

GENERAL PURPOSES COMMITTEE AGENDA



Monday 6 December 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 26 November 2010 (*To follow*).
- 4. ITEMS REQUIRING DECISION**
 - 4.1 Further Electoral Review of Hartlepool – *Chief Solicitor (To Follow)*
 - 4.2 Training For General Purposes (Appeals & Staffing) Committee – *Chief Customer and Workforce Services Officer*
- 5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

GENERAL PURPOSES COMMITTEE

MINUTES AND DECISION RECORD

26 November 2010

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

Present:

Councillor: Martyn Aiken (In the Chair)

Councillors: Mary Fleet, Marjorie James, Chris Simmons and Ray Wells.

Officers: Lorraine Bennison, Principal Registration and Members Services Officer
Jackie Payne, Senior Registration Officer
Tracy Rowe, Regeneration Officer
Angela Hunter, Principal Democratic Services Officer

17. Apologies for Absence

Apologies for absence were received from Councillors Bob Flintoff and Steve Gibbon.

18. Declarations of interest by Members

None.

19. Confirmation of the minutes of the meeting held on 4 October 2010

Confirmed.

20. Further Electoral Review of Hartlepool (*Chief Solicitor*)

The Principal Registration and Members' Services Officer presented a report which provided the background to the Further Electoral Review of Hartlepool. The draft submission on warding arrangements was also circulated for Members' information.

Clarification was sought on paragraph 1.14 of the submission which referred to the fact that the Commission was "minded" to recommend 33 councillors for Hartlepool but was not legally bound by that number in its' final recommendations". It was noted that the Commission had the option

to change this figure should they receive a submission that persuaded them otherwise. However, the Principal Registration and Members' Services Officer agreed to seek clarification from the Legal Services Manager and update Members accordingly.

Members highlighted the issue of single ward Member wards being included in new bigger wards that were represented by three Members. It was noted that the significant benefits this arrangement would bring to the electorate from having three elected Members representing them should be highlighted within the submission, including the benefits and support for Members through co-operative working with other ward Members irrespective of political parties as well as giving the electorate the opportunity to vote at the same time as all other wards in the town. In light of recent experiences with a Member representing a single Member ward being absent from their ward councillor duties due to long term illness, it was thought this was a key issue that should be included. It was suggested that reference to this should be included within section 5 of the submission as well as within the detail for each ward affected and further minor amendments were made to section 5.

Whilst noting the benefits of three Member wards it was acknowledged that each village had its own distinct community in its own right but including them into larger wards provided better electoral representation and greater opportunities to engage with elected Members.

The Commission had stipulated that no more than 35% of the total wards should be outside of the 10% tolerance level in the number of electorate by ward. Minor amendments to the numbers had been made to ensure this the total wards outside the 10% tolerance was under this figure and it was currently at 27%.

During the discussions that followed it was suggested that the boundary line between the proposed Heritage Ward and East Ward be moved south to where the residential area in East Ward commenced and to run across to Belle Vue Way. It was noted that this change would not affect residential property numbers and would be a more appropriate boundary line.

In relation to Jesmond Ward, it was noted that reference to Oakway Industrial Estate should be included as well as reference to all three schools included within the proposed ward which were Throston Primary, Springwell Special School and Jesmond Road Primary which was currently benefitting from a new build due to Primary Capital Funding. It was also suggested that more detailed reference should be made to the Avondale Centre as a community learning centre with no need to mention it being attached to Dyke House Secondary School.

A Member highlighted that within the proposed Warren Grange Ward reference was made to the Joseph Rowntree extra care village and the correct title was the Hartfields Older People's Village which was a joint

initiative between Hartlepool Borough Council, the National Health Service and the Joseph Rowntree Foundation.

It was suggested that reference to the Northern Lights Academy and the Space to Learn Centre should be included within the proposed De Bruce Ward. However, as there had been no background to the actual naming of all the other wards it was agreed that the history of the name De Bruce be removed from this section.

A Member pointed out that reference to St Mary Magdalene Church situated in Hart Village should be included within the proposed Warren Grange ward.

Due to the amount of detail included within the submission it was agreed that an additional meeting of the Electoral Review Working Group be scheduled to take place on 2 December 2010 at 4pm. It was hoped that a report and final submission could then be submitted to the General Purposes Committee on 6 December and on to Extraordinary Council for approval on 16 December 2010.

Decision

- (i) That the minor amendments noted above be included within the Council's submission in relation to the Further Electoral Review of Hartlepool.
- (ii) That an additional meeting of the Electoral Review Working Group be scheduled for Thursday 2 December 2010 at 4.00 pm.

21. Any Other Items which the Chairman Considers are Urgent

None.

The meeting concluded at 3.40 pm

CHAIR

GENERAL PURPOSES COMMITTEE

6 December 2010



Report of: Chief Solicitor

Subject: FURTHER ELECTORAL REVIEW OF HARTLEPOOL BOROUGH COUNCIL

1. PURPOSE OF REPORT

1.1 In a report dated 4th October 2010 the Committee was informed as to the receipt of correspondence through the Local Government Boundary Commission for England with their provisional recommendations as to “Council size”. To make Members generally aware of submissions received by the Commission and also to outline the ongoing process of this particular review.

