

# GENERAL PURPOSES COMMITTEE AGENDA



**Monday 25 June 2012**

**at 2.00 p.m.**

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

**MEMBERS: GENERAL PURPOSES COMMITTEE:**

Councillors C Akers-Belcher, Cook, Fisher, James, G Lilley, Richardson, Simmons, Sirs and Wells.

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**
  - 3.1 To confirm the minutes of the meeting held on 16 April 2012
- 4. ITEMS REQUIRING DECISION**
  - 4.1 Models of Senior Officer Management Structure – Options for Assessment - *Corporate Management Team*
  - 4.2 Models of Senior Officer Structure - *Corporate Management Team*
  - 4.3 Recruitment Process – *Acting Chief Executive*
  - 4.4 Member Training – *Acting Chief Executive*
  - 4.5 Borough Council Elections 2012 – St Aidan's Church of England Memorial Primary School Polling Station – *Chief Solicitor (to follow)*
  - 4.6 Appointment of Local Authority Representatives to Serve on School Governing Bodies - *Director of Child and Adult Services*
- 5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

## **GENERAL PURPOSES COMMITTEE**

### **MINUTES AND DECISION RECORD**

16 April 2012

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

**Present:**

Councillor: Christopher Akers-Belcher (In the Chair)

Councillors: Stephen Akers-Belcher, Marjorie James, Trisha Lawton, Brenda Loynes, Chris Simmons and Ray Wells.

Officers: Joanne Machers, Chief Customer and Workforce Services Officer  
Peter Devlin, Chief Solicitor  
Ann Turner, Governor Support Officer  
Derek Gouldburn, Governor Support Officer  
Angela Armstrong, Principal Democratic Services Officer

#### **51. Apologies for Absence**

Apologies for absence were received from Councillor Rob Cook.

#### **52. Declarations of interest by Members**

Councillor Chris Simmons declared a personal interest in minute 55.

#### **53. Confirmation of the minutes of the meeting held on 5 March 2012**

Confirmed.

#### **54. Appeals to General Purposes (Appeals and Staffing) Committee** *(Chief Customer and Workforce Services Officer, Chief Solicitor and Chief Finance Officer)*

The Chief Solicitor presented a report which provided the background to Members concerns in relation to the scheduling of appeals against redundancy dismissal being heard after the appellant had left the Council's employment or too close to the dismissal date. At the meeting of the General Purposes Committee on 5 March 2012, Members decided that in cases where appeals against redundancy dismissal could not be scheduled prior to the termination date of the employee, their employment should be extended for two weeks, with the option of extending a further

two weeks, if necessary to enable the appeal to be heard. This would be subject to the employee not being the reason for the delay.

In relation to minute 47 of the General Purposes Committee's decision record from 5 March 2012, the Chief Solicitor advised that the General Purposes Committee had no power to extend the contract of employment for an individual employee in the manner discussed and agreed on 5 March 2012. The Chief Finance Officer also had concerns regarding the potential additional costs outside the approved budget and policy framework. It was suggested that each appeal should be considered on a case by case basis and where it was considered necessary, the Committee should request the relevant Human Resources Officer attending the 'appeal' to consult with the Acting Chief Executive (if necessary in consultation with the Chief Solicitor and/or the Section 151 Officer) to enable an extension of an individual's contract where the determination of the Committee was not available until after the employee's termination date.

Members reiterated the importance of ensuring all appeals were heard in advance of the termination date to ensure a fair and effective process was in place. In addition to this, Members were concerned that if an appeal was heard after the employee's termination date, it would limit the Committee's options of decision making in relation to reinstatement or re-engagement. In view of this, it was suggested by Members that a Council policy be drafted to ensure that no employees would be made redundant prior to the internal appeal mechanism being exhausted. The Chief Solicitor confirmed that the creation of such a policy could be initiated to be considered through a further report to the General Purposes Committee.

A Member requested an update on an appeal heard for four individual officers on a group basis during 2011/12. The Chief Customer and Workforce Services Officer confirmed that one employee had already been made redundant prior to the appeal hearing due to a shorter notice period and the other three had continued with their employment as a result of the General Purposes (Appeals and Staffing) Committee's decision to uphold the appeal against redundancy. A Member subsequently commented that it was widely known that the four individuals had not returned to work for the Council and had been offered compromise agreements at a significant cost to the Council.

Members emphasised the need to have sufficient safeguards in place to ensure employees continued to have confidence in the appeal system. The Chief Solicitor confirmed that a Council policy should protect employees whilst ensuring that practices and procedures had been followed in line with the appropriate guidance. It was noted that there was already a process in place to extend employment with an element of discretion for the Chief Officer involved.

A Member sought clarification on whether Counsel's opinion had been

sought on the potential of extending contracts of employment. The Chief Solicitor indicated that Counsel's opinion had only been sought for a specific issue around reinstatement/re-engagement of an employee submitting an appeal against dismissal, which occurred sometime previously (circa Spring 2010) .

A discussion ensued on the most appropriate way to instigate and develop a policy in relation to the scheduling of redundancy dismissals. It was suggested that a Joint meeting of the Constitution Committee and General Purposes Committee be held early in the new municipal year with an invitation to the meeting extended to the Portfolio Holder responsible for workforce matters.

In addition, a report outlining the number of tribunals cases (dealing with the consequences of redundancies) which the local authority had been involved in over the last 3 years be submitted to a subsequent meeting. It was indicated that the Employment Tribunal did produce statistical information on the categories of applications it had received and this information could also be submitted within such a report. It might also be of benefit if information could be supplied from neighbouring local authorities for comparative purposes if this was available.

### **Decision**

- (i) In relation to appeals against redundancy dismissal and in the event that the determination of the General (Appeals and Staffing) Committee was not available until after the employee's termination date, the Committee should request the relevant Human Resources Officer to consult with the Acting Chief Executive (in consultation with the Chief Solicitor and/or Section 151 Officer where necessary) to facilitate extending the appellant's contract until a decision was made.
- (ii) That a joint meeting of General Purposes Committee and Constitution Committee be held early in the new municipal year with an invitation extended to the Portfolio Holder responsible for workforce matters to consider the implementation of a Council policy in relation to the scheduling of redundancy appeals. This report be moved for full Council approval/consideration at the earliest opportunity.
- (iii) The Chief Customer and Workforce Services Officer do submit a report outlining the number of tribunals the local authority had been involved in over the last 3 years (relating to redundancy) including which category of appeal, the outcome and associated costs with each tribunal including comparative information from neighbouring local authorities if this was available.

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

The report provided Members with an update in respect of the current vacancies existing for Local Authority representative governors serving on school governing bodies and where interest had been expressed in the vacancies. Members were requested to consider the report and make recommendations to the Children's Services Portfolio Holder in respect of the appointments to school governing bodies.

A discussion ensued on the merits of the General Purposes Committee forwarding recommendations to the Portfolio Holder. 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 each of the vacancies across the governing bodies with the exception of Seaton Carew Nursery School which was deferred to a future meeting of the Committee for further consideration.

**Decision**

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

- (i) That the vacancy at Seaton Carew Nursery School be deferred to a future meeting of the General Purposes Committee for further consideration.
- (ii) That all the remaining applications received for the vacancies contained within the confidential schedule should be recommended for approval, with the approval for the application from Councillor Ann Marshall subject to the receipt of a completed form.

**56. Any Other Items which the Chairman Considers are Urgent**

None.

The meeting concluded at 2.47 pm

CHAIR

# GENERAL PURPOSES COMMITTEE

25<sup>th</sup> June 2012



**Report of:** Corporate Management Team

**Subject:** MODELS OF SENIOR MANAGEMENT OFFICER  
STRUCTURE – OPTIONS FOR ASSESSMENT

## 1. PURPOSE OF REPORT

- 1.1 To set out options for Members consideration in respect of the future Tier 1 management of the Authority.

## 2. BACKGROUND

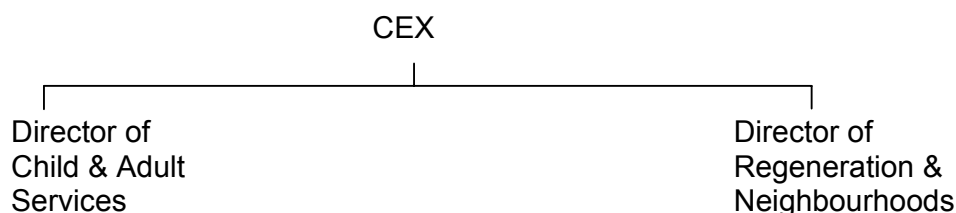
- 2.1 The post of Chief Executive became vacant in August 2011 as a result of the postholder retiring. Members subsequently agreed to make a temporary appointment so that full consideration could be given to the options available to the Council.
- 2.2 The Director of Child & Adult Services was appointed as the Acting Chief Executive. The temporary appointment was offered on the basis of it lasting until a permanent appointment of Chief Executive was made or alternative implemented and was expected to last until 31 March 2012. The arrangements were extended until 30 June 2012 as reported to Council on 12<sup>th</sup> April 2012 and a further extension, until full consideration of the options available are completed and a permanent appointment or alternative implemented, has been proposed to Cabinet at its meeting earlier today. Cabinet Members have also been briefed on this report.
- 2.3 Backfill arrangements were also agreed within the Child & Adult Services Department to provide necessary cover of statutory responsibilities in the absence of the Director and provide sufficient capacity to ensure service delivery. For clarity no increments are to be paid. The payments are also not pensionable. These arrangements are a departure from the Council's normal employment arrangements and reflect the specific arrangements of these temporary arrangements.
- 2.4 As reported to Council in October these arrangements delivered a saving in 2011/12 of £76,848 which has gone to part-fund Member's Ward budgets. There is an ongoing monthly saving from April of this year of £10,483. Council has agreed that they will determine how this saving will be spent.

