

# GENERAL PURPOSES COMMITTEE AGENDA



**Monday 5 September 2011**

**at 2.00 pm**

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

**MEMBERS: GENERAL PURPOSES COMMITTEE:**

Councillors Aiken, C Akers-Belcher, S Akers-Belcher, Cook, James, Lawton, Simmons, Thomas 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 June 2011.
  - 3.2 To confirm the minutes of the meeting held on 4 July 2011.
- 4. ITEMS REQUIRING DECISION**
  - 4.1 Business Report – *Democratic Services Team Manager*
  - 4.2 Review of Polling Districts and Polling Places – *Legal Services Manager*

# GENERAL PURPOSES COMMITTEE

## MINUTES AND DECISION RECORD

16 June 2011

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

**Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Christopher Akers-Belcher, Stephen Thomas and Ray Wells

In accordance with Council Procedure Rule 4.2 (ii), Councillor Marjorie James was in attendance as substitute for Councillor Stephen Akers-Belcher and Councillor Sarah Maness was in attendance as substitute for Councillor Chris Simmons.

Officers: Joanne Machers, Chief Customer and Workforce Services Officer  
Peter Devlin, Chief Solicitor  
Alyson Carman, Legal Services Manager  
Lorraine Bennison, Principal Registration and Members' Services Officer  
Angela Armstrong, Principal Democratic Services Officer

### 1. Apologies for Absence

Apologies for absence were received from Councillors Stephen Akers-Belcher, Steve Gibbon, Patricia Lawton and Chris Simmons.

The Chair informed Members that Councillor Steve Gibbon had resigned from the General Purposes Committee and the resulting vacancy would be submitted to the next meeting of Council for the consideration of any nominations received.

### 2. Declarations of interest by Members

None.

### 3. Business Report (*Democratic Services Team Manager*)

The report provided Members with an update of a number of issues raised by Members of the Committee during the previous municipal year and sought consideration of the implementation of a training programme for Committee Members as well as the scheduling of General Purposes (Appeals and Staffing) Committees.

### **Training Programme**

Attached as Appendix 1 was a programme of the training delivered to General Purposes Committee Members during 2010/11 which covered relevant workforce policies and procedures and the duties of Elected Members in relation to appeals and associated matters. A discussion ensued during which it was suggested that it would be beneficial for the training to be made available to all Members to ensure that any Members attending as a substitute had undertaken the appropriate training.

In relation to the timetabling of the training programme, it was suggested that an additional hour at the beginning of future General Purposes Committees may be appropriate to cover individual elements of the training.

A Member suggested that the training should incorporate an update on equality and human rights issues.

### **Scheduling of General Purposes (Appeals and Staffing) Committees**

Towards the end of 2010/11 and in view of the potential number of appeals that may have been submitted, a schedule of the above Committees to consider appeals was agreed in advance. Members felt that this system worked well and suggested that a similar approach be undertaken for the 2011/12 municipal year. It was agreed that the Chair and Vice Chair would agree a programme of dates and these dates would be made available to all Members of the Committee and any permanent substitutes appointed to ascertain their availability for each meeting.

### **General Purposes (Appeals and Staffing) Committee – meeting procedure**

Members had previously raised concerns that the meeting procedure for the above Committee had little flexibility to allow further questions and clarification. The Chief Customer and Workforce Services Officer confirmed that the meeting procedure was circulated to all parties as part of the agenda documentation in advance of the meetings and had been designed to follow the rules of natural justice and ensure that all parties were able to present their case equally and fairly.

It was highlighted that the current meeting procedure did include a section during the deliberations that provided for all parties to be invited to return to the meeting to enable clarification to be sought. However, Members were concerned that waiting until the end of the meeting may result in concerns or issues being missed and suggested that where it was felt appropriate, the Chairman would have the discretion to allow further questions or clarification to be sought during the meeting.

### **Timescales of Redundancy Appeals**

Members had previously raised concerns over hearing appeals against redundancy dismissal once the employee had left the authority and the decision making options available to Members. The Chief Customer and Workforce Services Officers outlined a number of issues that may affect the scheduling of appeal hearings, in particular, that employees may only have four weeks notice and it would be very difficult to arrange an appeal hearing within that timescale. In addition to this, a reasonable amount of time should be allowed to enable the Appellant and Management to prepare their documentation for the appeal.

A lengthy discussion ensued during which Members noted that the scheduling of the appeals Committees should enable the processing of appeals to be more timely and effective. It was suggested that where any appeals were held beyond the appellant's redundancy notice, a report should be submitted to the General Purposes Committee explaining why.

