussions. It was noted that draft minutes were circulated to officers in attendance which was an opportunity to identify any issues that may not be correctly reflected. It was considered that the report of the Chief Solicitor would be beneficial to Members as well as officers.

Decision

That the information given, be noted and further information be awaited.

37. Any Other Business which the Chair considers are urgent – Decision Making Process *(Chief Solicitor)*

The Chief Solicitor presented the report which sought consideration of the Committee's draft report to Council that Members should challenge and question actions of officers following this Committee's concerns raised in relation to the rubber stamping of decisions at its meeting on 28 September 2007 (Minute No 20 refers). A draft report to Council was attached at Appendix 1. The Chief Solicitor stated that he saw no reason for a report of this nature to go to Council as it was considered that the Committee had dealt with this issue.

During discussion concerns were expressed that due to tight deadlines imposed, Members were denied the opportunity to pursue further information or questions on matters of concern to them. A Member considered that this issue could be dealt with by the Chief Executive at management team level. Whilst it was accepted that Government constraints played a part on the timescales imposed, it was felt more appropriate that the Committee's concerns be referred to Council for debate.

Decision

That the report be submitted to Council to note the concerns of the Committee and seek Council's views in relation to rubber stamping of decisions in order to meet deadlines.

JOHN MARSHALL

CHAIRMAN

GENERAL PURPOSES COMMITTEE

18 January 2008



Report of: Chief Solicitor

Subject: COUNCIL ELECTIONS BY THIRDS

1. PURPOSE OF REPORT

- 1.1 To enable members to discuss the current arrangements whereby in each year one-third of the members of the Council are elected (other than the 4th year in which the Mayor is elected)

2. BACKGROUND

- 2.1 The Chairman has requested that a report in relation to the reasons why Hartlepool hold elections every year as opposed to all out every four years. The report should also include costs to the Council for both methods.
- 2.2 It is a historical fact that at least since 1974, being the year in which local government reorganisation arising from the Local Government Act 1972 took place, elections to Hartlepool Borough Council have taken place by thirds. It seems likely that that was also the case prior to 1974, and may have been so since the last previous reorganisation in the mid 1930s. Without extensive research the reasons for this historical position are not currently available.
- 2.3 More recently, namely, at the time of local government reorganisation in 1996, arising from the Local Government Act 1994, the holding of elections by thirds was confirmed by the Cleveland (Structural Change) Order 1995 which provided for all out elections in 1996, but for elections then to revert to elections by thirds. In advance of the making of that order, a report was presented to the Council's Unitary Status Committee of 11th January 1995, informing the committee of the intended provisions of the order. The Committee minute reveals that the committee were content to note the report, but otherwise the views of the committee are not revealed.
- 2.4 I have recently had occasion to write to a councillor (copied to your Chairman) with the letter appended to this report (Appendix 1). The letter provides some information regarding the national scene in respect of

election cycles, as well as an indication of the cost of an election by thirds by reference to the last Hartlepool Council elections. The cost of an election is influenced by a number of factors – Council elections are occasionally combined with other elections, such as Parliamentary or European elections, as was the case with the last all out election which took place in Hartlepool (2004, following the boundary review). Accordingly, there is no recent all out election to use as a base for assessing the likely current costs of such an election. In considering an informed estimate, it is relevant to note that some costs will remain broadly the same (inflation apart) whether the election is by thirds or is all out. Other costs will vary and be subject to increase by reference, e.g. to the number of candidates – 3 times the number of seats being filled in an all out election than in an election by thirds. The variable and invariable costs are shown below, together with, in relation to the variable costs, an indication of the broadly estimated increase which could be expected to arise in the context of an all out election.

Expense Head	Increase	% Change
Salaries	No	
Election Staff	No	
Polling Day Staff	No	
Count Staff	Yes	+ 20%
Training	Yes	+ 50%
Polling Cards	No	
Printing Costs	Yes	+ 20%
Equipment	No	
Room Hire	No	
Postages	Yes	+ 20%
Advertising	Yes	+ 50%
Support Services (eg delivery of election equipment, IT support)	No	

- 2.5 To give members a 'feel' for the level of cost, but not intended as an accurate estimate, a broad estimate of the cost of an all out election could be in the order of £120,000. This compares with the cost of £82,000 at the last Council elections in 2007.
- 2.6 Clearly, a move to change from the current arrangements would require consideration of issues other than solely the cost of the process. As members will see elsewhere on the agenda, recent legislation has opened the way to change by resolution of the Council, and members are invited to recognise the requirements of that legislation – particularly with regard to the consultation.

