

# GENERAL PURPOSES COMMITTEE AGENDA



Friday 14 November 2008

at 10.00am

in

Committee Room A, Civic Centre

MEMBERS: GENERAL PURPOSES COMMITTEE:

Councillors Akers-Belcher, Atkinson, Flintoff, Griffin, G Lilley, Morris, Shaw, Sutheran and Young

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 22 August 2008
4. **ITEMS REQUIRING DECISION / ITEMS FOR INFORMATION**
  - 4.1 Council Election by Thirds – *Chief Solicitor*
  - 4.2 Appointment of Local Authority Representatives to Serve on School Governing Bodies – *Director of Children's Services*
5. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**



# GENERAL PURPOSES COMMITTEE

## MINUTES AND DECISION RECORD

22 August 2008

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

**Present:**

Councillor: Bob Flintoff (In the Chair)

Councillors: Reuben Atkinson, Geoff Lilley, Jane Shaw and Lilian Sutheran.

Officers: Peter Devlin, Chief Solicitor  
Christine Armstrong, Central Services Manager  
Angela Hunter, Principal Democratic Services Officer

### 10. Apologies for Absence

Apologies for absence were received from Councillor Dr George Morris.

### 11. Declarations of interest by Members

None.

### 12. Confirmation of the Minutes of the meeting held on 4 July 2008

Confirmed.

### 13. Matters arising from the Minutes

None.

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

The Chief Solicitor presented a report which outlined the background to the report and referred Members to the minutes of the meeting held on 4 July 2008 which were at item 3.1 on the agenda. At this meeting, Members requested “that the costs of consulting with all registered electors on the most appropriate electoral scheme” be provided and this was attached at Appendix 1. The Chief Solicitor asked Members to note that any alteration to the current arrangements would require considerations other than cost, such as community engagement, staff

skills and training, and a “democratic deficit issue”.

It was noted that under the Local Government and Public Involvement in Health Act 2007, before a Council could proceed to a resolution for whole Council elections it must have “taken reasonable steps to consult such persons as it thinks appropriate on the proposed change”. Although the extent of any consultation was not prescribed within the Act, the Cabinet Office had issued some guidance and the criteria within that guidance were detailed in the report.

Members were reminded that any change to the timescales for holding elections would need to be approved by Council at a meeting specially convened for that purpose and be carried by a two thirds majority. Members were also advised that due to this issue being raised as a notice on motion at a Council meeting, for completeness, a report would need to be submitted to a future Council meeting to inform Members of any recommendations made.

A Member sought clarification on the “democratic deficit issue” referred to in the report. The Chief Solicitor advised Members that this issue was initially put forward by political groups but added that this needed weighing up against the current system. A discussion ensued regarding the ‘significant’ savings that could be achieved through holding all-out elections once every four years. However, it was acknowledged that the financial implications of additional staffing requirements around election time could prove significant and a Member requested a further breakdown of this to aid Members consideration of the issue. The Central Services Manager confirmed that there was the potential for over 150 candidates to stand for election during an all-out election and this in itself would be difficult to manage from a staffing viewpoint. However, a Member suggested that the savings made from an all-out election once every four years as opposed to annual elections by thirds would be sufficient to outweigh these financial implications.

In relation to the proposed consultation, it was confirmed that should this be agreed, a budget would need to be identified and would need to be submitted to Council as part of the budget process. A Member asked if the consultation could be incorporated into the correspondence already sent to the electorate across the year and therefore reduce costs, ie during canvassing for the electoral register or when delivering poll cards. The Central Services Manager confirmed that the inclusion of correspondence with the poll cards had been considered previously and had been ruled out. The Chief Solicitor confirmed that the Local Government Act 1996 advised that any activity of this nature likely to favour a political group or individual should not be engaged during the election period.

Members expressed the view that for a consultation exercise to be undertaken effectively, it should be with all electors in the town. However, there were a number of concerns that the period of 12 weeks prescribed by the Electoral Commission was not an adequate timescale to undertake

such an effective consultation exercise.

It was suggested that a report be presented to Cabinet by the Chair of General Purposes Committee to gain its views on supporting the consultation and the possible identification of an appropriate budget. These views would then inform Members of the Committee in the preparation of a report for submission to Council. In relation to the identification of an appropriate budget, Members requested that in view of the current budget efficiencies required across Departments, that any resources identified should also include which budget area they have been vired from.

The Chief Solicitor advised that any decision taken by the Council to amend the frequency of local government elections would take effect from May 2011.

### **Decision**

- (i) That a breakdown of the resource implications for both an 'all-out election' and 'annual elections by thirds' be provided for Members' consideration.
- (ii) That a report, including the above information, be submitted to Cabinet to seek its views on the proposed consultation and the possible identification of an appropriate budget.

