

# PLEASE NOTE VENUE

## GENERAL PURPOSES COMMITTEE AGENDA



Thursday 20 March 2008

at 10.00am

in the 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 18 January 08 (*attached*)
  - 3.2 Matters Arising from the Minutes
4. **ITEMS REQUIRING DECISION / ITEMS FOR INFORMATION**
  - 4.1 Appointment of Local Authority Representatives to Serve on School Governing Bodies – *Director of Children's Services (attached)*
5. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

# GENERAL PURPOSES COMMITTEE

## MINUTES AND DECISION RECORD

18 January 2008

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

### **Present:**

Councillor: John Marshall (In the Chair)

Councillors: Stephen Akers-Belcher, Sheila Griffin, Gordon Henery, Dr George Morris and Jane Shaw  
In accordance with Paragraph 4.2 (ii) of the Council's Procedure Rules Councillor Chris Simmons attended as a substitute for Councillor Gerald Wistow

Officers: Tony Brown, Chief Solicitor  
Andrew Atkin, Assistant Chief Executive  
Denise Wimpenny, Principal Democratic Services Officer

### **38. Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Fleming and Wistow.

### **39. Declarations of interest by members**

None.

### **40. Confirmation of the minutes of the meeting held on 5 December 2007**

Confirmed.

### **41. Council Elections by Thirds** *(Chief Solicitor)*

The Chief Solicitor advised that following a request from the Chairman the attached report had been prepared which set out the reasons why Hartlepool held elections every year as opposed to all out every four years.

It was 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 at Hartlepool had taken place by thirds. It seemed likely that that was also the case prior to 1974, and may have

been so since the last previous reorganisation in the mid 1930s. 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 had been presented to the Council's Unitary Status Committee of 11 January 1995 informing the committee of the intended provisions of the order. The committee minute revealed that the committee were content to note the report, but otherwise the views of the committee were not revealed.

The Chief Solicitor referred to a letter which had been sent to a Ward Councillor in this regard, attached at Appendix 1, which provided 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. A total of 137 authorities currently elected by thirds, with one third of members retiring each year and their seats up for fresh election. Seven authorities elected by halves, whilst 234 held whole council elections once every four years. The cost of an election was influenced by a number of factors. Council elections were 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. Accordingly, there was no recent all out election to use as a base for assessing the likely current costs of such an election. It was highlighted that some costs would remain broadly the same whether the election was by thirds or all out. Other costs would vary and be subject to increase by reference to the number of candidates – 3 times the number of seats being filled in an all out election than in an election by thirds. Details of variable and invariable costs were included in the report together with an indication of the broadly estimated increase which could be expected to arise in the context of an all out election.

A broad estimate of the cost for an all out election, but not intended as an accurate estimate could be in the order of £120,000. This compared with the cost of £82,000 at the last Council elections in 2007. A move to change from the current arrangements would require consideration of issues other than solely the cost of the process. Recent legislation had opened the way to change by resolution of the Council and Members were invited to recognise the requirements of that legislation, particularly with regard to the consultation.

Discussion ensued on the benefits and estimated savings that could be achieved if there was a move to all out elections. The Chief Solicitor advised that whilst there were opportunities for significant cost savings there were issues such as community engagement, staff skills and training or a democratic deficit issue to consider. It was noted that there were democratic advantages to the current system as well as advantages to the community. Members debated whether an all out system would result in a reduction in choice and turn-out figures. Following a Member's comment that an all out system could result in an increase in the number of inexperienced Members serving on committees, the Chair stated that an

entire change in committee could occur with the current electoral system and could also be the case in the event of a change in Central Government.

In response to a Member's query relating to the boundary changes in 1996 and whether the all out issue was considered in 2004, the Chief Solicitor stated that he would check the review process that was undertaken, however, it was envisaged that the periodic electoral review dealt with the electoral boundaries and not the electoral cycle as legislation did not provide for that.