3. RECOMMENDATION

That members note this report

4. CONTACT OFFICER

Tony Brown, Chief Solicitor

JAB/LL

J A Brown ext 3003

FAO Councillor Edna Wright

Dear Cllr. Wright

Elections by Thirds

Again, with apologies for the delay in providing you with the information you requested, I write to give you some information regarding the position of authorities across the country.

As shown in the table below, a total of 137 authorities currently elect by thirds, with one-third of members retiring each year and their seats up for fresh election. Seven authorities elect by halves, while 243 hold whole council elections once every four years.

At present there is no clear pattern of electoral cycle for local authorities in England, and the frequency with which authorities elect their members varies considerably from one area to another. In practice, this also means that the frequency with which electors are given the opportunity to vote varies from area to area, depending on the number and type of local authorities in each area. Electors in London may vote twice in each four-year electoral cycle (in borough and Greater London Authority elections), while those living in metropolitan borough areas can vote three times during the same period.

<u>Authority type</u>	<u>Thirds</u>	<u>Halves</u>	<u>Whole</u>	<u>Total</u>
County council	-	-	34	34
District/borough council	82	7	149	238
Unitary council	19	-	27	46
London borough	-	-	33	33
Metropolitan borough	36	-	-	<u>36</u>
Total				387

This information is drawn from the Electoral Commission Report and Recommendations "The Cycle of Local Government Elections in England" which can be viewed on the Electoral Commission Web-site. You will find this a useful document providing much more information on the subject.

The report has now been followed by the Local Government and Public Involvement in Health Act 2007 which will come into force on 31st December 2007 and which includes provisions enabling local authorities to change their electoral cycles by resolution. So as to ensure that the timing of elections is co-ordinated across the country, the provisions

specify the periods within which a resolution may be passed, which, in the case of non-metropolitan areas such as Hartlepool, are

- (i) the period up to 31st December 2010, and
- (ii) in 2014 and in each fourth year thereafter, between the date of Annual Council and 31st December.

The first election on the new basis would then be on the ordinary day of elections in the following year.

You asked for the cost of the last local government election, namely 2007, which was £82000 approx.

I will, in due course, be reporting to the General Purposes Committee on the new statutory provisions and, in the meantime, I am copying this letter to the Chairman of the Committee for his information.

I hope that this provides you with the information you require, but if you require anything further, or any clarification, please do not hesitate to contact me.

Yours sincerely

Chief Solicitor

c.c. Cr. J. Marshall, Chairman General Purposes Committee

GENERAL PURPOSES COMMITTEE

18 January 2008



Report of: Chief Solicitor

Subject: LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT HEALTH ACT 2007 - PROVISIONS RELATING TO ELECTIONS

1. PURPOSE OF REPORT

1.1 To enable members to acquaint members with provisions relating the electoral arrangements contained in the Local Government and Public Involvement in Health Act 2007.

2. SUMMARY OF THE ACTS ELECTORAL PROVISIONS

2.1 The principal provisions of the Act relating to elections are set out in the summary attached at appendix 1. Most notably, the Act makes new provisions enabling a local authority to change their electoral scheme – authorities which hold whole council elections may change to elections by halves or thirds (partial-council elections), and conversely, authorities which hold partial council elections may change to whole council elections.

2.2 The provisions require a process of consultation to be followed. They also stipulate the periods during which a resolution may be passed and at which point a resolution would be capable of implementation, so as to ensure that the implementation fall in line with the ordinary day of elections for authorities of the type to which the change is made. In the case of Hartlepool, for example, a decision to change from the current arrangement made prior to 31st December 2010 would take effect at the elections immediately following that date i.e. May 2011; subsequently, such a decision could be made in 2014 and in each fourth year thereafter between the date of Annual Council and the 31st December and would be implemented at the date of elections in the following year.

