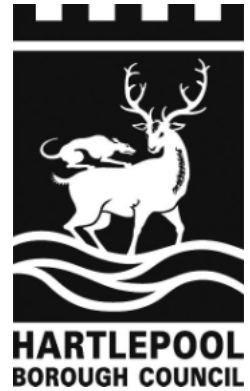


GENERAL PURPOSES COMMITTEE AGENDA



Monday 12 July 2010

at 2.00 pm

in Committee Room 'C'

MEMBERS: GENERAL PURPOSES COMMITTEE:

Councillors Aiken, C Akers-Belcher, S Akers-Belcher, Fleet, Flintoff, Gibbon, James, Simmons and Wells.

- 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 16 April 2010.

- 4. ITEMS REQUIRING DECISION**
 - 4.1 Further Electoral Review – Hartlepool Borough Council – *Chief Solicitor*

- 5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

GENERAL PURPOSES COMMITTEE

MINUTES AND DECISION RECORD

16 April 2010

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

Present:

Councillor: Pauline Laffey (In the Chair)

Councillors: Christopher Akers-Belcher, Reuben Atkinson, Rob W Cook, Bob Flintoff, Sheila Griffin, Pauline Laffey and Jane Shaw.

Officers: Ann Turner, Governor Support Officer
Angela Hunter, Principal Democratic Services Officer

27. Apologies for Absence

Apologies for absence were received from Councillors Stephen Akers-Belcher and Geoff Lilley.

28. Declarations of interest by Members

None.

29. Confirmation of the minutes of the meeting held on 19 March 2010

Confirmed.

30. Appointment of Local Authority Representatives to Serve on School Governing Bodies (*Director of Child and Adult Services*)

The Governor Support Officer presented a report which updated Members in respect of vacancies that currently exist and which will exist in the summer term of 2010 for Local Authority representative governors. Members were asked 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. A schedule was attached by way of confidential appendix of current vacancies and vacancies occurring during the summer term of 2010 together with applications received in respect of the vacancies.

A Member sought clarification on the costs of employing an interpreter and who would meet those costs as one of the applicants had indicated she was deaf. The Governor Support Officer indicated that clarification would be sought on this issue although she confirmed that the school itself would not feel any adverse financial impact from any associated costs. It was suggested by Members that all the arrangements and costs involved in utilising an interpreter should be borne by the person requesting the interpreter, with any costs being reimbursed to that person by the local authority after the provision of the service.

Decision

- (i) That the following recommendations for the appointments of Local Authority representative governors be referred to the Children's Services Portfolio Holder for approval:

Fens Primay School – Councillor A Lilley and Mrs P Rayner
Greatham Primary School – Mrs P Brotherton
Rossmere Primary School – Mrs C M O'Rourke
Stranton Primary School – Councillor J Lauderdale

- (ii) That the Governor Support Officer explore further the arrangements for the provision of a British Sign Language (BSL) interpreter at school governor meetings including associated costs and the possible reimbursement to the person requesting the service.

31. Any Other Business – Last Meeting

The Chair referred to the fact that this was the last meeting of the Committee in the current municipal year and thanked all Members for their attendance and contribution throughout the year.

Decision

Members' noted the Chair's comments.

The meeting concluded at 10.06 am

CHAIR

GENERAL PURPOSES COMMITTEE

12 July 2010



Report of: Chief Solicitor

Subject: FURTHER ELECTORAL REVIEW – HARTLEPOOL BOROUGH COUNCIL

1. BACKGROUND

- 1.1 Through correspondence dated 15th June, 2010, the Council were informed by the Local Government Boundary Commission of its intention to conduct an electoral review commencing on 20th July 2010. Within that correspondence, the Commission had indicated that as part of its work programme for the coming two years, Hartlepool had been identified as potentially requiring an electoral review. As stated in the Chief Solicitor's Business Report to Council on 24th June, 2010, there are two elements the Commission takes into account in its assessment as to whether there is a need to conduct a review. Both these elements relate to the level of electoral representation within a local authority area. 'Electoral Inequality' exists when voters are either over represented or conversely, under represented by their local Councillor(s) in relation to the average levels of representation for the authority as a whole.
- 1.2 Under the Commission's guidelines, if either of the following conditions are found to exist, then consideration is given for the need for a review;
- Any local authority with a division or ward that has an electoral variance in excess of 30%. This means a division or ward having at least 30% more (or less) electors in it than the average for the authority as a whole; and/or
 - Any local authority where more than 30% of the divisions or wards have an electoral variance in excess of 10% from the average of that authority.
- 1.3 On the basis of the December, 2009 electoral register, Hartlepool met the criteria, wherein 41% of the Council's wards had variances of more than 10% from the average. The current electorate and variances thereto, are set out below (fig 1);