Following further debate, it was suggested that it may be appropriate for political groups and Independent Members to consider this report as well as the Chief Solicitor's second report on the provisions relating to electoral arrangements contained in the Local Government and Public Involvement in Health Act 2007 in order to gain a wider view from other Members. It was also agreed that Members be given four weeks to provide their views, with the outcome of the consultation to be reported to a future meeting of the General Purposes Committee.

#### **Decision**

- (i) That the contents of the report, be noted.
- (ii) That the Chief Solicitor refer the report to Political Groups and Independent Members for consideration within a four week timescale, the outcome of which to be reported to a future meeting of the General Purposes Committee.

## **42. Local Government and Public Involvement Health Act 2007 – Provisions Relating to Elections** *(Chief Solicitor)*

The Chief Solicitor presented the report which set out the principal provisions of the Local Government and Public Involvement in Health Act 2007 relating to elections, a summary of which was attached at Appendix 1. The Act made new provisions enabling a local authority to change their electoral scheme.

The provisions required a process of consultation to be followed. They also stipulated 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 fell in line with the ordinary day of elections for authorities of the type to which the change was made. In the case of Hartlepool, for example, a decision to change from the current arrangement made prior to 31 December 2010 would take effect at the elections immediately following that date ie May 2011. Subsequently such a decision could be made in 2014 and in each fourth year thereafter between the date of Annual Council and 31 December and would be implemented at the date of elections in the following year.

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

Other significant electoral changes made by the Act were detailed in the report and included:-

- authorities, including a district authority, may by a meeting specially convened for the purpose and subject to a 2/3<sup>rd</sup> 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 was extended from 5 years to 10 years as reported to Council at their meeting on 13 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 would be October 2011.

Discussion ensued on the provisions of the Act and concerns were expressed that in the event of single member wards this would not provide for adequate community representation.

### Decision

- (i) That the contents of the report, be noted.
- (ii) Members reiterated the decision as outlined at Minute No 42 above as follows:-

That the Chief Solicitor refer the report to Political Groups and Independent Members for consideration within a four week timescale, the outcome of which to be reported to a future meeting of the General Purposes Committee.

### 43. Taking Minutes of Meetings *(Chief Solicitor and Assistant Chief Executive)*

The Chief Solicitor advised that the purpose of the report was 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.

Members were referred to an extract from the recognised textbook on local government law and practice by R. Knowles which 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 ie precise and concise, recording exactly what was done and no more; and*
- (b) *self contained ie complete in itself and intelligible without reference to other documents [but supporting documents available to the reader could be referred to]; and*
- (c) *decisive ie 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.”*

It was accepted by Members at a previous meeting of the General Purposes Committee that minutes should not seek to be a verbatim record of all comments made at a meeting and that had been the approach long taken by the authority. However, it was suggested that 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 was taken even if it did not lead to a verbatim minute. One problem with shorthand was that it could be very individual and could prevent a minute being prepared by someone other than the officer present at the meeting. The need for use can arise in the case of absence due to illness. Some authorities followed a practice of recording meetings which was helpful if comments were 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 had served their purpose ie after approval of the minutes of the meeting.

The issues for consideration including the administrative and cost issues were outlined in paragraph 3 of the report. It was reported that the use of shorthand takers or recording devices across the meetings of the Council would clearly have resource implications. The deployment of staff responsible for taking and preparing minutes and any significant changes to the method of taking minutes was a matter within the control of the relevant Portfolio Holder. It was therefore suggested that any concerns, proposals and suggestions be submitted to the Performance Portfolio Holder.

The Chair referred to Councillor Wistow's concerns that his comments at the meeting on 28 September 2007 had not been accurately recorded and reiterated the importance of Members providing clear direction and clarification in meetings and allowing the minute taker time to accurately record discussions and decisions. There was also a role for minute takers to seek further clarification where appropriate. A Member pointed out that minute takers had an extremely difficult job, were very experienced and did an excellent job. It was highlighted that minutes should provide a summary of proceedings and nothing more. It was therefore considered that minute taking procedures were adequate and

did not require review. It was further suggested that the training needs of Councillors should be further explored and the issues raised in relation to the need for minute takers to seek clarification in meetings be referred to all Chairs and Vice-Chairs of the Council.