2.4 Any change must be approved by the Council at a meeting specially convened for the purpose and be carried by a 2/3rd majority

- 2.3 The other significant electoral changes that are made by the Act are
- a non-metropolitan authority which elects by whole council elections may request a review of electoral arrangements with a view to introducing single-member wards - in the event of such a request, a review would be undertaken by the Electoral Commission
 - authorities, including a district authority, may, by a meeting specially convened for the purpose and subject to a 2/3rd majority in favour, resolve to change the name of a ward
 - the period which must elapse between referendums as to the executive arrangements for a local authority is extended from 5 years to 10 years – as reported to Council at their meeting on 13th December 2007, having the effect that, in Hartlepool, the earliest point at which a referendum for change to leader and cabinet (by virtue of other provisions of the Act being the only permitted alternative to mayor and cabinet) executive will be October 2011.

3. RECOMMENDATION

That members note this report

4. CONTACT OFFICER

Tony Brown, Chief Solicitor

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

PART 2 : ELECTORAL ARRANGEMENTS EXPLANATORY NOTES

Introduction

1. Part 2 of the Act enables district councils in England in some circumstances to change their scheme for elections where they wish to do so.
2. It requires the Electoral Commission and Boundary Committee in exercising their functions under section 13 of the Local Government Act 1992 to consider whether the number of councillors in a ward of a council which is subject to a scheme for partial-council elections is appropriate. It allows the Boundary Committee to obtain information from local authorities in connection with the discharge of its functions.
3. It also allows a principal council operating whole council elections to make a request to the Electoral Commission in connection with the provision of single-member electoral areas. It allows local authorities to change the names of their electoral areas. It removes the requirement for the number of councillors in a metropolitan district ward to be divisible by 3. Finally, the Secretary of State is given power to make an order that ensures local government elections take place on the same day as European parliamentary general elections in those years where the two elections are scheduled to take place.

CHAPTER 1: POWER OF DISTRICT COUNCILS IN ENGLAND TO CHANGE ELECTORAL SCHEME

Introductory

Section 31: Schemes for elections

4. Section 31 sets out the schemes for elections that a district council may resolve to be subject to, namely, whole council elections, elections by halves and elections by thirds.

Power of district councils to change to whole-council elections

Section 32: Resolution for whole-council elections

5. This section enables a district council that is subject to a scheme for elections by halves or elections by thirds to resolve to be subject instead to a scheme for whole-council elections.

Section 33: Resolution for whole-council elections: requirements

6. Section 33 sets out the requirements for passing a resolution for whole-council elections. The resolution can only be passed during a specified period. This period differs according to whether the council is a metropolitan district council or a non-metropolitan one. The resolution must be passed by a majority of at least two-thirds of members voting at a specially convened meeting of which

notice of the object has been given. Section 33(7) enables the Secretary of State to extend the period during which the decision must be taken.

Section 34: Scheme for whole-council elections

7. This section is concerned with how a scheme for whole-council elections will operate. It requires ordinary elections to be held in particular years. For metropolitan district councils, these are 2010 and every four years after. For non-metropolitan district councils, the years are 2011 and every four years after. This follows the pattern that has been established for non-metropolitan district councils that are already subject to a scheme for whole-council elections. No metropolitan district councils are currently subject to whole council elections.

Sections 35 and 36: Publicity and Notice to the Electoral Commission

8. As soon as possible after the resolution to move to a scheme for whole-council elections has been passed, the council must publicise the fact that it has become subject to the new scheme and produce an explanatory document. It must also notify the Electoral Commission of the resolution.

Power of district councils to revert to partial-council elections

Section 37: Resolution for elections by halves

9. This section enables a non-metropolitan district council that is operating whole council elections but has, at some point since 1 April 1974, previously operated elections by halves to resolve to return to elections by halves.

Section 38: Resolution for elections by halves: requirements

10. Section 38 requires a resolution for elections by halves to be passed during a specified period. The resolution must be passed by a majority of at least two-thirds of members voting at a specially convened meeting of which notice of the object has been given. Section 38(7) enables the Secretary of State to extend the period during which the decision must be taken.

Section 39: Resolution for elections by thirds

11. This section enables a council that is operating whole-council elections but has, at some point since 1 April 1974, previously operated elections by thirds to resolve to return to elections by thirds.

