

# GENERAL PURPOSES COMMITTEE AGENDA



**Monday, 23 August 2010**

**at 4.00 pm**

**in Committee Room C, Civic Centre, Hartlepool**

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 12 July 2010
4. **ITEMS REQUIRING DECISION**
  - 4.1 Further Electoral Review – Hartlepool Borough Council – *Chief Solicitor*
  - 4.2 Elections – 5 May 2011 – *Chief Solicitor*
  - 4.3 Training Proposals for Consideration – *Chief Customer and Workforce Development Officer*
5. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

**6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006**

**EXEMPT ITEMS**

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006

**7. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

# **GENERAL PURPOSES COMMITTEE**

## **MINUTES AND DECISION RECORD**

12 July 2010

The meeting commenced at 2.00 pm in the Civic Centre, Hartlepool

### **Present:**

Councillor: Martin Aiken (In the Chair)

Councillors: Christopher Akers-Belcher, Mary Fleet, Bob Flintoff, Steve Gibbon, Marjorie James, Chris Simmons and Ray Wells

Officers: Peter Devlin, Chief Solicitor  
Lorraine Bennison, Principal Registration and Members' Services Officer  
Denise Wimpenny, Principal Democratic Services Officer

### **1. Apologies for Absence**

Apologies for absence were submitted on behalf of Councillor Stephen Akers-Belcher.

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

None.

### **3. Confirmation of the minutes of the meeting held on 16 April 2010**

Confirmed

### **4. Further Electoral Review – Hartlepool Borough Council** *(Chief Solicitor)*

The Chief Solicitor reported on the background to conduct an electoral review commencing on 20 July 2010, as set out in the report.

Under the Commission's guidelines, if either of the following conditions were found to exist, then consideration was 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.

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 were set out in figure 1 of the report.

Details of the final recommendations to the Electoral Commission following a previous electoral review of Hartlepool Borough Council in 2003 were included in the report.

The purpose behind these proposals was to ensure that in future each Borough Councillor represented 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 was 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

The report outlined the existing electoral arrangements in 2001 together with the final recommendations. The 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, that 3 wards (Elwick, Greatham and Seaton) would have an electoral variance of more than 10%.

The report included details of the powers of the Local Government Boundary Commission for England to conduct electoral reviews of individual authorities at periodic intervals, the conduct of an electoral review, review timetable together with the process of the review.

With regard to the process, the Commission had indicated their intention to commence their review on 20 July 2010. They would initially consult on the appropriate Council size for the authority. Representations on Council size would need to be submitted no later than 30 August 2010. In light of that evidence the Commission would prepare its recommendations on Council size which was intended to be published in September 2010. These recommendations would be sent to the Council and other organisations and all those parties who submitted representations during

stage 1 of the review. Thereafter there would be a 12 week period of consultation on possible electoral arrangements. That consultation would form the basis of the commission's draft recommendations and there would subsequently be a 12 week consultation period on the draft recommendations. It was anticipated that the review would conclude in September 2011. There was no provision in legislation for representations to be made on those final recommendations. The Chief Solicitor reported on the process thereafter, as set out in the report and highlighted the possibility of the Order coming into force at whole Council elections in the normal year of election for the authority concerned.

A lengthy discussion ensued on the implications for Hartlepool of such boundary changes as well as the white paper on electoral reform. Concerns were expressed that these changes may result in two reviews and all out elections in two consecutive years, the costs of which would be incurred by the Council. The value of conducting such reviews was also questioned. Members unanimously raised concerns against any electoral changes. The Chief Solicitor advised that the review had been identified by the Commission on the basis of the variances identified in 2003 which were still apparent as well as the 2009 electoral register.

A Member questioned if there was any provision for appeal to which the Chief Solicitor advised that whilst there was no provision for appeal, in the past some authorities had sought review of the final recommendations. There was an opportunity for officers to express their views to the Commission at the briefing session on 14 July.

The importance of ensuring the public were made aware of the cost implications of any changes were emphasised. Following discussions regarding the most appropriate methods of publicising the Committee's views to the public and the Commission, the Chief Solicitor reported on the recommended guidelines in terms of publicity material and stated that any form of publicity must not impact on the use of resources. It was noted that the last review resulted in very little public response.