- 2.5 A report was requested by the General Purposes Committee focusing on three options for the Chief Executive replacement. Members requested that the options were to be presented and described in a purely factual and balanced way by the Corporate Management Team. The options members of the General Purposes Committee identified that they would want to consider in detail are outlined below:

- Appointment of permanent Chief Executive
- Directorship model
- Sharing a Chief Executive

### 3. CURRENT SENIOR OFFICER STRUCTURE

- 3.1 The current officer structure consisting of three departments with two Directors was implemented in September 2009 and functional responsibility has remained broadly the same since then. There are currently sixteen posts on JNC terms and conditions for Chief Officers and one on JNC terms and conditions for Chief Executives.



- 3.2 There are six statutory roles to which the Council must appoint which are outlined in the following paragraphs.

### 4. HEAD OF PAID SERVICE

- 4.1 The Council has a statutory duty under Section 4 of the Local Government and Housing Act 1989 to designate one of its officers as the Head of Paid Service. The Council's Constitution currently designates the Chief Executive as the Head of Paid Service. It can, however be discharged by an appropriate officer, other than the Monitoring Officer.
- 4.2 The main statutory provisions are that the Local Authority shall provide the Head of Paid Service with such staff, accommodation and other resources as he/she believes is sufficient to allow his/her duties to be performed. This is done by reports to the Authority setting out proposals with regard to the way in which the Council's different functions will be discharged and co-ordinated, the number and grades of staff required by the Authority for the discharge of functions, the organisation of the Authority's staff; and the appointment and proper management of the Authority's staff.

### 5. MONITORING OFFICER

- 5.1 The Local Government and Housing Act 1989 requires Local Authorities to appoint an officer to provide advice and guidance on the scope of the powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and the Elected Mayor. The Monitoring Officer maintains the Constitution, ensures lawfulness and fairness of decision-making, supports the Standards Committee, receives reports and conducts investigations regarding ethical standards and ensure proper access to information.

## **6. SECTION 151 OFFICER**

- 6.1 Section 151 of the Local Government Act 1972 requires Local Authorities to make arrangements for the proper administration of their financial affairs and appoint a Chief Financial Officer to have responsibility for those arrangements. In broad terms the responsibilities of the CFO are to provide financial information and advice to the Authority and officers to enable robust decisions to be made and to ensure financial plans are robust and sustainable. The detailed roles and responsibilities of a Local Authority CFO are set out in legislation
- 6.2 The CFO should be a professionally qualified accountant, and be a member of the leadership team, with a status at least equivalent to other members of this leadership team.

## **7. DIRECTOR OF CHILDREN'S SERVICES**

- 7.1 Government guidance, to which the Council must have due regard, states that this post should report directly to the Chief Executive, who in turn reports to the Council on the performance of its officers. If the decision is to go to a Director model then accountability and responsibility of the DCS to assure the Head of Paid Service for instance and through him/her, the Members of the Authority that he/she is fulfilling their statutory safeguarding responsibilities, would require a change in the contract of employment of the DCS.
- 7.2 Section 18 of the Children Act 2004 requires every top tier Local Authority to appoint a Director of Children's Services. The DCS has professional responsibility for the leadership, strategy and effectiveness of Local Authority children's services and, as such, this post should be at first tier officer level. The DCS is responsible for securing the provision of services which address the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers. In discharging these responsibilities, the DCS will work closely with other local partners to improve the outcome and well-being of children and young people..

## **8. DIRECTOR OF ADULT SOCIAL CARE**



- 8.1 Government guidance, to which the Council must have due regard, suggests that this posts should report directly to the Chief Executive, who in turn reports to the Council on the performance of its officers. If the decision is to go to a Director model than the accountability and responsibility of the DASS to assure the Head of Paid Service for instance and, through him/her, the Members of the Authority, that he/she is fulfilling their statutory safeguarding responsibilities, would require a change in the contract of employment of the DASS. The local authority has to ensure that the Director of Adult Social Services is made accountable for the delivery of local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970 (as amended), other than those for which the Director of Children's services is responsible, in respect of adults.
- 8.2 Local Authorities shall ensure that the DASS is directly accountable to the Chief Executive of the Local Authority and comparable, in terms of seniority, with the Director of Children's Services.

## 9. DIRECTOR OF PUBLIC HEALTH

- 9.1 As Members are aware the Council recently appointed to the statutory position of Director of Public Health. The post-holder will have responsibility for the Council's new public health functions from April 2013.
- 9.2 This is a statutory function and the legislation governing the creation of the post also refers to the post reporting directly to the Chief Executive and having equal status as other Directors.

## 10. THE ROLE OF THE CHIEF EXECUTIVE

- 10.1 Chief Executives in local government have traditionally provided a leadership role and carried management responsibilities for the Council's workforce and the statutory function of Head of Paid Service. The current role of the Chief Executive in Hartlepool Borough Council is set out in the job description attached as **Appendix 1**. The Council's constitution sets out the delegated authority's to the Chief Executive.
- 10.2 Additionally the Chief Executive undertakes other duties and responsibilities not explicitly covered in written documents. Such duties and responsibilities include senior policy advisor to the Council and:
- civic responsibilities representing HBC at events and ceremonies
  - campaigning and lobbying at regional, national and international level to protect interests or influence decisions and outcomes which may impact on the Council and the town of Hartlepool;
  - participating in external groups and bodies to enhance the profile of the Council and Hartlepool town and increase the understanding of anything which might impact on the Council or the town.
  - line management of senior officers to ensure effective planning and performance,

- responsibility for the effective interchange and working relationships between elected members and officers, especially joint working between Cabinet, CMT, Scrutiny etc.
- leadership and responsibility for the broader staff group e.g. management style and culture, protect and enhance the health, safety and wellbeing of employees, etc.

10.3 The Chief Executive role in Hartlepool also has departmental management responsibilities. The department has four separate divisions of

- Corporate strategy
- Finance
- Customer and workforce service
- Legal.

## **11. CONSIDERATION OF OPTIONS**

11.1 This report has been prepared by CMT members in their professional capacity to provide three options. Members are requested to consider the information provided in the report and determine how they might wish undertake some form of evaluation.

11.2 CMT members are employees and potentially may be impacted if any of the options in this report, or other options subsequently considered, are progressed and therefore reserve the right to make personal comments during any consultation exercise which may be undertaken.

11.3 It is suggested that Elected Members consider obtaining independent HR advice before making final decisions with regard to implementing changes which impact on the employment contracts of CMT members.

### **OPTION 1**

#### **APPOINTMENT OF PERMANENT CHIEF EXECUTIVE**

## **12. DEFINITION OF THE MODEL**

12.1 The Council has a job description, person specification and grading structure for the post of Chief Executive. The Council's constitution also sets out in more detail the role and delegated responsibilities of the Chief Executive.

12.2 The Council's constitution sets out how the Chief Executive should be appointed

## **13. STRUCTURE CHART**

- 13.1 There would be no requirement to amend the remainder of the chief officer structure or to undertake any staff consultation in order to implement this option unless the post was varied in such a way that impacted upon other chief officer posts.

#### **14. FINANCIAL IMPLICATIONS**

- 14.1 The staffing costs associated with this option are based upon the current grading for the Chief Executive post which is a three point grade of £158,000, £163,000 and £168,000 p.a. plus employers on-costs which is included in base budgets.

#### **15. TIMESCALES**

- 15.1 The timescales for implementing this option would be subject to any Council decision to appoint internally or go to external recruitment.
- 15.2 An internal appointment would require the Council to select an appointments panel, interview and appoint to the post. If this route is followed then this process will take approximately two to four weeks from the next Council meeting which is scheduled for 2<sup>nd</sup> August 2012. If it was decided to go to external recruitment then it is estimated that the recruitment and appointment process will take three to four months with a successful external candidate having to work three months notice from appointment. This will mean a new Chief Executive in post in February / March 2013.