Section 40: Resolutions for elections by thirds: requirements

12. Section 40 requires a resolution for elections by thirds to be passed during a specified period. This period differs according to whether the council is a metropolitan district council or a non-metropolitan one. The resolution must be passed by a majority of at least two-thirds of members voting at a specially convened meeting of which notice of the object has been given. Section 40(7) enables the Secretary of State to extend the period during which the decision must be taken.

Sections 41 and 42: Publicity for resolution and Notice to Electoral Commission

13. These sections are similar to the provisions made as to publicity for a resolution and notice to the Electoral Commission in sections 35 and 36 but are concerned with cases in which a council has resolved to become subject to a scheme for partial-council elections.

Section 43: Electoral Commission to consider whether electoral review is necessary

14. Section 43 places a duty on the Electoral Commission to consider whether or not an electoral review is necessary where a council has resolved to become subject to a scheme for partial-council elections. The Electoral Commission may decide a review is necessary where the number of councillors per ward is not the appropriate number of councillors as set out in section 13(5) of the Local Government Act 1992, which is amended by section 56 of this Act. If they decide that a review is necessary they can direct the Boundary Committee to conduct a review using their existing powers under section 13(3) of the Local Government Act 1992.

Section 44: Electoral Commission to make order for new electoral scheme

15. This section requires the Electoral Commission to make an order setting out details of what a council's resolution to move to elections by halves or by thirds will mean in practice. Where the council is moving to elections by halves the order is called an "order for elections by halves". Where the council is moving to elections by thirds the order is called an "order for elections by thirds". *Subsection (2)* ensures that, if the council's resolution has triggered an electoral review by the Boundary Committee, the Electoral Commission's order does not pre-empt the Committee's recommendations.

Section 45: Order for elections by halves : years in which elections are to be held

16. Section 45 requires an order for elections by halves to secure that elections are held in the years determined in accordance with the section. The first ordinary elections under the new scheme will be whole-council elections (see section 46(2)) which must be held in a relevant year; that year being 2011 and every fourth year afterwards. Subsequent ordinary elections must be held in a year for elections by halves, that year being 2012 and every second year afterwards. This follows the pattern that has been established for non-metropolitan district councils that are already subject to a scheme for elections by halves.

Section 46: Order for elections by halves : councillors to be elected at ordinary elections

17. This section makes further provision about the detail that must be included in an order for elections by halves. In particular, it sets out what the order must say about when each of the councillors is to be elected, and when he or she is to

retire. It provides (in *subsection (2)*) that the first ordinary elections under the new regime must be whole-council elections.

Section 47: Order for elections by thirds : years in which elections are to be held

18. Section 47 requires an order for elections by thirds to secure that elections are held in the years specified in that section. The first ordinary elections under the new scheme will be whole-council elections which must be held in a relevant year; that year being, in relation to a metropolitan district council, 2014 and every fourth year afterwards and, in relation to a nonmetropolitan district council, 2011 and every fourth year afterwards. Subsequent ordinary elections will be held in each subsequent year, unless it is a fallow year; a fallow year being 2013 and every fourth year afterwards. This follows the pattern that has been established for metropolitan district councils and non-metropolitan district councils respectively that are already subject to a scheme for elections by thirds.

Section 48: Order for elections by thirds : councillors to be elected at ordinary elections

19. This section makes further provision about the detail that must be included in an order for elections by thirds. In particular, it sets out what the order must say about when each of the councillors is to be elected, and when he or she is to retire. It provides (in *subsection (2)*) that the first ordinary elections under the new regime must be whole-council elections.

Section 49: Order for elections by halves or elections by thirds: transitional provision

20. Section 49 allows the Electoral Commission to include in an order for partial-council elections provision about the transition to the council's new scheme, including provision for some councillors to retire at times different from those otherwise applying and for identifying which of them are so to retire.

Section 50: Powers of Electoral Commission to make incidental etc provision

21. This section allows the Electoral Commission to make incidental, consequential, transitional or supplemental provision in connection with any order for partial-council elections.

Section 51: Position if Electoral Commission act under existing powers

22. This section is concerned with a case in which the Electoral Commission has directed the Boundary Committee to conduct a review (see section 43(2)) and in response to that request the Boundary Committee make recommendations for electoral changes. It ensures that the Electoral Commission is not required by the Act to include anything in the order for elections by halves or for elections by thirds that they deal with in an order made under

existing powers in section 17 of the Local Government Act 1992.