With regard to the deadline of 30 August for submission of representations, it was suggested that an Electoral Review Working Group be established comprising all Members of the General Purposes Committee in order to formulate a draft response for consideration at the next meeting of Council, the outcome of which would be discussed at a further meeting of the Working Group. The final recommendations would then be submitted to the meeting of the General Purposes Committee on 23 August.

Following discussion regarding the most appropriate dates for the Working Group to meet to fit in with the timetable for submission of representations, the following dates were suggested:-

Wednesday 28 July – 4.15 pm

Wednesday 11 August – 3.00 pm

**Decision**

- (i) That an Electoral Review Working Group be established comprising all Members of the General Purposes Committee
- (ii) That the Working Group meet on the following dates:-
  - Wednesday 28 July – 4.15 pm
  - Wednesday 11 August – 3.00 pm

**5. Any Other Business – Date and Time of Future Meetings**

It was suggested that all future meetings of the General Purposes Committee be rescheduled to 4.00 pm to accommodate work commitments of Members of the Committee.

**Decision**

That all future meetings be rescheduled to 4.00 pm.

The meeting concluded at 2.55 pm.

CHAIR

# GENERAL PURPOSES COMMITTEE

23<sup>rd</sup> August 2010



**Report of:** Chief Solicitor

**Subject:** FURTHER ELECTORAL REVIEW – HARTLEPOOL BOROUGH COUNCIL

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## 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 35% 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**

<b>Name of unitary ward</b>	<b>No of Cllrs per ward</b>	<b>Electorate 2010</b>	<b>Variance 2010</b>
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
<b>Totals</b>		<b>47</b>	<b>68,252</b>	<b>-</b>	<b>-</b>	<b>68,907</b>	<b>-</b>	<b>-</b>
<b>Averages</b>		<b>-</b>	<b>-</b>	<b>1,452</b>	<b>-</b>	<b>-</b>	<b>1,466</b>	<b>-</b>

**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
<b>Totals</b>		<b>47</b>	<b>68,252</b>	<b>-</b>	<b>-</b>	<b>68,907</b>	<b>-</b>	<b>-</b>
<b>Averages</b>		<b>-</b>	<b>-</b>	<b>1,452</b>	<b>-</b>	<b>-</b>	<b>1,466</b>	<b>-</b>

### 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 have 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.
- 5.3 The General Purposes Committee at their meeting on 12<sup>th</sup> July established a Working Group to formulate a submission on 'Council size'. That submission will form **Appendix 1** to the report and will be forwarded to Members for consideration as soon as finalised by the Working Group. As indicated, it is an expectation that a submission is made to the Commission by 30<sup>th</sup> August, 2010.

## 6. RECOMMENDATION

That Members consider the attached submission on 'Council size' to be forwarded to the Local Government Boundary Commission for England.

# GENERAL PURPOSES COMMITTEE

23 August 2010



**Report of:** Chief Solicitor

**Subject:** ELECTIONS – 5 MAY 2011

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## 1. BACKGROUND

- 1.1 In accordance with the Council's electoral cycle, local authority elections are scheduled to take place on 5 May 2011 in 16 Wards in the Borough:
- Brus, Burn Valley, Dyke House, Fens, Foggy Furze, Grange, Greatham, Hart, Owton, Park, Rift House, Rossmere, Saint Hilda, Seaton, Stranton and Throston.
- 1.2 In addition to the Ward elections, Parish elections in Greatham and Saint Hilda are also scheduled to take place and, if contested, these will be held as a combined election.
- 1.3 On 22 July, a Bill was introduced in the UK Parliament, providing for a referendum to be held on changing the voting system for electing MPs. The Bill provides for the introduction of the Alternative Vote system for UK Parliamentary elections if there is a majority vote in favour of the referendum. The Bill also makes provision about the number and size of Parliamentary Constituencies.
- 1.4 The Deputy Prime Minister, the Rt. Hon. Nick Clegg, made an announcement that the referendum on changing the voting system for the UK Parliament will take place on Thursday, 5 May 2011.
- 1.5 The Government will now need to give consideration for a combination poll on 5 May 2011.

## 2. VOTING AT DIFFERENT POLLS ON 5 MAY 2011

- 2.1 The UK Government has indicated that it intends to introduce legislation for a referendum on changing the voting system for UK Parliament elections to be held on 5 May 2011, the same day as scheduled elections in 280 local authorities in England, including Hartlepool.