### **OPTION 2**

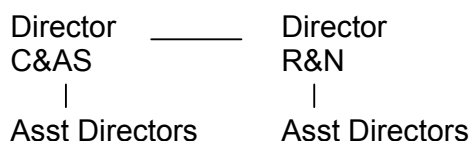
#### **DIRECTORSHIP MODELS**

#### **16. DEFINITION OF THE MODEL**

- 16.1 There are at least three possible variations within this arrangement.
- A) The role of Chief Executive is removed from the establishment. The salary is shown as a saving. Chief Executive duties and responsibilities are allocated to current Director posts in addition to their current duties and responsibilities.
  - B) The role of Chief Executive is removed from the establishment. The salary is shown as a saving. Chief Executive duties and responsibilities are allocated to current Director posts including the Director of Public Health in addition to their current duties and responsibilities.
  - C) A new post of Director of Resources is established to take line management responsibility for all services currently within the Chief Executive's Department.

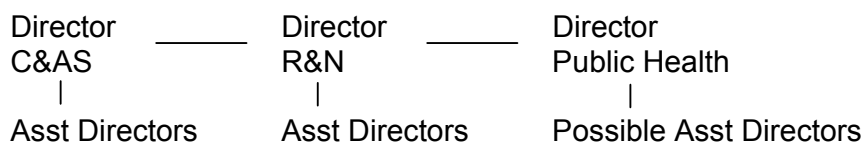
## 17. STRUCTURE CHARTS AND HOW THE DIRECTOR MODEL MIGHT FUNCTION

### A)



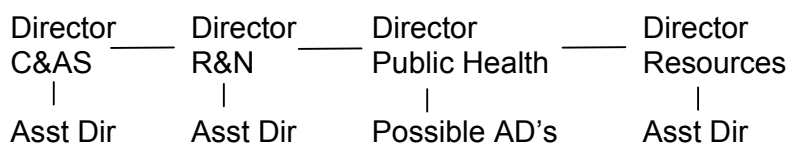
- 17.1 This option requires decisions to be made as to how the corporate services currently with the Chief Executive's Department would be reallocated. Consideration would need to be given to the location and reporting lines for the statutory officer roles. Consideration would need to be given to how the statutory function of the Head of Paid Service would be carried out.

### B)



- 17.2 This option also requires decisions to be made as to how the corporate services currently with the Chief Executive's Department would be reallocated with the additional option of allocating responsibilities across three Director posts. Consideration would need to be given to how the statutory function of the Head of Paid Service would be carried out. Consideration would need to be given to the location and reporting lines for the statutory officer roles.

### C)



- 17.3 This option would resolve the issue of line management responsibility for corporate services without adding to the responsibilities of current Director roles. However the reporting lines for the statutory officer roles would still need to be determined.

## 18. FINANCIAL IMPLICATIONS

- 18.1 **A & B)** The maximum savings achievable from deleting the post of Chief Executive would be £168,000 p.a. plus employer on-costs. There may potentially be costs associated with allocating additional responsibilities to Directors and a need to review the grading of Directors.
- 18.2 **C)** The savings accruing from the deletion of the Chief Executive post would be off-set by the establishment of a new Director post at an

assumed maximum cost of £130,000 per annum plus employer on-costs.

- 18.3 This additional cost could be offset by the deletion of a current Chief Officer post depending upon any proposed structure which might sit below the new Director post and any implementation arrangements. This is estimated to be in the region of £82,000 p.a. plus employer on-costs.
- 18.4 It can be seen that each option outlined will achieve approximately the same saving.
- 18.5 There maybe additional implementation costs arising from commissioning independent advice which could range from £500 - £1200 per day depending on the scope of the work commissioned

## **19. STATUTORY POSITION**

- 19.1 There is no legal requirement for the Council to retain a Chief Executive post provided that it ensures that the legal duties and governance obligations that were previously designated to the Chief Executive are properly assigned and undertaken elsewhere. This includes the Head of Paid Service role and duties.
- 19.2 The various statutory and non-statutory duties outlined in the Chief Executive's job description would need to be reallocated to members of CMT. Such reallocation would need to be undertaken in advance of any decision so that necessary re-evaluations can be undertaken and postholders effectively consulted.

## **20. TIMESCALES**

- 20.1 The timescales for implementing this option would be subject to any Member decision to consider the deletion the post of the Chief Executive and proposals to amend the structure of posts at Director level and below, as appropriate. Such proposals would be subject to consultation with staff and their Trade Unions representatives and also the commissioning of external advice on the proposed structure and relevant grading. The outcome of staff consultations would require formal consideration and decision-making by Cabinet under the constitution and to make final decisions which are implementable.
- 20.2 A period of implementation would be required together with consideration of any appeals.

## **21. STAFFING IMPLICATIONS**

- 21.1 All postholders at Director level would need to be consulted on proposals together with any other chief officers potential impacted upon e.g. because of a change in reporting lines i.e. Chief Officers currently in the Chief Executive's Department, because their line manager has new responsibilities i.e. Assistant Directors in service department, etc.
- 21.2 The actual implications would depend upon the response of substantive postholders to the consultation exercise. For example if welcomed and supported, implementation could be achieved relatively quickly and smoothly. If resisted/objected to, consultations would need to be well managed to achieve a satisfactory outcome. External support may be required for this depending upon whether sufficiently senior and experienced HR resources were available in-house.

## **22. POSSIBLE IMPLICATIONS**

- 22.1 Removing the Chief Executive post from the structure and reallocating duties and responsibilities to Directors could limit the Council's ability to:
- enter into any collaborative arrangement with another local authority
  - be seen as an equal in terms of external partners and arrangements
  - establish the role of Chief Executive in the future as the removal of duties and responsibilities may impact:

### **OPTION 3**

#### **SHARING A CHIEF EXECUTIVE**

## **23. DEFINITION OF THE MODEL**

- 23.1 There are again at least three variations on this model.
- A) A Chief Executive employed by another organisation would be identified and approved by the Council as the Council's shared Chief Executive and undertake the required role. Costs would be shared and arrangements agreed under contract.
  - B) The Council and another organisation would jointly advertise and appoint to a joint Chief Executive with one organisation taking host employer responsibilities for the postholder.
  - C) The Council would appoint a Chief Executive with a view to subsequently sharing the postholder with another local authority if a suitable partnering organisation was identified.

**24. STRUCTURE CHART**

- 24.1 The structure chart would be as set out under Option 1 although the post would in effect be 0.5 full-time equivalent (FTE).

**25. FINANCIAL IMPLICATIONS**

- 25.1 Savings would accrue from sharing a Chief Executive with another organisation. The amount of savings would depend upon the current terms and conditions of the shared postholder under their current or any revised terms and conditions with their current employer. Assuming a 50% share of a postholder on equivalent terms and conditions as the current Chief Executive post this would result in savings of approximately £84,000 p.a. at the maximum of the grade plus employer on-costs.
- 25.2 There would be no significant changes required to the constitution / delegations.

**26. TIMESCALES**

- 26.1 Time would be required to identify potential organisations and their Chief Executives which might be considered suitable for and willing to share posts or organisations that might consider jointly recruiting a chief executive if their post was also vacant.
- 26.2 Informal approaches and formal discussions / negotiations would need to be undertaken. The experiences of other organisations would suggest that this needs to be detailed and extensive and has no guarantee of success.

**27. POSSIBLE IMPLICATIONS**

- 27.1 A joint chief executive would enhance the potential for further partnering between the two organisations and potentially with others subject to agreement being reached with another Authority and another Chief Executive.
- 27.2 There is a risk that if the postholder is absent from work or leaves the post both organisations will be unstable for a period of time. This would provide an opportunity for both organisations to reconsider their on-going commitment to the shared arrangements.

**28. CONCLUSIONS**

- 28.1 If a Director model is chosen CMT will develop further proposals as to how the work of the Chief Executive post could be shared and reallocated across Director posts for Member consideration together with a proposed consultation process for those Officers who would be impacted.

- 28.2 If the choice is a shared Chief Executive, Members would need to identify a suitable organisation to approach with a view to entering into an agreement to share.

## **29. PROPOSALS**

- 29.1 There are three options outlined and Members views are sought.

## **30. CONCLUSION**

- 30.1 Whilst the vast majority of Local Authorities favour the sole Chief Executive model there are examples of a shared Chief Executive and of the Director model.
- 30.2 In respect of a shared Chief Executive then Kensington and Chelsea and Hammersmith and Fulham and Westminster is the often quoted example where three Boroughs share two Chief Executives. This is a fairly new arrangement and is helped by geographical and political proximity.
- 30.3 In respect of a Director model then there are several examples which are all District Councils without responsibility for Child and Adult Services although two County Councils, Wiltshire and Kent have removed the Chief Executive role with shared management responsibility allocated to three Corporate Directors and a joint Director of Public Health in Wiltshire and shared management responsibility allocated to a range of Corporate and non Corporate Directors in Kent.
- 30.4 It is fair to say that how Local Authorities are managed is an every changing landscape. Some structures are driven by political ideology, conforming to the Government's "view" of the role of Chief Executive, whilst other are genuinely looking to save money by either sharing a Chief Executive or by removing the post altogether.
- 30.5 It is also fair to say that where a post is shared or it has been removed then the evidence of the success of such a decision has yet to be proven and several Authorities have gone back to appointing their own Chief Executive, such as Rochdale / Oldham and Great Yarmouth / South Norfolk Council.
- 30.6 However there is also little evidence to say that any of the "shared" arrangements won't work.
- 30.7 If the Council decide to appoint their own Chief Executive then apart from the appointment process there will be little initial change, although the current economic situation will necessitate a review of senior management in the near future.