Section 52: Publicity for order by Electoral Commission

23. As soon as possible after the Electoral Commission has made an partial-council elections order, the council must, in a manner it sees fit, publicise the fact that it is now subject to a new electoral scheme and produce an explanatory document.

Power of district councils to alter years of ordinary elections of parish councillors

Section 53: Power of council to alter years of ordinary elections of parish councillors

24. Section 53 gives a council which has passed a resolution to change its scheme for elections, a power to make provision by order to change the ordinary year of elections of parish councillors. The power is given to enable a council to ensure that a person voting for a parish councillor will be able to vote, at the same time, for a district councillor.

Amendment of existing provisions about schemes for ordinary elections

Section 54: Amendment of existing provisions about schemes for ordinary elections

25. This section repeals sections 7(4) to (6) of the Local Government Act 1972. Those provisions allow a non-metropolitan district council to request that the Secretary of State change its scheme for elections by order.

26. As a consequence of the repeal, section 54 contains saving provision. This is to ensure that the repeal does not apply to any request made under section 7(4) until the Secretary of State has either decided not to make an order giving effect to that request or has made such an order.

27. Section 54 also repeals the powers of the Secretary of State to provide by order a scheme for partial-council elections for a principal council in England under section 86 of the Local Government Act 2000 and, in relation to London borough councils only, under section 8(2) of the 1972 Act.

28. *Subsection (6)* preserves any orders made under the repealed provisions and they are therefore unaffected by the repeal.

CHAPTER 2: MISCELLANEOUS

Requests for single-member electoral areas in England

Section 55: Requests for single-member electoral areas

29. This section provides for principal councils that hold whole-council elections, to request that the Electoral Commission directs the Boundary

Committee for England to conduct an electoral review of their area with the aim of introducing single-member electoral areas. If the Electoral Commission decides not to direct a review the section requires the Electoral Commission to provide local authorities with reasons for this decision. *Subsection (6)* ensures that the Boundary Committee are not obliged to respond to a request by recommending that all wards become single-member wards if, having regard to the factors listed in section 13(5)(a) to (c) of the 1992 Act, they consider it would be inappropriate to do so.

Electoral Commission and Boundary Committee: reviews and recommendations

Section 56: Electoral Commission and Boundary Committee: reviews and recommendations

30. This section amends section 13 of the Local Government Act 1992. It changes the matters which the Electoral Commission or the Boundary Committee will have regard to when conducting electoral reviews. The amendment will apply, not only to a case in which a council moves back to partial-council elections following a resolution passed by the council under this Chapter, but also to any case in which a council is operating partial-council elections.

31. Where the Boundary Committee conducts a review of such an authority it will need to balance the desirability of recommending an 'appropriate' number of councillors against those other matters within section 13(5) of the 1992 Act. The appropriate number of councillors will be a number of members divisible by two where there are elections by halves; and a number of members divisible by three where there are elections by thirds. However, the Boundary Committee will continue to have the flexibility to recommend a different number of councillors per ward if it considers this best reflects those other matters within section 13(5).

Section 57: Procedure in connection with reviews

32. Section 57 amends section 13 of the Local Government Act 1992. It inserts a new subsection into section 13 which allows the Boundary Committee to request any additional information from an authority that it may require in relation to a review of electoral arrangements. The authority must provide the information if requested to do so by such date as the Boundary Committee may specify.

33. Section 57 also amends section 15 of the Local Government Act 1992. It modernizes the procedure which the Boundary Committee follows when conducting electoral reviews. Section 15A of the 1992 Act is also repealed.

Electoral areas in England

Section 58: Metropolitan districts: councillors per ward

34. This section removes the requirement in the Local Government Act 1972 that the number of councillors returned for a ward in a metropolitan district be divisible by three. Instead, the number of councillors returned for such a ward can be whatever is provided by order by either the Electoral Commission following an electoral review or the Secretary of State when implementing a structural or boundary change under Part 1 of this Act. This will bring metropolitan district councils into line with all other types of council where there is no restriction on the number of councillors for a ward or division.

Section 59: Change of name of electoral area

35. This section enables a county council, a district council or a London borough council to change the name of an electoral division or district/London borough ward, as the case may be, in its area by passing a resolution at a special meeting held for the purpose. The resolution must be passed by a majority of at least two-thirds of members voting at a specially convened meeting, where notice of the object of the meeting has been given.