- 2.2 It will be for the UK Parliament to approve the timing of such a referendum, taking account of views expressed by all those with an interest in both the scheduled May 2011 elections and the proposed referendum.
- 2.3 The Electoral Commission which was established under The Political Parties, Elections and Referendums Act 2000 (PPERA) and which has statutory responsibility in relation to referendums, has previously considered proposals for holding different polls on the same day.
- 2.4 The Electoral Commission have always recognised that there would be both advantages and disadvantages associated with holding elections and referendums on the same day, including in 2002 considering holding a referendum on a single European currency on the same day as scheduled elections in 2003 (see Appendix A) but concluded at that time that in general it would be better for voters if it were avoided.
- 2.5 In November 2009, the Electoral Commission reviewed the evidence base from their previous position, including international experiencing of holding elections and referendums of the same day (see Appendix B – Item 5). Following this review, the Electoral Commission concluded that each specific proposal should be considered individually on its merits, rather than adopting a blanket view regardless of the specific circumstances.
- 2.6 The priority of the Electoral Commission is that voters and campaigners should be able to understand and easily participate in the scheduled elections on 5 May 2011 and any referendum which is held on the same day. They also want to ensure that those responsible for running the polls are able to do so effectively.
- 2.7 The Electoral Commission have stated that it is important that voters have access to information about the arguments for and against the choices they have at the different polls on 5 May. Elected representatives and others have raised concerns that if a UK-wide referendum is held on the same day as local elections, this would impact on the coverage of the campaigns for the elections. It is therefore important that the media, referendum campaigners and the Electoral Commission all recognise the issue and play a part in ensuring that voters receive an appropriate level of information on the relevant campaigns and can make informed decisions.
- 2.8 It should be noted that there are also benefits from holding a referendum on the same day as scheduled elections that can be set against concerns, including some cost savings and avoidance of asking approximately 69,000 electors to participate in an election and a referendum on two separate occasions.



### 3. THE ELECTORAL COMMISSION POSITION

3.1 The Electoral Commission believe that it should be possible to deliver the different polls proposed for 5 May 2011, provided the key practical risks to the successful conduct of the scheduled elections and a UK-wide referendum are properly managed:

- **The Government support the Electoral Commission in putting in place a robust process to ensure that planning for 5 May 2011, across the whole of the UK, takes full account of the implications of the different polls due to take place on that date**, so that the interests of voters across the UK (including Hartlepool) are considered as a priority.
- **The rules of how the referendum will be conducted must be clear from at least six months in advance**, so that campaigners, Returning Officers, Counting Officers and the Electoral Commission are not left with uncertainty about their respective roles and responsibilities and can undertake the necessary planning and preparation for the May 2011 polls.

The Electoral Commission have stated that if they are not satisfied that the above is achievable they will make that clear in the autumn.

- **Adequate provision must be made for appropriate public awareness activities to support understanding of the elections and referendum processes by voters**, so that different ballot papers and voting systems used on polling day do not lead to confusion and errors by voters in correctly expressing their choices.
- **Appropriate levels of funding must be made available for the delivery of the referendum and the scheduled elections together**, so that Returning and Counting Officers can ensure all the polls on 5 May 2011 are well run.
- **The legal framework for the referendum must make provision for formal combination of the referendum poll with the scheduled elections**, including establishing clearly which rules would apply in relation to any combined polls, so that the voting process is as straightforward as possible for voters and those who will administer the polls.

3.2 The Electoral Commission have advised that they will be monitoring the passage of the Bill and will advise Government and Parliament if they consider the identified risks have not been adequately addressed.

**4. HARTLEPOOL POSITION**

- 4.1 Hartlepool successfully delivered the combined European & Mayoral elections in 2009 and the combined Parliamentary & Local elections in 2010. The combination of the Parliamentary Referendum and Local elections on 5 May 2011, would involve considerable work, but would be achievable, provided adequate notice to allow planning is received.
- 4.2 If a combination poll takes place, parish council elections may be postponed for three weeks under Section 16 of the Representation of the People Act 1985, with parish elections, if contested, taking place on 26 May 2011.
- 4.3 A further update will be provided to Members once the outcome of the Bill has been finalised.

**5. RECOMMENDATION**

That Members note the content of this report and discuss.

**6. CONTACT OFFICER**

Peter Devlin, Chief Solicitor

## APPENDIX A

The  
Electoral  
Commission

### News releases

#### Combining polls – the referendum on the Euro and the devolved legislature elections

12 Jul 2002

Archived Release. Please email the **Press Team** for assistance.