Fig 1

Name of unitary ward	No of Cllrs per ward	Electorate 2010	Variance 2010
Brus	3	4,801	8%
Burn Valley	3	4,167	-6%
Dyke House	3	3,464	-22%
Elwick	1	1,683	14%
Fens	3	4,070	-8%
Foggy Furze	3	3,850	-13%
Grange	3	4,112	-7%
Greatham	1	1,713	16%
Hart	3	5,148	16%
Owton	3	4,081	-8%
Park	3	4,636	5%
Rift House	3	4,630	4%
Rossmere	3	4,734	7%
Saint Hilda	3	4,312	-3%
Seaton	3	5,253	19%
Stranton	3	3,996	-10%
Throston	3	4,766	8%

2. PREVIOUS ELECTORAL REVIEW OF HARTLEPOOL BOROUGH COUNCIL

2.1 Through a report dated January, 2003, the Electoral Commission made its final recommendations relating to "The future electoral arrangements for Hartlepool". The Local Government Commission for England had commenced a review of Hartlepool's electoral arrangements on 16th October, 2001. Following a transfer of functions to the Electoral Commission and its Boundary Committee, draft recommendations of the Boundary Committee were made on 14th May, 2002, leading to an 8 week consultation period and then submission of final recommendations to the Electoral Commission.

2.2 Those final recommendations to the Electoral Commission were as follows;

- (i) That the existing electoral arrangements provided for an unequal representation of electors in Hartlepool:
- In 9 of the 17 wards the number of electors represented by each Councillor varies by more than 10% from the average for the Borough and 2 wards varied by more than 20%;

- By 2006 the situation is expected to continue, with the number of electors per Councillor forecast to vary by more than 10% from the average in 8 wards and by more than 20% in 2 wards.

On the basis of the above, recommendations for future electoral arrangements were that:

- Hartlepool Borough Council should have 47 Councillors, as at present
- There should be 17 wards, as at present
- The boundaries of 15 of the existing wards should be modified and 2 wards should retain their existing boundaries.

2.3 The purpose behind these proposals was to ensure that in future each Borough Councillor represents approximately the same number of electors, bearing in mind local circumstances and that;

- 15 of the proposed 17 wards and number of electors per Councillor would vary by no more than 10% from the Borough average
- This improved level of electoral equality is forecast to marginally deteriorate, with the number of electors per Councillor in 3 wards, Elwick, Greatham and Seaton expected to vary by more than 10% from the average for the Borough in 2006

2.4 For the information of Members, set out below (fig 2) is the calculation of the then existing electoral arrangements, from that earlier periodic electoral review and those final recommendations for Hartlepool (fig 3) shown by way of a tabular format. Those final recommendations sought to reduce the number of wards with an electoral variance of more than 10% from 9 to 2 and with no wards varying by more than 20% from the Borough average. By 2006, it was also forecast, as indicated, that 3 wards (Elwick, Greatham and Seaton) would have an electoral variance of more than 10%.

Fig 2 Existing electoral arrangements (2001)

Ward name	Number of Councillors	Electorate (2001)	Number of electors per Councillor	Variance from average %	Electorate (2006)	Number of electors per Councillor	Variance from average %
1 Brinkburn	3	3,812	1,271	-12	3,713	1,238	-16
2 Brus	3	3,818	1,273	-12	3,867	1,289	-12
3 Dyke House	3	4,328	1,443	-1	4,171	1,390	-5
4 Elwick	1	1,300	1,300	-120	1,564	1,564	7
5 Fens	3	4,836	1,612	11	4,659	1,553	6
6 Grange	3	4,670	1,557	7	4,500	1,500	2
7 Greatham	1	1,794	1,794	24	1,728	1,728	18
8 Hart	3	4,137	1,379	-5	4,756	1,585	8
9 Jackson	3	4,152	1,384	-5	4,274	1,425	-3
10 Owton	3	3,502	1,167	-20	3,374	1,125	-23
11 Park	3	4,417	1,472	1	4,671	1,557	6
12 Rift House	3	4,407	1,469	1	4,255	1,418	-3
13 Rossmere	3	3,747	1,249	-14	3,842	1,281	-13