In response to a question from a Member, the Chief Customer and Workforce Services Officer confirmed that there was provision within the Council's policy for a dismissed employee to be re-engaged as the result of an appeal, if that was deemed the appropriate way forward for that case. The route for that decision would be from the General Purposes (Appeals and Staffing) Committee requesting a review of the decision to dismiss the employee. The result of the review would then be reported back to the original decision maker. Their decision would then be forwarded to the Appeals and Staffing Committee who had requested the review. However, it was highlighted redundancies were implemented as a result of that particular area of work either not being required or undertaken in a different way and therefore generating a saving. Once Council had withdrawn the budget for a post as a result of the proposed saving, it would be difficult to bring the employee back to that post.

Members raised some concerns at advice given at previous General Purposes (Appeals and Staffing) Committees and the Chief Customer and Workforce Services Officer suggested that these individual concerns could be discussed at a separate meeting should Members wish.

Clarification was sought on the time allowed for appeals depending on the number of witnesses to be called. The Chief Customer and Workforce Services Officer confirmed that it was very rare for more than two or three witnesses to be called, but in view of recent experience, notification of witnesses attending would be required to enable a judgement to be made on the approximate duration of the meeting. Members suggested that a deadline be implemented for the notification of any witnesses attending an appeal hearing.

A discussion ensued on the representatives that were allowed to attend meetings with the appellants. The Chief Customer and Workforce Services Officer confirmed that the Council's policy stated that either a

colleague of the person on notice or trade union representative was able to attend the meeting with the employee/appellant. This was in line with ACAS recommendations. Members felt strongly that this should be applied throughout the informal appeals process as well as the formal hearing at a Committee to avoid any confusion.

In addition to this, it was suggested that should any issues of this nature arise in the future prior to the commencement of the Committee, the HR Business Partner should deal with them outside of the formal Committee meeting whilst keeping the Chair informed.

### **Redundancy Selection Criteria**

Members had sought clarification on the Council's policy for bereavement/carer's leave and the use of appraisal/sickness records in the redundancy selection criteria. The Chief Customer and Workforce Services Officer confirmed that any carer's or maternity leave was not included in the selection criteria. However, sickness absence records were available and could be taken into account should it be necessary. Members had concerns that the policy for bereavement/carer's leave may not be implemented consistently across the authority. In response to a question from a Member, the Chief Customer and Workforce Services Officer confirmed that any sickness connected with an employee's disability was discounted from the selection criteria.

In conclusion the Chief Customer and Workforce Services Officer confirmed that a number of issues raised would be picked up as part of the training programme and some of the procedural issues could be implemented. However, any policy related changes would need to be processed through the formal consultation arrangements in place.

### **Decision**

- (i) That a similar training programme to that held last year be undertaken, to include equality and human rights issues likely to affect General Purposes (Appeals and Staffing) Committee decisions.
- (ii) That all Members be invited to participate in the training programme and that each training session to be scheduled an hour prior to the commencement of a General Purposes Committee.
- (iii) That the Chair and Vice Chair together with Democratic Services, agree a schedule of dates for General Purposes (Appeals and Staffing) Committees. The schedule to be given to Members of the Committee and any permanent substitute Members to ascertain their availability against the schedule of dates.
- (iv) That during General Purposes (Appeals and Staffing) Committees, the Chair to have the discretion to enable further questions to be asked or clarification to be sought from all parties, during the meeting as deemed necessary and relevant.

- (v) That the Chief Customer and Workforce Services Officer to implement a deadline for notification of the attendance of witnesses at General Purposes (Appeals and Staffing) Committees to enable a more efficient and effective timetabling of the Committees to take place.
- (vi) That wherever possible, the HR Business Advisor to resolve any procedural issues that they were made aware of, that may cause difficulties to the proceedings, prior to the commencement of the Committee.
- (vii) That where an appeal against redundancy was held after the employee had left the authority, a report stating the reasons why the appeal could not be heard prior to the employee leaving the authority be submitted to the General Purposes Committee.
- (viii) That the Council's policy which states that either a colleague or trade union representative may attend meetings as a representative with employees/appellants throughout the informal and formal appeal process be reinforced across the Authority.

#### **4. Confirmation of the minutes of the meeting held on 18 April 2011**

Confirmed.