While the Electoral Commission recognises that a decision on the timing of a referendum on the single European currency is a matter for the Government, it does have concerns about combining it with other major polls in May 2003.

The Commission's primary concern is the interests of the voter. Although there might be a beneficial effect on turnout generally, such a combination would have a number of disadvantages:

As there may be cross-party campaigning on a fundamental referendum of this sort, this could cause significant confusion amongst the electorate if combined with normal party election campaigning.

There is a risk that the dominance of the referendum issue would influence other polls to an extent that may compromise the electorate's will in those other polls.

Not all of the electorate would experience the same conditions for considering a major referendum issue if other polls were conducted in different parts of the UK at the same time.

The difficulties relating to the application of regulatory controls and of administering a combination of polls, such as those due in May 2003, are considerable.

Referendums on fundamental issues of national importance should be considered in isolation. The Electoral Commission is therefore of the view that a referendum on the single European currency should not be held at the same time as the Parliamentary and local government elections in Scotland, and the Assembly elections in Wales and Northern Ireland due in May 2003.

#### For further information contact:

Andrew Nye on 020 7271 0531 or 020 7271 0527, out of office hours ring 07789 920 414

Fax: 020 7271 0528, [press@electoralcommission.org.uk](mailto:press@electoralcommission.org.uk), [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)

#### Notes to Editors:

The Electoral Commission was established on 30 November 2000 by the Political Parties, Elections and Referendums Act. It is independent of Government and aims to ensure openness and transparency in the financial affairs of Britain's political parties, and to increase public confidence and participation in the democratic process.

The Electoral Commission's responsibilities for any referendums are laid out in Part VII of the Political Parties, Elections and Referendums Act 2000. For details visit the HMSO website at

<http://www.hmso.gov.uk/acts/acts2000/20000041.htm>

**ENDS**

[back to latest news releases](#)

#### Latest news

22 Jul 2010 Electoral Commission response to Parliamentary Voting System and Constituencies Bill

#### Contact

Email the Media Team  
(020) 7271 0704

EC98/09

# The Electoral Commission

## Minutes of the meeting of the Electoral Commission held on Wednesday 4 November 2009, London

Present: Jenny Watson (JW) Chair  
Henrietta Campbell (HC)  
Max Caller (MC)  
Ian Kelsall (IK)  
John McCormick (JMcC)

In attendance Peter Wardle (PW)  
Clare Ettinghausen (CE)  
Carolyn Hughes (CH)  
Lisa Klein (LK)  
Stephen Rooney (SR)  
Andrew Scallan (AS)  
Bob Posner (BP)  
Vera Markos (VM)  
Kairen Zonena (KZ) minutes

Ros Baston (RB) – item 4  
Tony Stafford (TS) – items 4 and 5  
Kay Jenkins (KJ) – item 5  
Tom Hawthorn (TH) – item 10  
Mark Williams (MW) – item 10

Also in attendance Jane Earl Deputy Electoral Commissioner – item 7  
Joan Jones Deputy Electoral Commissioner – item 7  
Peter Knight Deputy Electoral Commissioner – item 7  
Archie Gall – item 7

Lisa Tolliday	)– observing item 4
Jess Bishop	)
Elizabeth Morrow	)
Phil Thompson	)
Andy O'Neill	)– observing item 5
Nina Ziaullah	)
Gemma Rosenblatt	– observing items 5 and 10
James Haddon	– observing item 6 and 7
Alex Robertson (AR)	– item 10



### Apologies

Karamjit Singh. JW took the opportunity to advise the Board that KS had recently been appointed as Social Fund Commissioner for Great Britain and Northern Ireland. Commissioners joined with her in sending him their congratulations and good wishes in his new role.

## 1 Declaration of Interests

- 1.1 In relation to item 6 on the agenda, Establishment of the Local Government Boundary Commission for England – update on current activity and consideration of the draft scheme of transfer, MC would remain in the room to convey the views of the Boundary Committee for England to the Commission Board, respond to any questions, and then withdraw from the meeting during the Board's consideration of the item.
- 1.2 JW read out the following wording in KS's absence regarding an interest which had come to light. "Following the publication of the UKIP judgement KS became aware that the judgment was delivered by one of his fellow (judicial) members on another committee in an unrelated sector. He had drawn his role as a Commissioner and the Commission's regulatory responsibilities to the attention of the judge concerned who has confirmed that they have never discussed the role of the Electoral Commission or party funding issues in general or indeed where these relate to specific parties."