14	St Hilda	3	5,016	1,672	15	4,887	1,629	11
15	Seaton	3	4,788	1,596	10	4,842	1,614	10
16	Stranton	3	3,792	1,264	-13	3,802	1,267	-14
17	Throston	3	5,736	1,912	32	6,003	2,001	36
	Totals	47	68,252	-	-	68,907	-	-
	Averages	-	-	1,452	-	-	1,466	-

Fig 3 Final Recommendations

Ward name	Number of Councillors	Electorate (2001)	Number of electors per Councillor	Variance from average %	Electorate (2006)	Number of electors per Councillor	Variance from average %
1 Brus	3	4,551	1,517	4	4,572	1,524	4
2 Burn Valley	3	4,523	1,508	4	4,365	1,455	-1
3 Dyke House	3	4,328	1,443	-1	4,169	1,390	-5
4 Elwick	1	1,386	1,386	-5	1,647	1,647	12
5 Fens	3	4,190	1,397	-4	4,037	1,346	-8
6 Foggy Furze	3	4,152	1,384	-5	4,000	1,333	-9
7 Grange	3	4,654	1,551	7	4,500	1,500	2
8 Greatham	1	1,711	1,711	18	1,648	1,648	12
9 Hart	3	4,137	1,379	-5	4,755	1,585	8
10 Owton	3	4,242	1,414	-3	4,087	1,362	-7
11 Park	3	4,276	1,425	-2	4,535	1,512	3
12 Rift House	3	4,670	1,557	7	4,531	1,510	3
13 Rossmere	3	4,382	1,461	1	4,469	1,490	2
14 St Hilda	3	4,283	1,428	-2	4,180	1,393	-5
15 Seaton	3	4,777	1,592	10	4,968	1,656	13
16 Stranton	3	3,806	1,269	-13	3,937	1,312	-10
17 Throston	3	4,184	1,395	-4	4,507	1,502	2
	Totals	47	68,252	-	68,907	-	-
	Averages	-	-	1,452	-	1,466	-

3. LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND

3.1 The Local Government Boundary Commission for England was established through the provisions of the Local Democracy, Economic Development and Construction Act, 2009. It is directly accountable to Parliament through a Committee chaired by the Speaker of the House of Commons. Within its guidance, the main aim of an electoral review is as follows;

“...try to ensure that each Councillor on any District or County Council represents approximately the same number of electors as his/her colleagues on that Council – this contributes to a fairer electoral system....”

3.2 As was previously the case, the Local Government Boundary Commission for England is required to conduct electoral reviews of individual authorities at periodic intervals. The Commission will decide when to conduct a review of an authority and is also responsible for implementing the new electoral arrangements, following Parliamentary approval. The requirement to achieve “electoral equality” through a Councillor(s) representing the same number of electors as his/her colleague is also balanced “...with the need to reflect community identity and provide for convenient and effective local government” *The Local Government Boundary Commission for England – Guidance, April 2010*). Under Schedule 2 of the 2009 Act there are “statutory criteria”, to which the Commission shall have regard in conducting an electoral review. These criteria are as follows;

- The need to reflect the identities and interests of local communities
- The need to ensure effective and convenient local government, and
- The need to secure equality of representation.

3.3 With particular reference to the current electoral arrangements operated by Hartlepool Borough Council, the Commission must also have regard “to the desirability of securing the appropriate number of Councillors in each ward of a District or Borough Council which elects by halves or by thirds”. The 2009 legislation also requires the Commission to take into account any changes to the number and distribution of electors that are likely to place within the next 5 years. Of note, under Section 57 of the 2009 Act, any local authority which elects the whole Council every 4 years, or has resolved to do so, can also request that the Commission conduct an electoral review and make recommendations for single Member wards or divisions.

4. CONDUCT OF AN ELECTORAL REVIEW

4.1 A series of briefing meetings have been organised at the request of the Commission to include the following individuals;

- An initial meeting at Officer level to discuss the detail of the review
- A briefing by one of the Commissioners, supported by Commission staff to leaders of political groups and the Elected Mayor
- A briefing by one of the Commissioners and staff for the whole Council
- A briefing by Commission staff to representatives of the Parish Councils within the Borough

The Commission can make the following recommendations for local authority electoral arrangements;

- The total number of Councillors to be elected to Council (known as “Council size”)