#### **5. Financial Implications of General Purposes Decisions** (*Chief Customer and Workforce Services Officer*)

At the meeting of General Purposes (Appeals and Staffing) Committee which was held on 19 May 2011, a request for payment of deferred pension benefits was submitted. It was reported that as there was no provision within the Departmental budget for costs associated with General Purposes Committee decisions. As such guidance was provided in the report from the Section 151 Officer and Chief Solicitor to indicate that any costs incurred as a result of a General Purposes Committee decision would be either funded from the relevant department's current year's outturn if resources were available. If this was not possible, Council approval would be required to allocate resources from General Fund balances as this would be a departure from the budget and policy framework.

Members noted that there had never been any provision within departmental budgets for these costs. Members were concerned that any decisions taken as a departure from the budget and policy framework would need to be taken by Council which may result in a delay of up to eight weeks for a decision. It was suggested that this matter be examined by Constitution Committee to allow some flexibility in allocating costs associated with General Purposes Committee's decisions to the department at the end of the year. Should sufficient resources not be available within the departmental outturn, this information would be reported to Council for consideration and possible allocation from the

General Fund balances.

The Chief Customer and Workforce Services Officer indicated that an alternative to submitting reports to Council each and every time a decision was made, would be to anticipate where any underspends in departmental budgets may be identified. If there was not sufficient resources available within the departmental outturn report, a report would be submitted to Council to enable sufficient resources to be identified from within the General Fund balances. This would not delay the enactment of any decisions taken by the Committee.

It was highlighted that this change in working practice had been the result of departments becoming more and more prudent in view of continuing budget constraints. In addition, the Section 151 Officer was being more conscious of controlling expenditure of the Council.

### **Decision**

That the process for dealing with expenditure resulting from decisions of General Purposes (Appeals and Staffing) Committee be confirmed as follows:

- (i) That any costs resulting from decisions taken by the General Purposes (Appeals and Staffing) Committee be funded through underspends anticipated in the appropriate Departmental outturn report wherever possible.
- (ii) Where no underspend was available, a report be submitted to Council to enable resources to be identified from within General Fund Balances as a departure from the budget and policy framework.

## **6. Reviewing the Arrangements to Manage the Staffing Implications of the 2010/11 Budget** *(Chief Customer and Workforce Services Officer)*

The preparation for the 2010/11 budget resulted in a complex and wide-ranging set of proposals across all departments and various locations across Hartlepool. This was the first time all departments of the organisation had been required to respond so quickly and to such an extent and with such a huge impact on employees.

A review of the process was being undertaken to look constructively at what worked well, added no value or might need to be developed further. A range of officers, Members and trade union representatives will be consulted during June with a view to developing recommendations and an action plan. Attached at Appendix 1 was a template to systematically record the views of the General Purposes Committee.

It was noted that a number of issues had been discussed under separate

headings of this meeting and these issues would be taken forward as part of the consultation. However, if Members had any issues they wished to speak to the Chief Customer and Services Officer outside of the meeting, they were invited to do so.

### **Decision**

Members comments during earlier items on the agenda were noted.

## **7. Review of Polling Districts and Polling Places** (*Legal Services Manager*)

The report invited the Committee to embark upon a review of polling districts, polling places and polling stations and to determine a strategy and timetable for the review. A proposed timetable was included within the report.

Members had concerns at the proposed timetable in view of the fact that the outcome of the electoral review would not be confirmed until early 2012. The Principal Registration and Members' Services Officer indicated that these concerns had been forwarded to the Electoral Commission, however, the review still had to be undertaken.

Members discussed the importance of ensuring all polling stations were as accessible as possible and it was suggested that a Working Group of the Committee be formed to include the whole membership of the Committee to discuss this review in more detail.

### **Decision**

- (i) The timetable as set out within the report was approved.
- (ii) A Working Group comprising the whole membership of the Committee be created to examine this issue in detail with the first meeting on Monday 27 June 2010 at 2.30 pm.
- (iii) The Chief Solicitor was authorised to take any necessary action to implement the review and the necessary consultations.

The meeting concluded at 4.33 pm

CHAIR



# GENERAL PURPOSES COMMITTEE

## MINUTES AND DECISION RECORD

4 July 2011

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

### Present:

Councillor: Rob Cook (In the Chair)

Councillors: Stephen Akers-Belcher, Patricia Lawton, Chris Simmons,  
Stephen Thomas and Ray Wells.

In accordance with Council Procedure Rule 4.2 (ii), Councillor Marjorie James was in attendance as substitute for Councillor Christopher Akers-Belcher.

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

### 8. Apologies for Absence

Apologies for absence were received from Christopher Akers-Belcher.