## 2a. Minutes of Commission Board meeting on 24 September (EC90/09)

**Agreed:** That the minutes of the Commission Board meeting held on 24 September be approved as an accurate record and the Chair be authorised to sign them.

## 2b. Decision/Action tracker (EC91/09)

This page containing brief details of outstanding issues and their follow-up had been introduced in response to Commissioners' request to keep track of certain issues.

**Noted**

### 3. Update from the Chief Executive (EC92/09)

- 3.1 PW orally updated his report. In relation to the Corporate Plans and Estimates, he reported that the Speaker's Sub Committee met on 26 October and had accepted the general approach the Commission had adopted with the establishment of the new Boundary Commission, although there had been some discussion on the set-up costs of the new organisation and whether there were more cost-effective measures available.
- 3.2 The Speaker's Sub Committee had also asked questions about the Parties and Election Finance Online system. PW gave an assurance to the Sub Committee that existing registers would continue robustly, and undertook to advise them if the new system looked unlikely to be able to proceed for whatever reason.
- 3.3 There was a recognition on the part of the Sub Committee that Individual Electoral Registration (IER) represented a major shift in electoral registration, with all the implications that brought with it of introducing large scale significant change. AS added that the Ministry of Justice (MoJ) project board on IER was due to meet the following week, and anticipated that they would give a clearer indication of how they saw the allocation of roles and responsibilities.
- 3.4 In response to comments by the Sub Committee about the time taken to complete major Party and Election Finance investigations, PW said an additional performance measure would be introduced to pick up the more protracted cases.
- 3.5 Revisions to the Corporate Plans and Estimates would be completed for submission to the Speaker's Committee by 18 November, ready for its meeting on 25 November, when JW, MC and PW would be present. The Treasury had yet to give its view on the budgets. JW added that a useful Hansard transcript of the meeting was available, which would be circulated to Commissioners.
- 3.6 The report by the Committee on Standards in Public Life into MPs' expenses and allowances had been published earlier that day, and an executive summary would be made available to Commissioners. The main impact on the Electoral Commission looked likely to be that candidates would be encouraged to declare outside interests and their intention or otherwise of maintaining them. The details had yet to be worked out, and the Commission might be consulted on it by the MoJ.
- 3.7 JW reported that the name of the candidate proposed to succeed KS as Electoral Commissioner had gone forward to Party leaders in Westminster for consultation. In relation to the appointment of Nominated Commissioners, the Speaker's Committee agreed to convene an appointment panel including an independent Chair, JW



and two members of the Speaker's Committee. This would give the process transparency and openness, which would be beneficial to both the Commission and the new Commissioners. The job description and person specification would be sent to Party leaders, and the appointment process would likely begin early in the new year. In answer to a question, JW confirmed that the Panel would also propose the fourth nominated commissioner selected from among candidates put forward by the smaller parties.

- 3.8 Returning to the question of PEF Online, LK reported that an extensive list of continuing problems with the system had been drawn up and discussed with the developer. The developer would be coming to work in situ at the Commission in an effort to make some progress, but if this proved unsuccessful, it would be necessary to consider what further steps should be taken.

**Agreed:** That Commissioners would be sent a transcript of the proceedings of the Speaker's Sub Committee of 26 October, and the executive summary of the report of the Committee on Standards in Public Life into MPs' expenses and allowances, and revisions to the Corporate Plan prior to its submission to the Speaker's Committee (by 18 November)

#### 4. Party and Election Finance - guidance review (**presentation, tabled**)

- 4.1 RB presented a summary of the work undertaken to review and revise Party and Election Finance guidance.
- 4.2 The review has resulted in a new structure for simplified and clarified guidance, plainer language that was less legalistic and more accessible, introduced guidance tailored to specific roles, and more use of indexes and hyperlinks to aid navigation through the material. The material had been re-designed to make it visually more appealing and easier to use. Future user feedback will be obtained from different types of stakeholders.
- 4.3 Consideration is being given to whether e-learning would be a suitable addition to the guidance service.

**Agreed:** That the review of PEF guidance be noted and welcomed.

#### 5. Update on referendums following Commissioner Reference Group meetings (EC93/09 presentation)

- 5.1 JW said that if agreed today the work of the reference group would provide the basis on which the Commission would publish in advance

of any future referendum its approach to inform stakeholders of our position on various issues.