- 30.8 If a Director model is chosen CMT will develop further proposals as to how the work of the Chief Executive post could be shared and reallocated across Director posts for Member consideration together with a proposed consultation process for those Officers who would be impacted.
- 30.9 If the choice is a shared Chief Executive, Members would need to identify a suitable organisation to approach with a view to entering into an agreement to share.

**31. RECOMMENDATION**

- 31.1 Members are requested to consider the three options presented within this report and indicate how they wish to proceed.

**32. REASONS FOR RECOMMENDATIONS**

- 32.1 It is a Member decision.

**33. BACKGROUND PAPERS**

- 33.1 List of Authorities who have different models.

**34. CONTACT OFFICER**

Corporate Management Team



## Hartlepool Borough Council Job Description & Person Specification

**Job Title: Acting Chief Executive**  
**Reports to: Elected Mayor**

### Role and Remit

- 1.1 Develop and maintain open and effective relationships with the Elected Mayor and Council Members to ensure the provision of modern and effective democratic arrangements that meet the requirements of government and the people of Hartlepool.
- 1.2 Lead the Corporate Management Team to deliver and monitor the vision, strategic direction and core values of the Council and provide a clear sense of direction, optimism and purpose.
- 1.3 Lead on critical corporate areas of activity, organisation development and council wide issues for the Council linking with whole organisation initiatives which are positive, forward thinking, results orientated, risk aware and customer focused.
- 1.4 Establish and foster working partnerships to promote collaborative working nationally and locally that enhance current and future service delivery and actively promote success and achievements.
- 1.5 Ensure the Council is central to local, sub regional, regional and national initiatives and partnerships, influencing decision making which has an impact on Hartlepool.
- 1.6 Ensure employees feel valued and understand their role in achieving the Council's vision and objectives in a supportive and learning environment which protects and enhances their personal well-being.
- 1.7 Through personal example, open commitment and clear action, value and celebrate the diversity of communities and the organisation and ensure that equalities policies are implemented in both service delivery and employment practices.
- 1.8 Ensure services comply with statutory regulations and the Council's standards of customer care.
- 1.9 Responsible for ensuring the appropriate risk, financial and management arrangements for the authority are in place.

Undertake the statutory responsibilities of Head of Paid Service under Section 4 of the Local Government and Housing Act 1989.

The work of local government changes and develops continuously, the above functions should not therefore be regarded as immutable.

## **2. Person Specification**

### **Experience**

- 2.1 A proven track record of consistent and demonstrable achievement at a senior management level within an organisation of comparable scope and complexity and with a developed understanding of the issues facing local government.
- 2.2 Experience of successful strategic and corporate management and a proven track record of leading in the formulation and delivery of strategic objectives and policies within a large, multi-disciplined organisation.
- 2.3 A demonstrable track record of leading, motivating and managing multi-disciplinary teams to achieve high performing and significant, sustainable service improvements and outstanding results, through internal and external partnerships.
- 2.4 Experience of developing and sustaining a culture that meets the needs of and engages with customers and staff within a safe, open and high performing working environment.
- 2.5 Evidence of establishing a performance management culture to drive continuous improvement, including service planning, target setting, performance appraisal and the management of diverse staff groups.
- 2.6 Extensive experience and demonstrable success in the generation and management of major organisational and cultural change.
- 2.7 Evidence of success in building and enhancing the reputation of an organisation with external bodies and the media.
- 2.8 A track record of working in and forging successful partnerships with a wide range of internal and external bodies including governmental and non governmental organisations, the private and voluntary sectors to successfully deliver cross sector projects.
- 2.9 A proven track record of working effectively within a political environment, providing clear, balanced advice and guidance on strategic issues that achieve the corporate and service objectives of the organisation.
- 2.10 A proven track record of working effectively at both regional and sub-regional levels.

### **Knowledge, Skills & Abilities:**

- 2.11 High degree of political awareness and capable of working effectively with the political dimension; working at the boundary of politics and management, building strategy in relation to members and maintaining effective relationships with members.

- 2.12 Ability to lead, change & develop the organisation whilst, maintaining consistency with corporate values and ethics, working with uncertainty, ambiguity and change and developing appropriate relationships with staff and managers.
- 2.13 Maintain personal perspective and self-knowledge by maintaining continuous professional development and developing personal resilience and skills.
- 2.14 Ability to develop effective external relationships including being a champion for the local authority and working with communities and other agencies.
- 2.15 Maintain focus on strategic and long term issues by developing and holding a vision/strategic view and an awareness of the organisations strategic capacity.
- 2.16 Create a supportive learning and self development environment where a culture of learning is promoted, constructive feedback on him/herself and the service provided is encouraged.
- 2.17 Clarifies individual and team direction, priorities and purpose by clarifying objectives and boundaries and being team orientated to problem solving, decision making and to identifying values.
- 2.18 An inspirational communicator, networker and achiever; capable of communicating the vision of the organisation and service to a wide network of internal and external stakeholders; gaining the confidence and support of various groups through sensitivity to needs; and achieving organisational goals.

**Personal Style & Behaviour**

- 2.19 A corporate leader and effective manager who is energetic, determined, positive, robust and resilient enough to cope with the demands of the role.
- 2.20 An enthusiastic and effective ambassador for the Council with a strong commitment to improving its performance and its ability to meet the needs of the communities it serves.
- 2.21 An excellent role model, promoting high standards of ethical behaviour, probity, integrity and honesty, with credibility across a wide range of audiences and respect for all.
- 2.22 An innovator and motivator, who can promote new and creative thinking and a corporate focus to achieving the Council's objectives and continuous improvement, best value, service excellence and equal opportunities.
- 2.23 A persuasive and effective influencer who can foster partnerships, work collaboratively across boundaries and achieve performance and results through others.
- 2.24 A shrewd, intellectual, creative, strategic and lateral thinker.

**August 2011**

# GENERAL PURPOSES COMMITTEE

25 June 2012



**Report of:** Corporate Management Team

**Subject:** MODELS OF SENIOR OFFICER STRUCTURE

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## 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to provide the professional views of Corporate Management Team in respect of models of senior officer structure report being considered at this meeting.

## 2. BACKGROUND

- 2.1 The post of Chief Executive became vacant in August 2011 as a result of the postholder retiring. Members subsequently agreed to make a temporary appointment so that full consideration could be given to the options available to the Council.
- 2.2 A report has been submitted to General Purposes Committee today elsewhere on the agenda which details previous considerations and deliberations in respects of the post of Chief Executive and other related matters.
- 2.3 The report considers three models and this report provides the professional views of the Corporate Management Team, in order to support Members in their deliberations.

## 3. RATIONALE FOR THIS REPORT

- 3.1 The Corporate Management Team believe that in order to give Members a broader strategic context within which to deliberate a second report was also required that could be considered alongside the options paper. This report is intended to provide Members with our best professional advice as a CMT and has been written by the full Corporate Management Team to address issues not covered in the purely factual report. The report is intended to outline the current context the Council is working within, the significant challenges facing the Council over the next 2 to 3 years, to ensure the wider implications of the

options being considered are highlighted and to ensure Members have the professional views and advice of the Council's statutory officers and the full Corporate Management Team.

- 3.2 As a CMT we are acutely aware of the professional and personal roles we all have in this respect and have ensured the advice we give is twofold i.e. based on our professional views as a team of strategic managers and coming from a professional discipline point of view. We have done this notwithstanding the personal implications for CMT Members of the various options being considered.

#### **4. RATIONALE FOR CHANGE**

- 4.1 In preparing this report CMT believed that it would be useful to consider what the rationale for change to the Chief Executive and Corporate structures was and how the options being considered support or not those objectives alongside the consideration of the options being considered for structural change.
- 4.2 As a CMT we are very clear on the demands, financial and otherwise that are placed upon a Council like Hartlepool. We therefore recognise fully the need to work and plan how we deliver services in a very different way now and in the future to that of the past.
- 4.3 It is important to be clear on the rationale for change. This will help the Council and its officers to be clear on how this agenda can be met and enable us to offer our best advice on how to achieve this. There can be many reasons for wanting to consider a structural change and some of those are outlined below:
- Requirement to make significant financial savings
  - Dissatisfaction with how a particular post has been carried out previously
  - Need to increase or decrease capacity to manage change
  - Considering the ageing workforce, succession planning and skill mix
  - Likely to deliver better outcomes for people or services
  - Feel the model does not achieve the ambitions of the Authority
  - Does not provide the required level or type of leadership and management
  - Need to change direction or change the culture of the organisation
  - As a result of a major failing in performance
- 4.4 If we are clear about what are the objectives to be achieved it will help define the direction we need to go in as a Council and therefore how the Corporate Management Team will work in the future.

#### **5. CONTEXT WE ARE WORKING WITHIN**

- 5.1 As Members consider the options for the future there are a number of things that CMT believe need to be considered, not just the Corporate Structure, but for the Authority as a whole.
- 5.2 We do not intend to go into significant detail on many of these areas as Members are conversant with these issues already but the impact these may have on the ability of the corporate structure to manage within them is the issue to be considered.