2. COUNCIL SIZE CONSULTATION

2.1 As Members of the Committee will be aware the period from 20th July – 30th August, 2010, allowed submissions on “Council size” to be submitted to the Commission. In total some 12 submissions were received “*including substantial proposals from Hartlepool Borough Council and Mayor Drummond*”. The correspondence from the Commission dated 17th September, 2010 stated that the Commission is currently minded to recommend a Council size of 33 and that all submissions are available upon their website at www.lgbce.org.uk. This “mind to recommend” was reported to Council on 16th September, 2010. and it can be confirmed that this correspondence was also despatched to Members of the Borough Council. However, Members will note that the proposed 33 Members, relates to the presumption of a Council electing by thirds.

2.1 The submissions received by the Commission were from the following individuals/bodies;

- Hartlepool Borough Council
- Mayor Drummond
- Rift House Neighbourhood Action Plan Forum
- New Deal for Communities

- Councillor Geoff Lilley
- Michael Ward
- UKIP – Hartlepool Branch
- Seaton Councillors
- Rossmere Councillors
- Mel Dickson
- Elwick Parish Council
- Furness, Cameron and Belk Residents Association

- 2.2 It should be noted, that some submissions did not make any particular recommendation upon Council size whilst others recommended a reduction or retention of the existing number of Councillors. Of note (and as the Council is now in the process of the formal “Stage One” of the Electoral Review), one representation indicated a desire that the name of the Seaton Ward be renamed “Seaton Carew Ward”. It was also an indication from the Elwick Parish Council that their *“Members were adamant that the rural character of the ward must be maintained”*.

3. PROCESS OF THE REVIEW

- 3.1 To remind Members as to the process of the review following on from the preliminary period and the Council size consultation, the following is an outline (with dates) of the overall process of a review;

Stage One (28th September, 2010 – 20th December, 2010) - This will incorporate the initial consultation stage on electoral arrangements ie how many Councillors in a ward, where should ward boundaries be, the names of proposed wards and how recommendations would impact on the community. Of particular note, the proposed ward pattern must reflect community identity.

Stage Two (21st December, 2010 – 28th March, 2011)

This will cover the Commission’s deliberations and analysis of the “evidence based” representations received. This period can also incorporate further clarification being sought by the Commission on those submissions.

Stage Three (29th March, 2011 – 19th June, 2011)

This will entail the publication of the Commission’s draft recommendations and consultation thereon. Again, this will entail evidence based submissions in response to those draft recommendations. Again, commentary should reflect aspects of community identity and overall electoral equality and effective and convenient local government.

Stage Four (20th June, 2011 – 27th September, 2011)

This will cover the period of the Commissions consideration of representations on the draft recommendations and publication of their final recommendations. Those final recommendations thereafter need to proceed before Parliament, who are unable to modify recommendations. Therefore they can only be accepted or rejected. It is the Commission's intention to complete their review no later than the end of September, 2011 to ensure the implementation of elections in 2012.

4. STATUTORY CRITERIA

4.1 Although mentioned above, Schedule 2 to the Local Democracy, Economic Development and Construction Act, 2009 requires the Commission to have regard to the following criteria;

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

4.2 Further, the Commission must have regard to the desirability of securing the appropriate number of Councillors in each Ward of a District/Borough Council which elects by halves or by thirds. In addition, the Commission must take into account any changes to the number and distribution of electors that is likely to take place from the end of the review to a period covering the next 5 years. For the purpose of this report, Members are again reminded of those protections as provided in a report to General Purposes Committee dated 23rd August, 2010, as provided below;

Name of unitary ward	Number of cllrs per ward	Electorate 2010	Variance 2010	Electorate 2016	Variance 2016
Brus	3	4,801	8%	4,916	8%
Burn Valley	3	4,167	-6%	4,098	-10%
Dyke House	3	3,464	-22%	3,257	-20%
Elwick	1	1,683	14%	2,657	75%
Fens	3	4,070	-8%	4,022	-12%
Foggy Furze	3	3,850	-13%	3,939	-14%
Grange	3	4,112	-7%	4,074	-11%
Greatham	1	1,713	16%	1,677	10%
Hart	3	5,148	16%	5,445	20%
Owton	3	4,081	-8%	4,026	-12%
Park	3	4,636	5%	4,697	3%
Rift House	3	4,630	4%	4,678	3%
Rossmere	3	4,734	7%	4,759	4%
Saint Hilda	3	4,312	-3%	4,246	-7%
Seaton	3	5,253	19%	5,123	12%
Stranton	3	3,996	-10%	5,076	11%
Throston	3	4,766	8%	4,681	3%

4.3 Members are also reminded that the Commission can make the following recommendations for local authority electoral arrangements;