36. Prior to passing the resolution the council must take such steps as it considers appropriate to consult with persons who might be interested. Following a resolution being passed the council must then inform certain bodies, including the Electoral Commission, of the change. The Electoral Commission's power to amend the names of local authority electoral areas remains unaffected. It should be noted that if a change in the name of an electoral area is proposed within 5 years of a change made by the Electoral Commission, the local authority must first seek the approval of the Electoral Commission.

Election dates

Section 60: Power to change date of local elections to date of European Parliamentary general election

37. This section inserts new sections into the Representation of the People Act 1983 to enable the Secretary of State in England, and the Welsh Ministers in Wales, to combine local elections with European Parliamentary general elections in future years, when those elections fall in the same year.

38. New section 37A gives the Secretary of State the power to change local government and Greater London Authority election dates so that they are the same as the European Parliamentary general election date in a particular year. The power may be exercised in relation to one or more of the following types of election: (a) elections for county, district and London borough councils; (b) elections for parish councils; (c) Greater London Authority elections.

39. Before making an order using this power the Secretary of State must consult with the Electoral Commission, and any other persons or bodies he considers it appropriate to consult. An order cannot be made until a draft of the order has been approved by both Houses of Parliament. The order must be

made six months in advance of the date of the local government or European parliamentary elections, whichever is the earliest.

40. New section 37B gives Welsh Ministers the same power to change local government election dates so that they are the same as the European Parliamentary general election date. The power may be exercised in relation to either or both of the following types of election:

- (a) elections for county and county borough councils;
- (b) elections for community councils.

41. Welsh Ministers must also consult with the Electoral Commission, and any other persons or bodies they consider it appropriate to consult. An order cannot be made until a draft of the order has been approved by the National Assembly for Wales. The order must also be made six months in advance of the date of the local government or European parliamentary elections, whichever is the earliest.

CHAPTER 3: CONSEQUENTIAL AMENDMENTS

Section 61: Consequential amendments

42. This section gives effect to Schedule 2, which contains amendments consequential on provision made in Part 2.

GENERAL PURPOSES COMMITTEE

18 January 2008



Report of: Chief Solicitor and Assistant Chief Executive

Subject: TAKING MINUTES OF MEETINGS

1. PURPOSE OF REPORT

The purpose of this report is to fulfil a commitment to the Committee to provide a paper on the principles of minute taking, arising from some concerns expressed by members regarding the completeness of minutes in some instances.

2. BACKGROUND

2.1 The recognised textbook on local government law and practice "The Law and Practice of Local Government Meetings" by R. Knowles – comments that -

"there is no right or wrong way of preparing minutes: the form adopted by any particular local authority is a matter of individual choice or local custom....a number of cardinal principles of good practice have become widely accepted. Thus, for example, a minute should be:-

(a) brief i.e. precise and concise, recording exactly what was done and no more; and

(b) self-contained i.e. complete in itself and intelligible without reference to other documents [but supporting documents available to the reader could be referred to]; and

(c) decisive i.e. there must be no ambiguity or doubt as to the committee's intention

Brevity can be secured by being selective: a minute is not a verbatim record but a summary of the proceedings which includes only the essence of the discussion – not always that – and the decision. It is rarely necessary to reproduce, however summarily, what a particular speaker said, but helpful, as a rule, to pick up the main threads of the discussion which lead to the conclusion."

2.2 Whilst legislation (principally, the Local Government Act 1972) refers to the taking and approval of minutes, the nature of minutes has not been defined, nor has there been any judicial interpretation of the word. The Local

Government Act 2000 requires (so far as relevant) that the record of an executive decision should include (1) a record of the decision; (2) a record of the reasons for the decision; (3) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made. Whilst those legislative requirements are not applied to the making of non-executive decisions, the principles behind them are no doubt equally laudable – in the interests of enabling any reader to appreciate the basis for the decision.