## **6. FINANCIAL POSITION**

- 6.1 As with other Local Authorities the poor financial position within Hartlepool is well documented and there is a requirement to save in the region of £9 million over the next two years with the likelihood for more to be saved in the next Comprehensive Spending Review. In total we will have removed £15.7 million from the Council's budget over the last 2 years and much of this reduction has been achieved by measures which cannot be repeated. The forthcoming savings requirement will have a major impact on how the Authority looks and feels in the future and will need to be managed very carefully to ensure the Authority remains able to meet its statutory duties as an upper tier Council. Hartlepool is the second smallest unitary Authority but has the exact same statutory responsibilities as other upper tier local authorities, despite the differentials in size. In relation to the Corporate Management Team we would fully endorse the Council's objectives and aspirations to preserve front line services if possible however this is unlikely to be achievable over the next few years. Therefore, a reprioritisation of what we provide and how we provide is essential if we are to set legally balanced and sustainable budgets which recognises the financial position facing the public sector in the coming years. The impact of such a huge change programme on an Authority is significant for Members and officers alike and the task of implementing Member decisions and managing this change lies with CMT.

## **7. WORKFORCE ISSUES**

- 7.1 Any potential changes to the Chief Executives role will have an inevitable impact on both the organisation and CMT as a whole. CMT feels that any changes to roles within the Council's senior structure must be seen in the context of a wider corporate restructure and not in isolation from each other. This consideration needs to reflect the reductions in the senior structure from reducing from 2 to 3 departments and other changes to reduce the number of Chief Officer posts. If the main objective is efficiency savings then this needs to be quantified and considered in light of the need for statutory functions to be carried out and ongoing personal capacity of senior managers to continue to manage ever widening service areas and the inherent risk to which this exposes both the individual and the Council.
- 7.2 It is also important that the Council considers the need to think about succession planning, this is not an issue solely in relation to the Corporate

Management Team but also for the Authority as a whole. A significant proportion of our workforce is over 50 and this number is increasing rapidly. We have significantly reduced recruitment as the Authority has downsized with a consequent reduction in the capacity of the organisation to take on some of the complex and varied roles the Council has developed over time. As more roles broaden and we cut down the number of managers at all levels, the less likely we are to have people who can just step up to fill the roles necessary to deliver services. This dilution of specialist skills and expertise in some niche areas will begin to expose the Council to ever increasing levels of risk which need to be managed. There is also a human cost to significant change, the numbers of staff who are off work due to stress related issues is increasing, this in some cases may be exacerbated by continuing to double and treble the size of jobs as other staff leave who are not then replaced. This issue is common right across the Council from Chief Officers through to front line staff. As a very small Authority we do not recruit many specialist posts and we are continually diluting the skills and ability to use internal succession planning to fulfil some of the statutory roles. We need to be wary of staffing an upper tier Authority with all of its statutory functions with the staffing structure of a district Council. The Council needs to be mindful that reputational issues, as an employer who wants to recruit and retain innovative and ambitious staff, is not to be underestimated.

- 7.3 It is important to ascertain how the options being considered by Members fit with the statutory roles inherent within the Corporate Management Team. There are six statutory roles the Council has to have in place, they are Director of Adult Social Services, Section 151 Officer, Monitoring Officer, Director of Children's Services, Head of Paid Service and from April 2013 Director of Public Health ( joint accountability with Public Health England). A number of these posts have statutory guidance attached which outlines the roles, responsibilities and accountability required to the most senior Officer in the Council, normally the Chief Executive. If the option of a Directorship is pursued careful consideration will need to be given to ensuring these posts are able to continue to meet their statutory functions, to demonstrate to external organisations this is being achieved and the Council will need to provide clarity as to whom they would become accountable.
- 7.4 The decision on any future structure for the CMT also needs to be taken at a time when all of the options are being fully considered in relation to efficiency savings. This includes the work underway to develop options for collaboration with other local authorities. If Members made a decision to fundamentally alter the senior structure prior to considering the options for collaboration, it may have the effect of limiting the collaboration options open to Hartlepool, and as a result our ability to preserve more front line services by sharing some services and making significant savings in managerial level posts.

## **8. ROLE OF CHIEF EXECUTIVE**

- 8.1 In Hartlepool as with most other Local Authorities the statutory role of Head of Paid Service is vested within the Chief Executives role. From a reputational



point of view this is something that the vast majority of other Local Authorities see as an essential part of their leadership arrangements as a Council. The statutory posts are accountable to this role and it provides a focus for internal and external leadership. If Hartlepool is to go down a Directorship or shared Chief Executive approach it is essential that:

- Staff and partners are clear about who and how the organisation is being led particularly through such a challenging time.
- The Authority has a continued positive internal and external standing as an organisation and enables Hartlepool to be at the table with an equal standing to fight for and advocate for the town.
- Hartlepool is seen to be a key player nationally, regionally and sub regionally.
- As a small Authority we are able to punch above our weight in all external arrangements or partnerships and are seen to be an Authority that is a good partner and one that always delivers.

8.2 Whatever corporate arrangements we have in place for managing the Authority are seen by others external to the Council (but including both current and staff of the future) as continuing to strengthen and promote confidence in Hartlepool's reputation as this is critical to the future at a time of diminishing resources and competition.

## **9. POLITICAL ARRANGEMENTS**

9.1 In December 2011 members considered a report regarding the future governance arrangements of the Council. At this meeting full Council agreed to receive another report in June 2012 on the options inherent within the Localism Bill regarding potential models of governance Councils can consider. As a Mayoral Authority any changes to governance arrangements that the Council may wish to consider can only be brought about via a referendum from that previously chosen by the public i.e. Mayor and Executive system. If the Council passes a resolution to alter the system of governance a significant amount of time and coordination is going to be required to ensure the Council has best professional advice from its senior officers and is able to plan and implement whatever form of governance the public sees fit. A change in governance is likely to put the Council into uncharted territory and mean a period of considerable uncertainty and potential instability, not just politically but for staff and for partners alike. It will require significant senior level capacity and leadership to support and enable any changes to governance as a result of a referendum to be implemented effectively within the Council. All of this will be taking place when the Council is having to make its most significant changes as a result of other policy initiatives e.g. welfare reform and make unprecedented cuts to its budget which will inevitably mean service and staffing reductions. Very careful consideration will need to be given, as to how this is managed and led politically and from a non political stand point, the role of Head of Paid Service is critical to this process.

**10. TIMING OF CHANGES**

- 10.1 CMT have given much consideration to the timing of any potential changes in light of the major change agenda and wider issues that have been presented briefly within this report. It would be sensible for the Council to act very quickly to give some stability to the organisation prior to a period of significant change. However, if Members felt that more work was required then CMT would be happy to do further work on timescale options.

**11. MODELS BEING CONSIDERED**

- 11.1 CMT have worked through the models being considered by Members and have some clear views as Members of CMT, as professionals with statutory roles and duties and as individuals affected by the decisions and options themselves.
- 11.2 This report will not go through a CMT pros and cons of each option being considered by Members. The information we have presented within this report has enabled CMT to give serious consideration to all of the potential models in respect of which model we feel would fit best for Hartlepool.

**12. SHARING A CHIEF EXECUTIVE**

- 12.1 As a CMT we do not feel that sharing a Chief Executive at this point is likely to be in the best interest of the Authority itself. Whilst this does produce significant savings we do not feel that the benefits of this financial saving outweigh the disadvantages of a shared role. We feel that it is critical that Hartlepool is represented equally and in its own right in any leadership or decision making forums particularly, regionally, nationally or sub regionally where funding, policy changes or initiatives that may impact on Hartlepool are being considered.

**13. DIRECTORSHIP MODEL**

- 13.1 As a CMT we function well together and each has our own strengths and areas of expertise that complement each other well. We can see this approach may be attractive in principle but do not feel that this option offers the leadership, visibility, consistency and presence Hartlepool is going to require going forward.
- 13.2 At this point in time there are only two Corporate Directors i.e. Director of Regeneration and Neighbourhoods and Director of Child and Adult Services. Each of these posts was created from the merger of two previous Director posts and in both departments the senior officer capacity has been greatly reduced in most areas by nearly 50%. This means capacity is very stretched and the prospect of being asked to undertake another half of a role each may mean the roles become unmanageable. An alternative option would see a

new Director post being created to pick up part of the Chief Executives role and a decision made about where the Head of Paid Service role sits. This approach this would require an internal restructure and a Chief Officer being promoted to a Director post. This option would need to be considered as part of a wider corporate restructure. For the Statutory posts there would need to be absolute clarity on accountabilities and where they would lie to ensure the Council acts lawfully, meets its statutory responsibilities and demonstrates this to external agencies.