- 5.2 On the issue of combined referendums and elections, the reference group considered that the evidence on issue distortion and voter interest was inconclusive, and in fact voter turnout tended to be higher in combined polls. It would therefore be difficult to adopt a general position against combination, and instead each case should be taken on its own merit. The Commission should advise on risks and how these could be mitigated. This was supported. HC requested a copy of the relevant research review.
- 5.3 On the issue of intelligibility, the group felt that as much information as possible about the Commission's preferred standards, position and approach to referendum questions should be published in advance for use by all relevant participants in drawing up the question. This would include the fact that there would be an internal assessment against the published guidelines. It was agreed that if a government simply asserted that it had had regard to the guidance and had in its view met the criteria, but the Commission considered it had not, the Commission should respond robustly.
- 5.4 It was accepted that user-testing of draft questions was the Commission's preferred position but that it would not always be possible in a very short timetable. The Commission was under a duty to give a view on intelligibility, and would wish to support a view by reference to other sources (e.g. research and user-testing of former similar questions) if user-testing was not feasible in the time available. Informal soundings should still be taken from stakeholders.
- 5.5 On the issue of the Commission as Chief Counting Officer, it was understood that the law placed the role with the Commission (specifically the Chair) but that it could be delegated to a Commissioner, or to another person. Discussion focussed on the duty to report, which lay with the Commission, and the difficulty for the Commission in reporting on itself. It would therefore be best to report on what it had done, and enable independent scrutiny of how well the process had gone. Further thought should be given and views sought on how best to achieve this (e.g. independently-chaired seminar, web-comment, or any democratic independent institutions or organisations producing a report).
- 5.6 The question arose of who should be the Counting Officer in a devolved-nation only referendum, and where the law stood in relation to Scotland. At present a referendum looked increasingly likely to be held in Wales, and less likely in Scotland. This raised the matter of differential practices depending on the extent of devolution, and it was agreed that this be brought back for further discussion early in 2010.



- 5.7 The proposals on the designation of lead campaigning organisations, grants to designated organisations, and to the public awareness activity were all supported as set out in the presentation.
- 5.8 Regarding expenditure limits for sub-UK referendums (UK-wide limits being specified in PPERA), the decision would be made by the Ministry of Justice, but the MoJ would undoubtedly ask for the Commission's views. The proposed simplified two-band approach was preferred in principle, to a complicated formula linked to vote share at the last election. Further work should be undertaken in the office to develop and test the case for the two-band approach. It was agreed that the Reference Group should look at the two-band model further and report back.
- 5.9 Commissioners thanked KJ and all the staff who had been involved in the reference group for their extensive work which had yielded fruitful results.

**Agreed: That:**

- (a) the proposals set out in the presentation on
- a move away from in principle opposition to holding combined referendums and elections, to judge each case on its merits with a view to identifying any risks and offering advice which will ensure that they are as well-run as possible
  - the Commission's preferred position on assessment of question intelligibility, including where possible user-testing but if not possible for any reason, other sources of evidence could be used to support the Commission's view;
  - the report which the Commission had a duty to prepare post-referendum could not reasonably include a qualitative assessment of how well the Commission had performed, and other views be sought on who could carry this out;
  - a simplified two-band approach for expenditure limits for sub-UK referendums should be developed further and tested by the Reference Group;
  - designation of lead campaign organisations be as set out in the slides;
  - grants to designated organisations be as set out in the slides; and
  - approach to public awareness activity be as set out in the slides.
- (b) Further thought be given to the implications of devolution for the role of Chief Counting Officer, and reported back early in 2010;
- (c) The Commission's position on assessing the intelligibility of questions be published by late November;
- (d) key stakeholders be asked for any views on our refreshed approach to relevant issues (including question assessment and payment of grants) with feedback to be reported to the Board and

Committee in relation to a limited extension of stay at Trevelyan House and more detail on liabilities.

- 6.9 MC returned to the room and was advised of the decision.

**Agreed:** That the draft Scheme of Transfer be approved, subject to further work being carried out on an extension of stay at Trevelyan House, if needed, and subject to clarification of liability for conduct and costs of all work, to be agreed either by a suitable mechanism such as an exchange of letters or a memorandum of understanding, and subject to clarification and agreement of the detailed provision for the cash and liabilities arising from legal proceedings, and that the Chair of the Commission, after consultation with the Chief Executive, be authorised to sign the final settled form of Scheme consistent with the principles contained in the report and discussed at the meeting.