- 2.3 It was accepted by members at the previous General Purposes Committee that minutes should not seek to be a verbatim record of all comments made at a meeting and that has been the approach long taken by this authority – but it was suggested that the use of a shorthand writer could provide a more certain note of the discussion from which to prepare a minute as all comments could be noted, this being impossible where a longhand note is taken even if it did not lead to a verbatim minute. One problem with shorthand is that it can be very individual and could prevent a minute being prepared by someone other than the officer present at the meeting – the need for which can arise in the case of absence due to illness. Some authorities follow a practice of recording meetings, which is helpful if comments are to be attributed to individual members. Clearly, robust protocols would be necessary to guard against misuse of recordings and to provide for their destruction when they have served their purpose i.e. after approval of the minutes of a meeting.

3. ISSUES

- 3.1 From an administrative and cost point of view, as a general rule, the more concise the minutes are, the better. A minute that simply states the resolution would clearly fail to respect the principles of the 2000 Act, but there ought to be a presumption that the minutes will not contain material which is not directly relevant to the purpose of the minutes, namely to demonstrate both the decision and the reasons for the decision, but nothing further. If that approach is taken then the current method of maintaining a note at a meeting which is not word perfect is more than adequate.
- 3.2 Clearly, once the minutes come back before the committee for approval it is a matter for the members – they are competent to decide that they want to include some element of the discussion that took place – so long as that does not extend to the inclusion of material not discussed at the meeting, or changing the decision taken at the meeting. It would be possible for power to be delegated to an officer – e.g. Chief Solicitor/Monitoring Officer or the Assistant Chief Executive to authorise the exclusion of material where members seek the inclusion of what is patently wholly immaterial text.
- 3.3 Needless to say, the more sophisticated the method of minuting meetings chosen, the greater the cost of production of the minutes. The use of shorthand takers or recording devices across the meetings of the Council would clearly have resource implications.

- 3.4 The function of taking and maintaining the minutes of the Council and its committees, executive etc. is an executive function. The deployment of staff responsible for taking and preparing minutes and any significant changes to the method of taking minutes is a matter within the control of the relevant portfolio holder – namely, the Performance Portfolio holder, Cr. P. Hargreaves.

4. RECOMMENDATION

That this report be noted and any concerns, proposals and suggestions be submitted to the Performance Portfolio holder.

5. CONTACT OFFICERS

Tony Brown Chief Solicitor
Andrew Atkin Assistant Chief Executive

GENERAL PURPOSES COMMITTEE

MINUTES AND DECISION RECORD

29 June 2007

The meeting commenced at 10.00 a.m. at Belle Vue Community Sports and Youth Centre, Hartlepool

Present:

Councillors: John Marshall (in the Chair)
Stephen Akers-Belcher, Sheila Griffin and Gerard Wistow

In accordance with Paragraph 4.1 of the Council's procedure rules Councillor Carl Richardson attended as Substitute for Councillor Jane Shaw

Officers: Chris Little, Assistant Chief Financial Officer
Denise Wimpenny, Principal Democratic Services Officer

1. Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Fleming, Dr Morris and Shaw.

2. Declarations of interest by members

None.

3. Confirmation of the minutes of the meeting held on 23 March 2007

Members questioned whether the meeting on 23 March 2007 had been the one at which there had been a discussion of access to the contact details of school governors and, if so, why that discussion had not been incorporated to the minutes.

The minutes of the meeting held on 23 March 2007 were confirmed subject to the following addition:-

Minute 35, Page 4, Decision, (c) to be added to read:-

- (c) That Members be provided with clarification of the current procedure in relation to access to school governor's contact details and the feasibility of publicising this information.

In view of the above, Members requested that a letter of clarification be submitted to all Members of the General Purposes Committee *within the week* relating to availability of school governor's details and that the issue be further discussed at the next meeting of this Committee.

4. **The 2006/2007 Statement of Accounts** (*Chief Financial Officer*)

Purpose of Report

To enable Members to approve the Council's 2006/2007 Statement of Accounts.

Issue (s) for consideration by the Committee

The report advised Members that the Council was required by statute to produce the 2006/2007 Statement of Accounts in a specified format within three months of the year-end ie by 30 June. The accounts were subject to audit prior to publication by 30 September.

The draft Statement of Accounts was attached to the report. The Assistant Chief Financial Officer gave background information and provided an explanation of the main financial statements included in the Statement of Accounts. It was highlighted that there was nothing included in the report which had not already been agreed by the Council or Cabinet. Pages 23 to 26 of the Cash Flow Statement had been amended, a copy of which was tabled at the meeting. In respect of the Council's cash flow, it was highlighted that collection rates for both Council Tax and Business Rates had increased for 2006/07 and were both above the average for all unitary councils.