#### **14. CHIEF EXECUTIVE OPTION**

- 14.1 We do feel this role offers the Council the leadership, visibility, credibility outside the Authority and internal and external leadership that is consistent, equal in status to others and seen to be clearly an advocate for Hartlepool . This does give internal clarity on responsibilities and accountabilities for all staff, Members, partners and statutory roles.
- 14.2 We also recognise the financial issues related to having a Chief Executive and Corporate Management Team. In Hartlepool Directors and Assistant Directors already have broader jobs than their counterparts in other Councils, with wider service areas to manage and do a lot of service based work that managers in other areas do not undertake. We are not saying CMT should remain protected but that we ensure we have effective leadership whilst we plan how we need to be managed in the future and consider how we can downsize whilst preserving front line services. We need to do this in the context of huge efficiency savings that require delivering, options to consider regarding collaboration opportunities and any other new ways of working. The information presented in this report that CMT have worked through has led us to believe this is something that we feel will advantage the Authority not disadvantage it. We do feel however, that if this option is taken by Members it should not take place in isolation from the decisions relating to any collaboration options and a wider corporate restructure to ensure we have the right skills in the right areas to take us forward.

#### **15. CONCLUSION**

- 15.1 As stated previously in this report Members had asked for a balanced and factual report on the basis of wanting to consider three options for the future management of the Council. As a CMT however we did feel it was incumbent upon us to ensure that as Members you were able to consider those options with the benefit of a wider perspective and to present the wider issues in a way that would compliment the factual report and give Members the contextual information that would also be helpful in the deliberations.
- 15.2 As your most senior officers CMT have tried to present through this report our thoughts and ideas in a professional way that supports your decision making and ensures you have information on the wider implications of the options you may be considering. We hope that the two reports that have been presented

to you offer the best professional advice we can give. As already stated in this report whatever option this Council takes in relation to the future management of this Council, CMT will endeavour to work within it and make it work to the best of our abilities. We are all equally committed to this Council and wish to see it continue to provide high quality services to people who live in Hartlepool.

- 15.3 It is the view of Corporate Management Team that of the options being considered the most appropriate solution for the authority is a Chief Executive post for Hartlepool Borough Council

## **16. BACKGROUND PAPERS**

- 16.1 There are no background papers for this report.

## **17. CONTACT OFFICER**

- 17.1 Nicola Bailey

Acting Chief Executive

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Dave Stubbs

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# **GENERAL PURPOSES COMMITTEE**

**25 June 2012**



**Report of:** Acting Chief Executive

**Subject:** RECRUITMENT PROCESS

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## **1. PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to outline the proposed process in relation to vacancy management and member's involvement in the vacancy management information process.

## **2. BACKGROUND**

- 2.1 The Council seeks to control the establishment of new posts and the filling of posts when they become vacant. This report sets out proposals for the process of considering, approving and filling vacancies when they arise.
- 2.2 The decision as to whether a post is required and whether it should be filled and if so how it should be filled, lies with the Chief Executive as Head of Paid Service.

## **3. PROPOSED RECRUITMENT PROCESS**

- 3.1 Attached as Appendix A is a flow chart which identifies the various stages that a vacancy will go through before an appointment is made. Appendix B provides some narrative to the flow chart. The proposed process:
  - Satisfies departmental requirements to have decisions made and implemented in a timely manner without detrimental impact on service delivery
  - Provides corporate consistency to the consideration of requests
  - Provides clarity regarding the availability of vacancies for staff at risk
  - Provides clarity regarding who may apply for and be considered for advertised vacancies
  - Provides clarity regarding information to Trade Union representatives and where their views are requested who have been consulted on the proposed process. They welcome the formalisation of the process and are supportive of the proposed process.

- 3.2 There remains a lack of clarity however regarding the process for advising elected members about vacancy requests and being able to ask for further information and/or make comment and which Members should be provided with the information.
- 3.3 The proposed process suggests that information is provided on a fortnightly basis to elected members at the point it is prepared for the Corporate Management Team (CMT) with an opportunity to feedback comments to the CMT meeting when decisions will be made. This would effectively mean circulating a list of vacancies for consideration to elected members electronically on a Thursday afternoon for receipt of any queries or comments by lunchtime on the following Monday before the CMT meeting on Monday afternoon.

#### **4. VACANCY CONSIDERATION**

- 4.1 The Council has an agreed establishment of permanent posts which is held on the HR/Payroll system (ResourceLink). As posts become vacant and identified as needing to be filled they go through a process of consideration, review and approval before being released for filling.
- 4.2 On occasion there may a requirement for a temporary increase in capacity and posts may be established for a fixed term to provide additional staffing resources for a specific reason e.g. to replace a permanent employee because of maternity leave, long-term sickness absence, secondment to another post, etc. or because there is an increase in work e.g. seasonal lifeguards, grounds maintenance staff, etc.
- 4.3 The current process for vacancies approval includes a stage for a Monitoring of Vacancies Panel (MOV) to meet and consider requests from departments for vacant posts to be filled. The MOV initially was established by the Chief Executive a number of years ago in response to Elected Member requests to be involved in the process of considering vacancies. Political groups provided nominations and the Panel met fortnightly on a number of occasions with members attending however the meetings gradually became poorly attended. In the meantime the Chief Executive and Chief Customer & Workforce Services Officer have continued to monitor and consider requests.
- 4.4 The process for considering whether posts should be filled has evolved further over the last few years influenced primarily by the need to retain vacancies which might offer a redeployment opportunity for staff who are at risk of redundancy. The Council has been successful in reducing the number of compulsory redundancies in recent years as a result of 'freezing' vacancies

throughout the year and ‘thawing’ vacancies when staff are under notice of redundancy.

- 4.5 Since 2010 an additional stage has been introduced to the vacancy consideration process called the “Thaw Panel”. This is a meeting between officers and trade union representatives to consider whether posts approved for filling by the Chief Executive should be released for immediate recruitment, remain unfilled until all redeployment checks have been exhausted as part of the budget implementation process i.e. “frozen”, sometimes the vacancy may be filled on a temporary basis so that the redeployment opportunity is not lost but services can still be delivered in the interim period.
- 4.6 Those posts which are released for recruitment without being ‘frozen’ generally are those considered to present a risk to service users if there is insufficient staff capacity e.g. a Social Worker post where there is a need to recruit quickly due to increased risk to vulnerable children and adults, youth workers, or externally funded posts where the opportunity to use the funding is time limited, where it is unlikely to be any employee within the Council with the required specialist skills. In every case each vacancy is considered on its own merits and there are no automatic decisions.

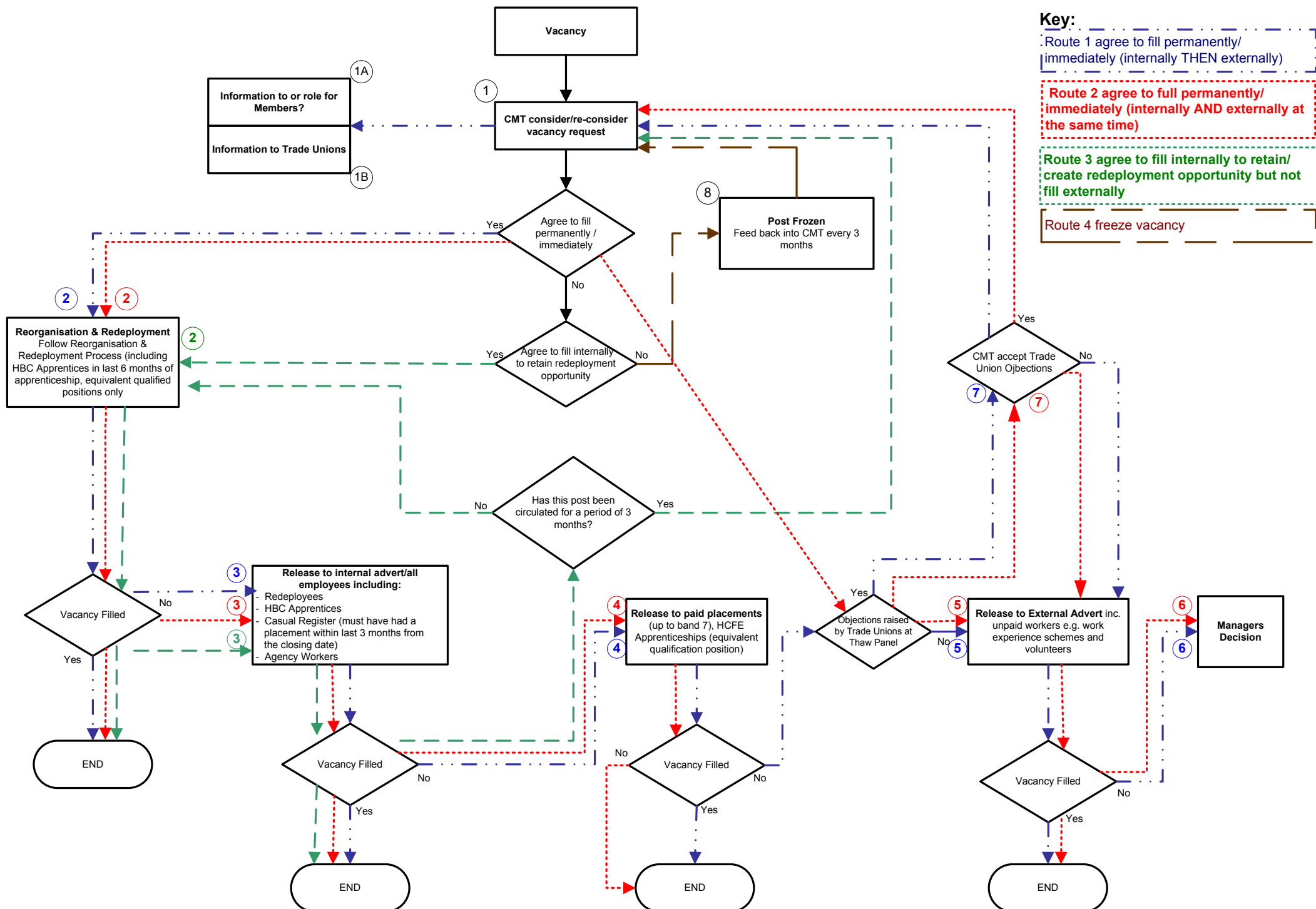
## **5. RECOMMENDATION**

- 5.1 Members’ views are requested on the:
- proposed process in relation to vacancy information to Members and the feedback of comments to CMT and;
  - which elected members who should be involved in the process i.e. receive the vacancies information and feedback questions and comments.