7. Discussion with Deputy Commissioners to learn about Boundary Committee preparations for the new Boundary Commission

- 7.1 Jane Earl, Joan Jones and Peter Knight were welcomed to the meeting by JW. Apologies were noted for Colin Mellors.
- 7.2 The Deputy Electoral Commissioners were heard in relation to the opportunities they felt the creation of the new Local Government Boundary Commission for England offered. Views were expressed about the importance of sticking to the planned timetable.
- 7.3 JW confirmed that all efforts would be made to ensure that although the timetable was tight a complete and successful transfer would take place on 1 April 2010. Work would be done to respond to the Committee's concerns, and a number of matters of detail should be clearer by the time of the project board meeting on 19 November, together with fall-back plans if needed.
- 7.4 Deputy Commissioners discussed their vision of the new organisation, and what it could do to deliver boundaries which were demonstrably fair, and helped get better value out of local government structures.

8. Chair's Report (EC95/09)

**Noted**



- (e) The research review on the effect on voters of combined referendums and elections be circulated to HC.

6. Establishment of the Local Government Boundary Commission for England – update on current activity and consideration of the draft scheme of transfer (EC94/09)

- 6.1 MC had declared an interest (see above under declarations).
- 6.2 Summarising the views of the Boundary Committee for England at its meeting on 20 October on the proposed transfer arrangements, he said that the Committee wanted:
- transfer on 1 April if at all possible
  - the ability to stay at Trevelyan House beyond 1 April 2010, as a separate accounting entity, should the new accommodation not be ready
  - the door should be left open to shared provision of back-office services, though acknowledged as no-one's preferred option
  - outstanding liabilities had still to be clarified to the satisfaction of all sides.
- 6.3 MC then left the room.
- 6.4 CH brought Commission Board up to date on the latest position regarding accommodation, the recruitment of an interim Chief Executive, and quotes for back-office services. An appraisal of all options should be completed for review by mid-November and consideration of recommendations by the Commission and BCFE. It was hoped to have a decision in time to report to the Speaker's Committee meeting on 25 November.
- 6.5 PW suggested that allowing an extension of stay in Trevelyan House of up to, say, three months would probably be feasible, but that it would limit the requirement of both sides to expand. He thought that could best be dealt with by way of an exchange of letters or a memorandum of understanding, rather than in the scheme of transfer itself.
- 6.6 As far as legal liabilities were concerned, officers were examining all work streams to identify potential liabilities and clarify the position with regard to conduct of the business and cost.
- 6.7 JW suggested that in the event of a possible delay to their accommodation and provision of services, it might be necessary to consider delaying vesting day but this scenario only needed to be discussed when more was known about timescales.
- 6.8 Meanwhile the scheme of transfer should be agreed in principle, subject to further work on meeting the concerns of the Boundary

9. Minutes of the Boundary Committee meetings of 2 and 30 September 2009 (EC96/09, EC97/09)

**Agreed:** That the minutes of the Boundary Committee meetings of 9 and 30 September be noted.

10. General Election policy positions (presentation, tabled)

- 10.1 TH introduced the presentation, the intention of which was to support discussion of proposals for a framework to enable the Commission to prepare clear and consistent positions on key policy questions likely to arise before, during and after the forthcoming UK Parliamentary general election (UKPGE). A reference group would be convened to start to formulate views on a range of matters, to develop a set of broad principles, and to consider some of the mechanisms needed to put them into effect.
- 10.2 The Commission Board identified that more work would be needed to ensure all of the relevant principles were identified and clearly explained, including both international electoral standards and UK public policy principles; and the need for ongoing monitoring of the evidence base used to support policy positions.

**Agreed:** That:

- (a) Commission Board members feed back any additional policy questions not identified at the meeting
- (b) a reference group be set up (membership to be decided) to further develop the framework for policy development
- (c) the reference group use the framework to refine proposed positions on the policy questions
- (d) the group report back to Commission Board in 2010.

The meeting ended at 3.20pm.