Earmarked Reserves

Members expressed concerns regarding the value of the museums acquisitions reserves and the lotteries reserve. They queried whether the surplus of accumulative interest from previous years could be spent. The Assistant Chief Financial Officer explained that the lotteries reserve was governed by the Lotteries and Amusements Act 1976 and outlined the history to this reserve and the arrangements for making grants. Following questions from Members, to which the Assistant Chief Financial Officer provided information, Members requested the following further information in relation to these reserves which the Assistant Chief Financial Officer agreed to provide following the meeting:-

- (i) Details of the legal requirements of the Act relating to the lotteries reserve.
- (ii) A copy of the Acquisitions Policy.
- (iii) A summary of income and expenditure on these reserves for the last four years.

A lengthy discussion ensued relating to reserves during which the Assistant Chief Financial Officer addressed the issues raised by Members. It was highlighted that scrutiny had reviewed the reserves two or three years ago. Members considered the possibility of a further scrutiny review of reserves, following which Members felt that it was more appropriate for the information on underspends to be analysed by the Committee prior to any scrutiny review request being made.

The following questions/observations and concerns were made by Members:-

- (i) The non-attendance of the District Auditors to answer any queries from Members.
- (ii) The impact of the surplus on the setting of the Council Tax. Members were of the view that the Council Tax had been set at a higher level than would have been necessary if the surplus had been known.
- (iii) Every year outturn was better than anticipated, resulting in an increase in the level of reserves.
- (iv) The extent of Member involvement in making choices/allocating underspends *compared with the process for setting the original budget.*
- (v) *As savings tend to be so readily achieved each year, did the initial budget targets set sufficient challenge to budget holders.*
- (vi) Members requested assurances that there were sufficient links between the Financial Plan and Service Plan and that spend was linked to service objectives through a medium term (3-5 years) financial and service plan.
- (vii) *That services that had been cut should have the first call on in-year savings and surpluses so that Members of the Council could determine whether to reinstate such services.*

The Assistant Chief Financial Officer advised Members that the final surplus for 2006/07 had arisen as a result of actions taken in late March to manage the Council's loan portfolio. This had produced a one-off benefit, although it was not certain that this amount would be achieved when the 2007/08 budget and Council Tax was set. Therefore, this amount could not have been taken into account when setting the 2007/08 budget. Cabinet had determined to allocate this money to the Budget Support Fund and proposals for allocating this money would be put forward for consultation and scrutiny as part of the 2008/09 Budget and Policy Framework proposals.

In respect of previous years out-turns, the favourable positions had also arisen from one-off factors. These resources had been earmarked to support the budget over the next three years or to meet one-off costs. *Members questioned whether the recurrence of such one-off factors suggested the emergence of a pattern, which should be understood more fully.*

In conclusion, the Assistant Chief Financial Officer advised that the budget information had been submitted to Members on a number of occasions throughout the budget process. It was acknowledged that the information may not have been produced in a format that was easy to understand and that Officers may need to reconsider the format in which information was presented to Members.

Decision

1. That the contents of the report, be noted.
2. That the 2006/2007 Statement of Accounts, be approved.
3. That the issues raised at this meeting be considered at *an early or special* meeting of this Committee.

5. Audit Commission Report – Audit and Inspection Plan 2007/08 (Chief Financial Officer)

Purpose of Report

To inform Members of the General Purposes Committee of the content of the Audit Commission Report, Audit and Inspection Plan 2007/08

Issue (s) for consideration by the Committee

The Audit and Inspection Plan 2007/08, attached as Appendix 1 to the report, outlined the work the Audit Commission would undertake in relation to the following areas:-

- CPA and Inspection
- Work under the Audit Code of Practice
- Assessing Risks
- Work Specified by the Audit Commission
- Voluntary Improvement Work
- Certification of Grant Claims and Returns

Details of the audit and inspection fee were also included in the report.

Discussion ensued in relation to Members' role in shaping the Inspection and Audit Plan and the possibility of commissioning an independent auditor to undertake *an audit* on behalf of the Committee *if the District*

Auditor's programme could not be influenced by this committee's views.

Decision

That the Audit Commission report, be noted.

CHAIRMAN

CLLR JOHN MARSHALL