## **6. CONTACT DETAILS**

Nicola Bailey  
Acting Chief Executive  
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Email: [nicola.bailey@hartlepool.gov.uk](mailto:nicola.bailey@hartlepool.gov.uk)

## 4.3 Appendix 1





## Vacancy Approval Process

There are four possible routes a vacancy can take following the approval stage.

<b>Route 1</b>	Agree to fill permanently/immediately (internally <b>then</b> externally). This applies to critical roles that must be filled no matter what, e.g. Senior Roles. This will be the standard route if a vacancy is to be filled externally.
<b>Route 2</b>	Agree to fill permanently/immediately (internally <b>and</b> externally at the same time). This applies to posts that present a risk to the Authority if not filled urgently, such as, social worker positions.
<b>Route 3</b>	Agree to fill internally to retain/create redeployment opportunity but not fill externally
<b>Route 4</b>	Freeze vacancy

### Approval Stage (applies to all 4 routes)

#### Step 1

CMT receive request to fill vacancy together with supporting information, this will include: Agreed JE match and appropriate pay band, Job Description, Person Specification, business case, structure and budget information.

#### Step 1a and 1b

The above information is also forwarded to Members and Trade Unions for information.

From this point forward the decision taken by CMT determines the route (see above) a vacancy will follow. The subsequent steps for each route are detailed below.

#### Route 1 – Agree to fill permanently/immediately (internally **then** externally)

##### Step 2

Consider all employees on the redeployment register.

##### Step 3

If the vacancy remains unfilled following step 2, the vacancy will be released internally to all council employees.

##### Step 4

If the vacancy remains unfilled following step 3, the vacancy will be released to any individual currently undertaking a paid placement with HBC.

If the vacancy remains unfilled following step 4, details of the vacancy will be issued to the Thaw Panel to provide them with an opportunity to raise any objections prior to the vacancy being released externally. The steps detailed in the table below will be undertaken depending upon whether or not Thaw submit any objections that require further consideration.

No objections received from Thaw		Objections received from Thaw
<p><b>Step 5</b> Release to external advert</p> <p><b>Step 6</b> If the vacancy remains unfilled following step 5, the vacancy will be referred to the recruiting manager to consider next steps.</p>	<b>OR</b>	<p><b>Step 7</b> Any objections received from Thaw will be fed into CMT for further consideration and a final decision.</p>

**Route 2** – Agree to fill permanently/immediately (internally **and** externally at the same time)

**Steps 2 – 4** (redeployment, advertise internally and to paid placements) are undertaken at the same time as the details are issued to Thaw Panel and then either **steps 5 & 6** (advertise externally) **OR step 7** (refer to CMT) are carried out. All applications received from internal and external candidates will be considered at the same time following the usual prioritisation i.e. redeployees, internal applicants, paid placements then external applicants.

**Route 3** – Agree to fill internally

**Steps 2 & 3** are undertaken

If the vacancy remains unfilled following steps 2 & 3. The vacancy will be re-circulated for a period of 3 months. If after a 3 month period the vacancy is still unfilled, it will be referred back to CMT for further consideration.

**Route 4** – Freeze vacancy

#### **Step 8**

CMT agree not to fill the vacancy. The vacancy will remain frozen for a period of 3 months unless there is a need to consider earlier to support a restructure.

# GENERAL PURPOSES COMMITTEE

25 June 2012



**Report of:** Acting Chief Executive

**Subject:** MEMBER TRAINING

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## 1. PURPOSE OF REPORT

In previous years the General Purposes Committee have agreed a programme of training to clarify for Committee members relevant workforce policies and procedures and the duties of Elected Members in relation to staffing appeals and associated matters. This report confirms the training provided and seeks guidance on any further training requirements for 2012/13.

## 2. BACKGROUND

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.

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
- highlight where further training may be required

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

A programme of sessions have been agreed previously and delivered as follows:

### **Final Stage Grievance**

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  
Examples/scenario/case studies

### **Employee Pension Arrangements**

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

### **Appeals Against Dismissal**

Power to consider and determine Appeals against dismissal  
Disciplinary procedure  
Roles and responsibilities at GP – who does what  
Hearing preparation and process on the day  
Your deliberations and the internal/external implications  
Advice and guidance  
Quick quiz on what's relevant and irrelevant  
How to ask the right question in the right way  
Examples/scenario/case studies

## **5. RECOMMENDATION**

Members are requested to give consideration to the content and scheduling of a similar training programme for 2011/12.

**6. CONTACT OFFICER**

Nicola Bailey  
Acting Chief Executive  
01429 52 3001

# GENERAL PURPOSES COMMITTEE

25th June 2012



**Report of:** Chief Solicitor

**Subject:** BOROUGH COUNCIL ELECTIONS 2012 – ST AIDAN'S CHURCH OF ENGLAND MEMORIAL PRIMARY SCHOOL POLLING STATION

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## 1. PURPOSE OF REPORT

- 1.1 Following the “all out” Borough Council elections as held on 3rd May, 2012, representations have been received through St Aidan's Church of England Memorial Primary School, as to the use of school premises for the purposes of elections. The functions of the General Purposes Committee include powers in respect of the holding elections with delegation to the Council's Chief Solicitor acting in the capacity of Returning Officer. It is therefore requested that the Committee do consider the representations made by the school and determine any appropriate action.

## 2. BACKGROUND

- 2.1 At their meeting on 5th December, 2011, the Committee received a report which detailed the Council's duty under the Electoral Administration Act, 2006, wherein a local authority has a duty to review by the end of 2007 and at least every four years thereafter, its designated polling districts, polling places and polling stations. A 'working group' had been formed previously, to review current arrangements which also took account of the 'Further Electoral Review' in forming the recommendations as adopted by the Committee. As Members will be aware, 'The Hartlepool (Electoral Changes) Order, 2012' reconfigured the Ward boundaries and provided that the electoral district of Hartlepool be divided into eleven wards comprising three Councillors. Consequently, elections held in May, 2012 were to be held simultaneously with a period of office of Councillors being for either a two, three or four year term, so allowing elections to be held in 2014 and thereafter in 2015 and 2016. This follows the pattern of the Council's electoral cycle of electing by thirds.
- 2.2 At the time of submission of proposals for the consideration of the Committee, it was noted, that no responses to a consultation exercise had

been received. It was however further noted that Jesmond Gardens Primary School as a polling station had been investigated as an alternative to the use of Grayfields Pavilion and this was incorporated amongst the proposals as appended to the report to the Committee. As Members will be aware, the Returning Officer does encourage commentary as to the overall conduct of an election and there are occasions when a review of the use of a particular polling station requires further consideration.

### 3. PROPOSED REVIEW OF A POLLING STATION

- 3.1 The earlier report to the Committee did indicate that use of the 'Foundation Stage', comprising part of St Aidan's Primary School was considered to be 'acceptable' and that no change was required. However, just prior to the election, representations were received from the school indicating that the use of the school for the purposes of an election would have a detrimental impact upon the operation of the school, even for that one particular day. The Returning Officer therefore met with the Head Teacher and Chair of the Governing Body of St Aidan's Primary School and although it was agreed the use of the school premises for the May, 2012, Borough Council Elections, the same should be revisited, following representations that were to be made. The Chair of the Committee was also informed of the discussions that had taken place with the school, as a matter of courtesy.
- 3.2 Members are reminded that the provisions of the Representation of the People Act, 1983, provides for the use of school premises and other publicly funded buildings in order to offset the costs of an election. Previously, use had been made of the Foggy Furze Library building and this is made comment by some of the representations made to the school which are now appended for the Committee's information to this report (**Appendix 1 refers**). St. Aidan's was established "as a memorial to the old boys and former teachers from the first St Aidan's School who lost their lives in the first world war". It is very much a community based school which has as its vision statement "lighting the fires of lifelong learning through fun, friendship, family and faith". However, the design and lay out of the school building does not readily lend itself to the conduct of an election. Toilets and washing facilities are located predominantly within the Foundation Stage area, which causes "disruption" whilst an election is in process. Although, the location of the school lends itself ideally to the holding of an election, particularly in view of the reconfigured boundaries, it is certainly not purpose built for the use as a polling station, but seen as being 'appropriate'. An alternative, is the potential use of the Oxford Road Baptist Church. Members may therefore request the Chief Solicitor in his capacity as Returning Officer to make due inquiry as to the use of those premises (or other suggested alternatives) other than that of St Aidan's Church of England Memorial Primary School for all subsequent elections.