- The number of boundaries of wards or divisions
 - The number of Councillors to be elected for each ward or division, and
 - The name of any ward or division.
- 4.2 The Commission are also required to make recommendations for changes to electoral arrangements of existing Parishes when the same are directly consequential to the Commission’s recommendations for changes to district wards. The Commission cannot make recommendations for changes to the external boundaries between local authorities or Parishes or to consider the creation of new Parish areas. The Commission can initiate reviews of external boundaries of District Councils and make recommendations for consequential changes to electoral arrangements but cannot alter them during an electoral review.
- 4.3 The Commission cannot make recommendations for changes to how often local authorities hold elections (electoral cycle), but under the Local Government Public Involvement in Health Act, 2007, a local authority can resolve to effect changes to their electoral cycle. In the event of such changes to the electoral arrangements of a local authority, the Commission would need to consider whether an electoral review is required in order to ensure that the number of Councillors being returned from each ward reflects the proposed electoral cycle. There is the presumption that local authorities that elect by thirds shall return three Councillors from each ward and similarly those that elect by halves should return two Councillors from each ward. The Commission cannot change or take account of the boundaries of Parliamentary constituencies. Such reviews are conducted through a separate body, namely the Boundary Commission for England. Further, the recommendations of the Commission do not determine the size and shape of polling districts or the location of polling stations both of which are decisions for the local authority.
- 4.4 The “typical review timetable” indicated by the Commission, is as follows (fig 4);

Fig 4

Table 1: typical review timetable

Stage	What happens?	Timescales
Preliminary stage	Briefings and meetings with local authority, as mentioned above	6-8 weeks
<i>Council size consultation</i>	<i>Where possible and practicable we will conduct a short consultation specifically on council size</i>	<i>6 weeks</i>

Stage One	The initial consultation stage on electoral arrangements	Typically 12 weeks
Stage Two	The LGBCE's deliberation and analysis of representations received	Typically 10-14 weeks
Stage Three	Publication of the LGBCE's draft recommendations and consultation on them	Typically 12 weeks
Stage Four	The LGBCE considers representations on the draft recommendations, and publishes final recommendations	Typically 10-14 weeks

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- 4.5 The Commission will initially consider the optimum number of electors per Councillor known as "Council size". Such a number will be reflective of Hartlepool and a decision will be based on the individual local authority area and will not be based upon size in comparison with other local authorities. Further, the Commission indicate that they will proceed upon such information that they receive on a foundation of what "can be justified". The involvement of all stakeholders is required not only in balancing the "equality" of representation criteria but also features of "community identity" and also "effective and convenient" local government. It is therefore mentioned by the Commission that wards need to be "internally coherent". By this they mean that, for example, reasonable road links across a ward can be a defining feature to allow for accessibility as well as identity of individual electors to a particular ward.

5. PROCESS OF THE REVIEW

- 5.1 The Commission has indicated their intention to commence their review on 20th July, 2010. They will initially consult on the appropriate Council size for the authority. Representations on Council size will need to be submitted no later than 30th August, 2010. In the light of that evidence, the Commission would prepare its recommendations on Council size which is intended to be published in September, 2010. These recommendations will be sent to the Council and other organisations and all those parties who submitted representations during "stage 1" of the review. Thereafter there will be a 12 week period of consultations upon possible electoral arrangements. This period of consultation is presently scheduled to run from 28th September,

2010 to 21st December, 2010. That consultation will form the basis of the Commission's draft recommendations and there will subsequently be a 12 week consultation period on the draft recommendations before the Commission formulates its final recommendations. It is anticipated by the Commission they will conclude their review in September, 2011.

- 5.2 The publication of those final recommendations will signify the end of the electoral review process. For the avoidance of doubt, there is no provision in legislation for representations to be made on those final recommendations. Once those recommendations have been published a Draft Order will be submitted to the local authority with a request for any technical comments on the draft and on the final recommendations mapping, which will be the basis of the map that will be referred to in any order. The final version of the Order will show any new ward and Parish ward name and boundaries that are the subject of those final recommendations. Thereafter, arrangements for the Draft Order to be laid before both Houses of Parliament, will be made. The Order is subject to a 40 sitting day procedure which could entail formal debate on the Order taking place. In the absence of any debate, the final Order will be published. If there is a debate on the Draft Order it will be a case of whether or not Parliament agree to the Order there being no provision to modify an Order. An Order will come into force at whole Council elections in the normal year of election for the authority concerned. It may however be necessary to allow the changes to electoral arrangements for a District Council, to come into force in different years.

6. RECOMMENDATION

That Members note the content of this report and discuss.

7. CONTACT OFFICER

Peter Devlin, Chief Solicitor