### 9. Declarations of interest by Members

Councillor Stephen Thomas declared a prejudicial interest in minute 10 and indicated he would leave the meeting at the appropriate point. There were no further declarations of interest at this point in the meeting.

### 10. Appointment of Local Authority Representatives to serve on School Governing Bodies *(Director of Child and Adult Services)*

The Governor Support Officer updated Members in respect of vacancies that currently existed for Local Authority (LA) representative governors, and to request Members to make recommendations to the Children's Services Portfolio Holder in respect of the appointment of Local Authority representative governors to serve on school governing bodies. A schedule set out at as Appendix 1 to the report gave details of vacancies which currently existed for LA representative governors, together with applications received in respect of the vacancies. The applications were included by way of confidential appendix to the report. **This appendix contained exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information)(Variation) Order 2006) namely, information**

**relating to any individual (para 1).**

Members considered the schedule of vacancies. A discussion ensued on the need for Members to declare an interest when participating in the Committee whilst also being nominated as a Local Authority Governor. In light of the discussions, Councillor Marjorie James declared a prejudicial interest and left the meeting during the consideration of her application.

During the consideration of the applications submitted, Councillor Patricia Lawton expressed an interest in the vacant position on St Teresa's RC Primary School and Councillor Stephen Akers-Belcher expressed an interest in the vacant position at Grange Primary School. Both Councillors declared a prejudicial interest and left the meeting during the consideration of their applications. In addition, Councillor Stephen Thomas left the meeting during the consideration of his application in view of his earlier declaration of interest.

All the applications received were supported with the exception of the application for Seaton Carew Nursery School.

In relation to Seaton Carew Nursery School, it was noted that Councillor Geoff Lilley had applied to continue as a LA governor as his current term of office had expired on 2 July 2011. Members recalled that two nominations had previously been received from Councillors Paul Thompson and Hilary Thompson for a position of LA Governor at Seaton Carew Nursery School. The Committee had subsequently recommended Councillor Paul Thompson to be appointed to the vacant position. However, the Children's Services Portfolio Holder had over ruled this recommendation at the meeting on 22 February 2011 and approved Councillor Hilary Thompson for the position. This decision was subject to a Call-in which had been considered by Scrutiny Co-ordinating Committee on 11 March 2011 and 7 April 2011 and was ongoing.

Members of the Committee considered that, including the above, there had been three nominations received for two Local Authority governor positions at Seaton Carew Nursery School. Members suggested that in view of the applications received, Councillor Paul Thompson, as a current Seaton Ward Councillor, should be recommended for one of the vacancies and this should be forwarded to the Portfolio Holder for consideration. In relation to the remaining vacant position at Seaton Carew Nursery School, it was suggested that both nominations received from Councillors Geoff Lilley and Hilary Thompson be submitted to the Portfolio Holder for decision.

It was noted that all applications supported were subject the appropriate documentation and CRB check being complete.

A discussion followed on exactly what an enhanced CRB checked covered and if separate checks were required depending on whether it was required for working with children or adults. The Governor Support Officer

indicated she would obtain clarification from Human Resources in respect of this.

The Governor Support Officer informed Members that correspondence had just been received which provided an outline of the implications of the proposed Education Bill, in relation to new flexibility on the composition of governing bodies. The new arrangements indicated that the appointment of school governors will be more skill based with governing bodies being able to veto local authority representatives if they did not feel they brought the required skills. Members were informed that when more detailed information was available, a further report would be submitted to the Committee.

### **Decision**

That the Children's Services Portfolio Holder be advised that this Committee's recommendations on the applications received as follows: -

1. That Councillor Paul Thompson's application be recommended for one of the vacancies at Seaton Carew Nursery School and that the applications from Councillors Geoff Lilley and Hilary Thompson be submitted to the Portfolio Holder for consideration for the remaining vacancy.
2. That all the remaining applications for vacancies received should be recommended with the addition of Councillor Stephen Akers-Belcher to Grange Primary School and Councillor Patricia Lawton to St Teresa's RC Primary School.
3. That the Governor Support Officer to obtain clarification on whether an enhanced CRB check would cover both children and adults and to forward this information to Members of the Committee.
4. Members noted the information provided on the Education Bill and that further reports would be submitted when more detail was available.

## **11. Confirmation of the minutes of the meeting held on 16 June 2011**

Due to the unavailability of the minutes, they were deferred to the next meeting.