The Assistant Chief Executive thanked the Committee for their comments which would be fed back to the Democratic Services team. With regard to training for Members, in terms of chairing skills etc, Members were advised that the issues raised would be reported to the Chief Personnel Officer with a view to providing appropriate training arrangements for Members within the Members Development Programme.

#### **Decision**

- (i) That the comments of the Committee, be noted.
- (ii) That the issues raised be reported to the Chief Personnel Officer with a view to making appropriate training arrangements for Members within the Members Development Programme.

#### **44. Matters Arising from the Minutes of the Meeting of the General Purposes Committee held on 29 June 2007**

The Chairman expressed concerns that a report requested at the June meeting in relation to the civic lottery fund had been submitted to the Grants Committee and not the General Purposes Committee as requested. He considered that the report should not have been submitted to Grants Committee without prior agreement and input from the General Purposes Committee. The Chair highlighted the importance of any requests made by the General Purposes Committee to be considered by that Committee. It was felt that if the Committee had been given the opportunity to contribute to the report, the outcome of the decision may have been different. The Chair questioned who had made the decision not to report back to the General Purposes Committee.

The Chief Solicitor advised that he was not aware of the extent of the information provided as the Chief Financial Officer was unable to attend today's meeting due to illness. The response to Grants Committee was as a result of this Committee's request for information in relation to the lottery fund. The Chair acknowledged that although this was not within the remit of the General Purposes Committee, consultation should have taken place with the Chair before referring this to the Grants Committee.

Discussion ensued with regard to these concerns and the decision making process generally. It was highlighted that the current process did not always close the loop. Members debated previous concerns as to whether this was a breach of conduct. Following discussion, it was considered that this was a genuine mistake and did not warrant a letter from this Committee to the Chief Executive. It was suggested that the

decision making process and the issue of ensuring appropriate action was taken following a meeting be referred to the Constitution Committee with a view to improving current practice.

The Chief Solicitor added that there was no intention to deny Members access to information requested and expressed regret that the wishes of this Committee had not been fulfilled. This appeared to be an honest mistake. Reference was made to page 2 of the minutes of the meeting of 29 June 2007, a copy of which had been circulated with the agenda papers, in which the Assistant Chief Financial Officer had agreed to provide information following the meeting. The minute did not suggest that a report would be submitted to this Committee. This appeared to be a misunderstanding and misinterpretation as to the requirements of the Committee. It was believed this course of action was triggered by a request by this Committee to write to the Secretary of State regarding the criteria for the Civic Lottery Fund which was clearly a matter of Grants Committee business. It was accepted that if Members asked for information to come back to them that request would be fulfilled, however, it must be relevant to their functions.

In response to the Chair's concerns that the information should not have been submitted to another Committee before consultation with the General Purposes Committee, in general terms, arrangements could be made to subscribe to that. However, it was highlighted that discussion at one Committee might give rise for action required by another Committee.

Following further discussion in relation to the Chairman's concerns and the Chief Solicitor's response, Members further debated whether this was a process issue and whether it was a matter for the Chair considering the report to invite the respective Chairman to express the Committee's views. In conclusion, it was suggested that Members' concerns be outlined in a brief report by the Chief Solicitor, in consultation with the Chairman of this Committee, to the Constitution Committee for consideration.

### **Decision**

That a report outlining the Committee's concerns relating to the decision making process be submitted by the Chief Solicitor, in consultation with the Chairman of this Committee, to the Constitution Committee for consideration. I

CHAIRMAN

COUNCILLOR JOHN MARSHALL



## GENERAL PURPOSES COMMITTEE

20<sup>th</sup> March 2008



**Report of:** Director of Children's Services

**Subject:** APPOINTMENT OF LOCAL AUTHORITY  
REPRESENTATIVES TO SERVE ON SCHOOL  
GOVERNING BODIES

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### 1. PURPOSE OF REPORT

To update members of the General Purposes Committee in respect of vacancies that currently exist for Local Authority representative governors, and to request members to make recommendations to the Children's Services Portfolio Holder in respect of the appointment of Local Authority representative governors to serve on a schools' governing bodies.