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

4.4 The Commission are also obliged to make recommendations for changes to electoral arrangements of existing parishes represented by Parish Councils within the local authority under review, where the same are directly consequential to their recommendations for changes to district wards. The Commission cannot make recommendations for changes to the external boundaries between local authorities or Parishes or consider the creation of new Parish areas. Equally, the Commission cannot make recommendations for changes as part of the electoral review to the external boundaries between local authorities or Parishes or consider the creation of new Parish areas. Although they have powers to initiate reviews of external boundaries under the Local Government and Public Involvement in Health Act, 2007, they cannot alter during an electoral review. Similarly, the Commission cannot make recommendations for changes to how often local authorities hold elections (the electoral cycle) although under the 2007 Act, local authorities can resolve to effect changes to their own electoral cycle. There is also the presumption that authorities that elect by thirds should return three Councillors from each ward. It should also be noted, that this presumption can also relate to a number divisible by three. However, this presumption needs to be considered against the statutory criteria and consequently is open to the Commission not to *“recommend uniform patterns for the number of Councillors per ward...if, in our view or shown in evidence provided to us, may result in unacceptable levels of electoral inequality, does not reflect communities or hinders the provision of effective and convenient local government.”*

4.5 The Working Party as part of the “Stage One” process has considered, the appropriate electoral arrangements which should operate within the Borough, taking into account the Commission’s ‘minded to recommend’ Council size of 33. The attached submission is an updated draft, following the meeting of General Purposes Committee on 26 November, for the committee’s further consideration and comment.

5. RECOMMENDATION

To note and comment upon the updated draft submission on warding arrangements.

6. CONTACT OFFICER

Peter Devlin, Chief Solicitor

GENERAL PURPOSES COMMITTEE

6 December 2010



Report of: Chief Customer & Workforce Services Officer

Subject: TRAINING FOR GENERAL PURPOSES (APPEALS & STAFFING) COMMITTEE

1. PURPOSE OF REPORT

1.1 In August, the General Purposes Committee agreed a programme of training to clarify for Committee Members the relevant workforce policies and procedures and the duties of Elected Members in relation to appeals and associated matters. This report confirms the training provided and seeks guidance on any further training requirements.

2. BACKGROUND

2.1 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.

2.2 The aims and objectives of the sessions were 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; and
- highlight where further training may be required.

2.3 It was recognised that a balance in content would be needed to reflect the various levels of knowledge and experience of individual members and to achieve a reasonable level of understanding and confidence at the end of the session.

3. **TRAINING DELIVERED**

3.1 A programme of sessions was agreed and delivered between September and November as follows:

SESSION 1 **Final Stage Grievance**
Thursday 23 September 2010, 4.00 – 5.00pm
Committee Room A
6 Members attended

- Final stage grievance
- Grievance procedure
- Roles and responsibilities at General Purposes – who does what
- Deliberations and the internal/external implications
- Officer advice and guidance
- How to ask the right question in the right way

SESSION 2 **Employee Pension Arrangements**
Tuesday 26 October 2010, 4.00 – 5.00pm
Committee Room A
5 Members attended

- Discretionary release of deferred benefits
 - Pension regulations explained
 - How costs are calculated
 - Process developed by last Committee
 - Financial implications
 - Examples
- Release of pension benefits for those covered by Officer Employment Rules (CEX/Cos)
 - Pension regulations explained
 - How costs are calculated and presented,
 - Internal processes for inviting/receiving applications
 - Financial implications
 - Links to redundancy
 - Examples
- Delegation of decisions to Chief Customer & Workforce Services Officer with agreement of Chief Finance Officer and relevant Director
 - How costs are calculated and presented
 - Internal process for inviting/receiving applications,
 - Links to redundancy
 - Examples

SESSION 3 **Appeals Against Dismissal**
Monday 15 November 2010, 4.00 – 5.00pm
Committee Room A
7 Members attended

- Power to consider and determine Appeals against dismissal
- Disciplinary procedure
- Roles and responsibilities at General Purposes – who does what
- Hearing preparation and process on the day
- Your deliberations and the internal/external implications
- Advice and guidance

4. NEXT STEPS

4.1 It is proposed to undertake an evaluation of the sessions delivered. Informal comments at the end of each session indicated that the stated aims and objectives were satisfied. A more structured evaluation process is recommended in two stages:

- a workshop type session to review case studies and enable Members to comment on their likely responses and reflect in light of a range of reasonable responses. Due to pressures on the Workforce Services Team during December and January it is unlikely that this session could take place until February 2011.
- A questionnaire which could be undertaken immediately.

This evaluation will help identify whether there is a need for further and / or more detailed training.

4.2 Information was provided before and during the sessions in the form of pre-reading materials, presentation slides and handouts on the day to supplement the presentation. It is proposed to make all the materials available to all Elected Members.

4.3 Some members of General Purposes did not attend the training sessions and guidance is needed as to how any on-going training needs they may have might be met.

4.4 The original training proposal included other aspects of General Purposes (Appeals & Staffing) Committee's responsibility (listed below) and guidance is needed as to whether those areas need to be addressed and if so, when and how.

- Disputes arising from staffing reviews / re-structures
- Appeals against grading
- Corporate complaints procedure and role of Portfolio Holders and General Purposes.
- 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.

5. RECOMMENDATION

The Committee are requested to note the report and identify next steps.

6. CONTACT OFFICER

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