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Chair

# GENERAL PURPOSES COMMITTEE

23 August 2010



**Report of:** Chief Customer & Workforce Services Officer

**Subject:** TRAINING PROPOSALS FOR CONSIDERATION

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## 1. PURPOSE OF REPORT

- 1.1 The Constitution sets out the Executive and non-Executive powers and duties of Elected Members in relation to Authority's workforce and other appeals. The arrangements are supplemented by various Council policies and procedures set within a general statutory framework

## 2. BACKGROUND

- 2.1 This report sets out proposals to clarify the respective roles of those involved in workforce matters and the Authority's arrangements.

## 3. PROPOSALS

- 3.1 The functions of the General Purposes Committee are quite broad in respect of determining appeals and other related issues. Additionally in order to give proper consideration to the broad range of issues Members are required to have some depth of knowledge to ensure fairness and consistency in their decision-making.
- 3.2 Attached as Appendix A is an outline training session for members of the General Purposes (Appeals & Staffing) Committee. The aims and objectives of the session are to:
- explain the range of issues which the Committee may be required to consider and determine a decision;
  - clarify the statutory framework and Authority policies and procedures which must be followed in determining any decision
  - help members of the Committee develop understanding and specific techniques for giving proper consideration to issues presented for their consideration
  - highlight where further training may be required

- 3.3 The draft session outline indicates the key topics that are relevant to the work of the Committee and an indication of the time that officers believe would be required to satisfy the aims set out above. It is recognised that the correct balance in content is needed to reflect the various levels of knowledge and experience of individual members and achieving a reasonable level of understanding and confidence at the end of the session and Members' comments are therefore requested.
- 3.4 Members views as to whether the various topics are delivered as one session and which dates would be preferable.

#### **4. RECOMMENDATIONS**

That members give consideration to the draft training session attached as Appendix A and confirm preferred content and delivery arrangements

#### **5. CONTACT OFFICER**

Joanne Machers  
Chief Customer & Workforce Services Officer  
01429 52 3003

## **APPENDIX A**

### **Outline of Proposed Training for General Purposes (Appeals & Staffing) Committee**

#### **1. Background**

- 1.1 Aims and objectives of the session
- 1.2 Reference to the review of the scheme of delegations  
Reference to the Council's People Strategy highlighting values and employer commitment to fairness  
General statutory employer duties and responsibilities and external stages e.g. Employment Tribunals  
Time pressures – the importance of getting dates in the diary quickly

#### **2. Power to consider and determine**

- 2.1 Appeals against dismissal – 1 hour  
Disciplinary procedure  
Roles and responsibilities at GP – w ho does what  
Hearing preparation and process on the day  
Your deliberations and the internal/external implications  
Advice and guidance  
Quick quiz on w hat's relevant and irrelevant  
How to ask the right question in the right w ay  
Examples/scenario/case studies
- 2.2 Appeals against grading – 15 minutes  
General background to how grades are determined for different employee groups  
Use of technical evaluation schemes  
The person or post dilemma?  
Quick quiz on w hat's relevant and w hat's not
- 2.3 Disputes arising from staffing reviews /re-structures – 15 minutes  
New process and its impact on General Purposes
- 2.4 Final stage grievance – 1 hour  
Grievance procedure  
Roles and responsibilities at General Purposes – w ho does what  
Deliberations and the internal/external implications  
Officer advice and guidance  
How to ask the right question in the right w ay  
Examples/scenario/case studies  
Quick quiz on w hat's relevant and w hat's not

#### **3. Complaints Procedure – 15/20 minutes**

- 3.1 Corporate complaints procedure and role of Portfolio Holders and General Purposes.

**4. Powers to determine appeals from individuals relating to the execution of executive functions which are not delegated to another decision-maker and which are not subject to other statutory appeals arrangements – 15/20 minutes**

4.1 An explanation of what this covers and examples of previous reports considered.

**5. Employee Pension Arrangements – 1 hour**

5.1 Discretionary release of deferred benefits

Explain pension regulations

How costs are calculated

Process developed by last Committee

Financial implications

Examples

5.2 Release of pension benefits for those covered by Officer Employment Rules (CEX/Cos)

Explain pension regulations,

How costs are calculated and presented,

Internal processes for inviting/receiving applications

Financial implications

Links to redundancy

Examples

5.3 Delegation of decisions to Chief Customer & Workforce Services Officer with agreement of Chief Finance Officer and relevant Director

Explain pension regulations,

How costs are calculated and presented

Internal process for inviting/receiving applications,

Links to redundancy

Examples

6. Session Review

Reflection of progress against session aims and objectives

Identification of further training