The meeting concluded at 10.45 am.

CHAIRMAN

# GENERAL PURPOSES COMMITTEE

14 November 2008



**Report of:** Chief Solicitor

**Subject:** COUNCIL ELECTION BY THIRDS

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## 1. PURPOSE OF REPORT

1.1 At a meeting of the General Purposes Committee held on 22 August, 2008, a report was presented by the Chief Solicitor, which allows for changes to Council electoral schemes as part of the provisions of the Local Government and Public Involvement in Health Act 2007. The report included the approximate costs of consulting with registered electors on the most appropriate electoral scheme and Members requested a report be submitted to Cabinet to seek its views on the proposed consultation and the possible identification of an appropriate budget. This report therefore appraises Committee members of the discussions held at Cabinet and the approved minute relating to that particular item will be provided to members on the day of their meeting for information purposes.

## 2. BACKGROUND

2.1 The General Purposes Committee, at its meeting held on 4 July 2008, considered a report of the Chief Solicitor, which concentrated upon the provisions of the Local Government and Public Involvement in Health Act, 2007, which allows for changes to Council electoral schemes. Members in noting the contents of the report, requested “that the costs of consulting with all registered electors on the most appropriate electoral scheme” be provided through a further report to the Committee. A further report was submitted to the General Purposes Committee held on 22 August 2008 that included some indicative costs of consultation that are included at Appendix 1.

2.2 For the further information of Members, the content of previous reports on this subject has been replicated in this report, to generally assist Members in their deliberations. Since 1974, following local government reorganisation, elections in Hartlepool had taken place by thirds. Local government reorganisation in 1996, arising from the provisions of the Local Government Act, 1994, confirmed the holding of elections by thirds through the Cleveland (Structural Change) Order, 1995, which provided all out elections in 1995, but for elections then to revert to election by thirds. A report had been presented to the Council’s

Unitary Status Committee on 11 January, 1995, informing the Committee of the intended provisions of the Order. It is indicated, in the requisite minute from that Committee, that the report was duly noted, but without further comment. The Chief Solicitor, in his report to the General Purposes Committee on 18th January, 2008, indicated 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 elected by halves, whilst 234 held whole Council elections once every four years. Although, indicative costs were supplied as to the holding of an election, a number of factors could influence such a consideration, not least, having a combined poll such as a Parliamentary and European election. For the elections in 2008, the direct elections costs are approximated at £75,000. These recent elections covered 15 wards as opposed to 17 and did not include the rural wards of Greatham and Elwick, which can have a profound effect on the issue of costs. The average cost of organising and staffing a polling station is £1000 which would take the costs of an election in all wards of the borough to around £83000 under the current electoral arrangements.

- 2.3 At the meeting of the General Purposes Committee on 22 August 2008, Members discussed the additional costs that could be incurred at an “all out” election and asked for a breakdown of the costs of both types of election. In addition to the costs identified above, additional expenditure of around £27000 would be incurred in the following areas at an “all out” election:

Staffing (admin support in relation to dealing with extra candidates)  
 Election staff training  
 Countstaff  
 Electoral Participation/Advertising/Information to electors

- 2.4 A further area of consideration is in relation to by-elections. Consultation with other Councils who currently hold “all out” elections has indicated that around 3-4 by-elections occur during the intervening period between elections. The average cost of any by-election would be £6000 but is dependent upon the number of polling stations in the ward in question.
- 2.5 Further, it was clearly noted, that any move to alter the current arrangements, would require considerations other than matters of cost. Indeed, the Chief Solicitor, noted issues such as community engagement, staff skills and training and a “democratic deficit issue”, to consider.

### **3. THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT, 2007**

- 3.1 As indicated in previous reports, this legislation enables a local authority to change their electoral scheme. However, the provisions require a process of consultation to be followed. There is also the stipulation of certain periods during which a resolution may be passed and at which point a resolution will 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. Accordingly, in the case of Hartlepool, the decision to change from current arrangements made prior to 31 December, 2010; take effect at the

elections immediately following that date ie May, 2011. Thereafter, 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.

- 3.2 Of particular note, any change needs to be approved by Council at a meeting specially convened for that purpose and be carried by a two thirds majority.
- 3.3 It is a requirement under the Act that before a Council can proceed to a resolution for whole Council elections it must have *“taken reasonable steps to consult such persons as it thinks appropriate on the proposed change”*. (Section 34(2) of the Act refers). Although, the extent of any consultation is not prescribed within the Act, the Cabinet Office has issued a *“Code of Practice on consultations”*. Within that consultation document, are six consultation criteria, as follows;
1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
  2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
  3. Ensure that your consultation is clear, concise and widely accessible.
  4. Give feedback regarding the responses received and how the consultation process influenced the policy.
  5. Monitor your department’s effectiveness at consultation, including through the use of a designated Consultation Co-ordinator.
  6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.
- 3.4 It should be noted that this Cabinet Office document does not have legal force, and therefore cannot prevail over statutory or mandatory requirements. That said, its use and application is encouraged on aspects of consultation by public authorities. The Electoral Commission have indicated, although as indicated the same is not prescribed, that consultation should be *“all encompassing”*, a view endorsed by Members of the General Purposes Committee at their meeting on 4 July, 2008.