### 2. BACKGROUND

Applications are invited from members of the general public, elected members and those governors whose term of office is about to expire and who are, interested in serving or wish to continue to serve as a LA representative governor on school governing bodies.

The following criteria were agreed by the Borough Council for the recruitment of LA representative governors in 2000. LA governors should be able to show:

- demonstrable interest in and commitment to education;
- a desire to support the school concerned;
- a commitment to attend regular meetings of the governing body (and committees as appropriate) and school functions generally;
- good communication/interpersonal skills;
- ability to work as part of a team;
- a clearly expressed willingness to participate in the governor training programme.

A schedule (**Appendix A**) is attached setting out details of vacancies which currently exist for LA representative governors, together with applications received in respect of the vacancies (**Appendix B**). **This item contains exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information)(Variation) Order 2006) namely, information relating to any individual (para 1)**

### **3. RECOMMENDATIONS**

That the recommendation for the appointment set out in the confidential section of the minutes, of LA representative governors be referred to the Children's Services Portfolio Holder for approval.

**Contact Officer:**

**Ann Turner, Governor Support Officer, telephone 523766**

# Children's Services In Hartlepool

*Every Child Matters*

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APPENDIX A



## VACANCIES FOR LOCAL AUTHORITY REPRESENTATIVES

**MARCH, 2008**

**Contact Officer: Ann Turner  
Telephone: 523766**

## VACANCIES FOR LOCAL AUTHORITY REPRESENTATIVES ON GOVERNING BODIES

SCHOOL INCLUDING LA GOVERNORS	VACANCIES	POSSIBLE INTEREST	RECOMMENDED FOR APPOINTMENT
<b>Barnard Grove Primary School</b>			
Mr. J. M. Kay	2 vacancies	No interest expressed	
<b>Brierton Community School</b>			
Councillor Ms. M. James	1 vacancy	No interest expressed	
Councillor Mrs. A. Lilley			
<b>Brougham Primary School</b>			
Mrs. J. Thompson	2 vacancies	Peter Bow es	
<b>Catcote School</b>			
Doctor M. Banim	2 vacancies	Dane P. Mills Keith Tabram	
<b>Elwick Hall C.E Primary School</b>			
	1 vacancy	Gordon Pearson	
<b>Grange Primary School</b>			
Mr. H. D. Smith	1 vacancy	No interest expressed	
Councillor R. Flintoff			

SCHOOL INCLUDING LA GOVERNORS	VACANCIES	POSSIBLE INTEREST	RECOMMENDED FOR APPOINTMENT
<b>Jesmond Road Primary School</b>			
Mr. K. Gardner	2 vacancies	Mrs. Bridget Watson	
Mr. M. H. Ward			
<b>Lynnfield Primary School</b>			
Councillor C. Richardson	1 vacancy	Councillor Christopher Simmons	
Mr. A. Armstrong			
Councillor V. Tumilty			
<b>Rift House Primary School</b>			
Councillor D. Young	1 vacancy	No interest expressed	
<b>Rossmere Primary School</b>			
Mrs. M. Smith	1 vacancy	No interest expressed	
Councillor M. Johnson			
<b>St. Helen's Primary School</b>			
Mrs. J. Armstrong	1 vacancy	Councillor Tim Fleming	
Mrs. S. Sotheran			
Miss C. Lamb			
<b>Throston Primary School</b>			
Councillor H. Clouth	1 vacancy	No interest expressed	
Mrs. J. Norman			
<b>Ward Jackson Primary School</b>			
P.C. M. Hetherington	1 vacancy	Miss Angela Reed	
Councillor J. Brash			

SCHOOL INCLUDING LA GOVERNORS	VACANCIES	POSSIBLE INTEREST	RECOMMENDED FOR APPOINTMENT
West Park Primary School			
Mr. M.W. Ward	2 vacancies	Mrs. Sallie Kirby	