## **12. Any Other Items which the Chairman Considers are Urgent**

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

## **13. Any Other Business – Training Programme for General Purposes Committee Members**

Members discussed the training programme to be provided for Members as considered at General Purposes Committee on 16 June 2011 and were disappointed that a training programme had not been provided to date. A discussion ensued on the timing of the training and it was confirmed that Members would prefer each training session to commence 1 hour prior to the commencement of each meeting of the General Purposes Committee.

It was requested that the Principal Democratic Services Officer liaise with the Chief Customer and Workforce Services Officer to determine a schedule of training.

### **Decision**

That the Principal Democratic Services Officer liaise with the Chief Customer and Workforce Services Officer to determine a schedule of training for Members of the General Purposes Committee, which would also be made available to all Members of the Council.

The meeting concluded at 2.52 pm

CHAIR

# GENERAL PURPOSES COMMITTEE

5 September 2011



**Report of:** Democratic Services Team Manager

**Subject:** Business Report

## 1. GENERAL PURPOSES COMMITTEE – MEMBER TRAINING

At the meeting of the General Purposes Committee on 4 July 2011 (minute 13 refers), Members requested that a schedule of four training sessions be identified with all Members of the Council invited to examine a range of issues affecting General Purposes Committee and its decision making.

The Chief Customer and Workforce Services Officer, Democratic Services Team Manager and Chair of the Committee have provisionally identified the following dates. Once the dates have been agreed a detailed programme of training will be circulated.

The first training session will take place prior to this meeting on 5 September 2011 at 1.00 pm with all Members of the Council invited and will look at Equalities. The following is a list of proposed dates, from which it is suggested that Members identify the three remaining training sessions, all to commence at 4.30 pm unless otherwise indicated.

20 September	7 November (1.00 pm)
27 September	10 November
	14 November
3 October	16 November
4 October	22 November
10 October	23 November
17 October	28 November
31 October	29 November
	30 November

## RECOMMENDATION

That Members identify a further three training sessions for all Members of the Council to be invited, to examine a range of issues affecting General Purposes Committee and its decision making.

# GENERAL PURPOSES COMMITTEE

5<sup>th</sup> September 2011



**Report of:** Legal Services Manager

**Subject:** REVIEW OF POLLING DISTRICTS AND POLLING PLACES

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## 1. PURPOSE OF REPORT

To invite the Committee to receive feedback from the General Purposes Working Group on the review of polling districts, polling places and polling stations and to take account of the revised timetable.

## 2. BACKGROUND

The Electoral Administration Act 2006 (EAA 2006) introduced a duty for all polling districts and polling places to be reviewed by the end of 2007 and at least every 4 years thereafter.

At previous meetings of General Purposes Committee on 18 April and 16 June 2011, reports on the review of polling districts, polling places and polling stations were considered and a Working Group formed to consider the most suitable approach and agree a timetable to meet the requirements of the EAA 2006.

## 3. WORKING GROUP PROPOSALS

In reaching its proposals, the Working Group took account of:

- current polling districts/stations/places
- feedback from 2010 elections
- electoral review of Hartlepool and the draft recommendations

As legislation states that the review be based on UK Parliamentary polling districts and polling places, consideration was given to guidance contained in the Electoral Commission's documents EC34/2007 and EC19/2010. In addition, notice was taken of advice provided to Electoral Registration Officers where there was the potential for boundary changes. As a result,

the Hartlepool Parliamentary boundary was divided into 'building blocks' of smaller polling districts that could be reassembled into the correct areas for all types of elections.

#### 4. PROPOSED REVISED TIMETABLE

As the final recommendations of the current Electoral Review would not be known until the autumn, the Working Group felt it appropriate to include within their considerations, the draft recommendations from the LGBCE and the requirements of the Electoral Register.

A revised timetable reflecting the above considerations would therefore be::

<u>2011</u>	<u>Event</u>
16 June	Meeting of General Purposes Committee to approve timetabling and formation of working group.
27 June	Meeting of General Purposes Working Group – preliminary proposals
26 July	Meeting of General Purposes Working Group – preliminary proposals
5 September	Meeting of General Purposes Working Group – preliminary proposals
5 September	Meeting of General Purposes Committee to consider Working Group proposals and revised timetable
9 September	Returning Officer report on proposals
12 September	Public consultation / scrutiny commences
2 December	Public consultation concludes
5 December	Meeting of General Purposes Committee – final proposals
8 December	Council meeting

#### 5. RECOMMENDATIONS

That the Committee:

- (a) consider the feedback from the Working Group
- (b) consider the revised timetable for the review, and
- (c) authorise the Chief Solicitor to take any necessary action to implement the review, and the necessary consultations