#### 4. CABINET DISCUSSION

- 4.1 In their discussions, Cabinet endorsed the view of the Committee that any consultation *“needed to reach everyone”*. Consequently, on the likely expenditure of costs, the pertinent indication of costs related to that which involved consulting with *“all electors”*, approximately 69,000 individuals. However, Cabinet were concerned of the level of costs associated with such an exercise, when the existing system of election *“by thirds”* did not appear to warrant change. It was indicated through the Assistant Financial Officer, that



such a consultation exercise could be assimilated with the normal billing arrangements, although this would need to be explored and likely cost savings identified. It was also suggested (although not within the remit of the matter before General Purposes) that any consultation on changes to the electoral system should cover the issue of whether there should be 'Single Member Wards'. Given the views expressed by Cabinet, no specific budget provision was identified in relation to undertaking any form of consultation.

## **5. RECOMMENDATIONS**

- 5.1 For the Committee to note Cabinet's response and to discuss.

## **6. CONTACT OFFICER**

Peter Devlin, Chief Solicitor

**APPENDIX 1****CONSULTATION COSTS**

Description	Approximate Costs
Consult all electors – printing information and response sheets, inserting information into envelopes and delivery/return postage costs (approx 69,000 electors)	£40,000
Advertising costs (Hartlepool Mail)*	£300
Receipt, opening and counting responses for 30% response rate	£700
<b>TOTAL</b>	<b>£41,000</b>

Description	Approximate Costs
Consult all households – printing information and response sheets, inserting information into envelopes and delivery/return postage costs (approx 43,000 households)	£30,000
Advertising costs (Hartlepool Mail)*	£300
Receipt, opening and counting responses for 30% response rate	£600
	<b>£30,900</b>

\*Article in Hartbeat could be provided free of charge and press releases issued.

## GENERAL PURPOSES COMMITTEE

14<sup>th</sup> November 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 school governing bodies.

### 2. BACKGROUND

Applications are invited from members of the general public, elected members and those governors whose term of office has or 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 1**) is attached setting out details of vacancies which currently exist for LA representative governors together with applications received in respect of the vacancies (**Appendix 2**). **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

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*Every Child Matters*

## VACANCIES FOR LOCAL AUTHORITY REPRESENTATIVES ON GOVERNING BODIES

14<sup>th</sup> NOVEMBER, 2008

Contact Officer: Ann Turner  
01429 523766

## VACANCIES FOR LOCAL AUTHORITY REPRESENTATIVES ON GOVERNING BODIES

SCHOOL INCLUDING LA GOVERNORS	VACANCIES	POSSIBLE INTEREST	RECOMMENDED FOR APPOINTMENTS
Barnard Grove Primary School		No interest expressed	
Mr. J.M. Kay	2 vacancies		
Brougham Primary School		No interest expressed	
Mrs. J. Thompson	1 vacancy		
Mr. P.L.H. Bowes			
Grange Primary School		No interest expressed	
Mr. H.D. Smith	1 vacancy		
Councillor R. Flintoff			
Jesmond Road Primary School		Mrs. Sandra Saint	
Mr. K. Gardner	1 vacancy		
Mr. B.M. Watson			
Mr. M.H. Ward			
Kingsley Primary School		No interest expressed	
Mrs. S.G. Hanson	1 vacancy		
Mr. J. Vale			
Lynnfield Primary School		Councillor Robbie Payne	
Councillor C. Richardson	1 vacancy		
Councillor C.J. Simmons			
Councillor V. Tumilty			

## VACANCIES FOR LOCAL AUTHORITY REPRESENTATIVES ON GOVERNING BODIES

SCHOOL INCLUDING LA GOVERNORS	VACANCIES	POSSIBLE INTEREST	RECOMMENDED FOR APPOINTMENTS
Rossmere Primary School		Councillor Ann Marshall Form awaited	
Mrs. M. Smith	1 vacancy		
Councillor M. Johnson			
Throston Primary School		Mr. Kevin Shears Councillor. Christopher John McKenna	
Mrs. J. Norman	2 vacancies		
Ward Jackson Primary School		Mrs. Olwyn Little	
P.C. M. Hetherington	1 vacancy		
Councillor J. Brash			
West Park Primary School		No interest expressed	
Mrs. S.A. Kirby	1 vacancy		
Mr. M.W. Ward			