**4. RECOMMENDATIONS**

For Members to consider the contents of this report and to make appropriate recommendations.



Loyalty Road Hartlepool TS25 5BA

Tel 01429 273695

Fax 01429 284567

E-mail [admin.staidans@school.hartlepool.gov.uk](mailto:admin.staidans@school.hartlepool.gov.uk)

Head Teacher Mr I Railton B Ed  
14 June 2012

Chief Executive  
Support Services  
15 JUN 2012

General Purposes Committee  
Hartlepool Borough Council  
Democratic Services  
Civic Centre  
Hartlepool  
TS24 8AY

Dear Members

Thank you for the opportunity to allow me, on behalf of St Aidan's CE [Aided] Memorial Primary School, to put in writing our very strong reservations about our Foundation Stage Unit being used as a Polling Station in the future.

When I was first approached shortly after the closure of Foggy Furze Library I believed that it was right that as part of the community our school should be used for the purpose especially as I believed that a number of our parents would be voting here. However, having now had to close the Nursery twice, I know that this was the wrong choice.

The Foundation Stage Unit encompasses both the Nursery and Reception classes in one through area separated only by curtains and with toilets for all in the Nursery section which is the area used as the Polling Station.

It is obvious now that in order to facilitate the use of the Nursery as the Polling Station the Reception classes had to be moved out of the Unit as they cannot be allowed to use the toilets due to safeguarding issues. This necessitated a move into other areas of the school with which they are not familiar and this caused them distress. To compound matters further, our numbers are growing due to the Lakes Estate and Cecil Court developments meaning that we are having to bring back into operation two rooms as classrooms. This means that we cannot move the Reception classes into the other areas of the school as we previously have done.

To use our school as a Polling Station is not proving popular with our parents and carers as the emails we have already sent and the letters enclosed prove. They have genuine concerns about the safety of the children and the inconvenience of closing the Nursery, which at this time of austerity is putting extra pressures on the families and their budgets. I was amazed and shocked when I discovered that I could not refuse the use of the school for Polling. This was not

discussed at all when I was first approached by the Council. I now believe this was not mentioned deliberately as it was feared I wouldn't agree to it being used.

I became even more annoyed in May this year when I discovered that several members of my staff had had their Polling Station moved to our school from the Garden Shop at Stranton Cemetery, which was not being used at all.

With respect I request that the Committee look at other alternatives for the Polling Station, namely the Garden Shop at Stranton Cemetery, St Cuthbert's Church Hall, the Greensides Public House or Belle View Community Centre.

If a decision cannot be reached at the meeting on 25 June then I am more than happy to show Members around the school in person to show them that the choice of our school as a Polling Station in future is a poor one especially as there was only a 26% turnout. I believe that it will be even less in November when we are asked to vote for a Police Commissioner.

Yours sincerely



I Railton  
HEADTEACHER on behalf of the Governing Body  
St Aidan's CE Memorial [Aided] Primary School

Enc

Dear Sir/Madam

I am writing to strongly object to St Aidan's Primary School being used as a polling station. As a parent of a child there I am extremely concerned for the safety of my child due to gates being left unlocked and strangers being allowed to walk in freely. This seriously compromises the school Safeguarding Policy by allowing complete strangers to enter the school premises unchecked. Furthermore strangers were able to lean over the fence and talk to children playing in the yard which raises serious safety issues. Have we forgotten the Dunblane tragedy in 1996?

The closure of the nursery also causes major disruption to the children's education and for parent's having to arrange childcare at short notice.

Yours faithfully  
Mrs K Brackstone  
(parent of Ben Brackstone)



Mrs L Collins  
19 Haswell Avenue  
Hartlepool  
TS25 5BP

Mr I Railton  
Headteacher  
St Aidan's C of E Memorial Primary School  
Loyalty Road  
Hartlepool  
TS25 5BA

Dear Mr Railton,

I am writing this letter to bring to light my objection to your school, St Aidan's, being used as a Polling Station not just the closure of the Nursery setting.

As a parent of two children, an aunt and a cousin of children attending this school and a local resident I feel that the use of the school as a Polling Station is extremely unsuitable for many reasons. My main concerns are outlined below.

Firstly, even though it was the Nursery that was used in May this year and I do not have a child in Nursery, I understand how parents of Nursery children felt when it was closed and they had to find alternative arrangements for their child that day. When parents work, or have pre-made plans, this is very difficult to do so, I know from experience. My youngest child and nephew are both in Reception class and along with the other children had to walk past strangers on the school premises to enter their class with the Nursery being used. They had their education disrupted that day due to alternative classroom arrangements having to be made- up to 60 children being moved elsewhere in the school! As a parent concerned about her child's education I was not happy about this. How are they suppose to learn effectively? Resources they normally have readily available to them in their class, were these taken with them? Was it easy to do so? What were the children actually able to do that day? This all needs to be considered by organisers when they decide to use schools during term time. They need to realise just how much planning and preparation goes into a child's education, no matter how young the child is! Children have and like routines, a change to these disrupts everything in a school and it can take a long time to return children to their normal routines once change has occurred. Changes made in one area of the school often have an effect on the rest of school. Nursery is not an isolated area in this school it is the Foundation Stage Unit that includes the Reception class. Disrupting these two settings then disrupts KS1 and KS2 in turn.

Secondly, parents are told that holidays/absences during term time are not acceptable, a day here and there and holidays can equate to a lower level at KS2 or GCSE level. So why is it acceptable to close the Nursery for voting purposes? It is hindering a young child's start in education for those children in Nursery and affecting older children's education as well.

Finally, the issue of CRBs. Recently parents were informed that we were not allowed to attend an event, albeit in another educational establishment, due to CRB issues. So why can voters just wander in to a school to vote without the appropriate CRB or visitor checks being carried out? I know the response will be "they are not left unattended", but just how safe is this? Can you really be sure? The members of staff hired for the Polling Station are inside the school not outside. This school is normally very security conscious, your gates are locked during the day so as a parent I can rest easy

that my children are safe. Entry to the school is via the main office and visitors are checked. Yet on polling day the main infant yard gate and the inner Foundation Stage gate are both unlocked. Anybody who is anyone is walking past this school with the gates open, it will only takes a few moments to get into the KS1 yard, that gate does not have to unlocked, the fence is low enough for an adult to get over if they wish to do so. Schools should not be used as Polling Stations during school hours! Safety issues are one of biggest reasons as to why this is an unsuitable place to use. Haven't we learned from past experience about strangers walking into schools? There is so much emphasis placed on health and safety in a school yet this day doesn't seem to be included. There are other options open to the Council and other more suitable premises to use for a Polling Station, for example, the combined use for voting only at St Cuthbert's Church Hall where I used to vote myself. They are not entering the school here.

As both a parent of children attending your school and as a teacher myself I understand the implications of closing parts of a school, or the school itself, has on the children, the teachers and the parents. I cannot understand why voting is an acceptable reason to do so. I completely understand that you yourself Mr Railton and the staff of St Aidan's are not to be held responsible for this issue, your hands are tied, however as the Headteacher I hope you will take into consideration what the parents of the children whom attend your school are saying about this matter and relay the concerns/objections we have as parents on to the Local Authority/ appropriate Council department because I know I am not the only parent who feels this way.

Yours Sincerely

A handwritten signature in dark ink, appearing to read 'L. Collins', written in a cursive style.

Lynsey Collins

4 Merganser Road  
Bishop Cuthbert  
Hartlepool  
TS26 0RD  
31<sup>st</sup> May 2012

To

Whom it may concern,

As a parent of a child attending St. Aidan's Primary School, I strongly object to the school being used as a Polling station. It causes much inconvenience to the nursery children and their parents, for example, having to make alternative childcare arrangements and also the loss of a day's education.

I feel it extremely unsafe for the other remaining children in school as the gates are unlocked and strangers are freely entering the school. May I remind you of the Dunblane tragedy in 1996.

May I suggest using the 'Greenside' pub, St. Cuthbert's church hall or a temporary portacabin as a safer alternative.

Yours faithfully,

C. Ledington

MRS C. LEDINGTON  
(PARENT OF ETHAN)

## **Admin StAidans**

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**From:** yvonne arnold <vonny@live.co.uk>  
**Sent:** 01 June 2012 14:21  
**To:** Admin StAidans

I want to show my support **against** St Aidans being used as a polling station resulting in children missing their education!

Yours Sincerely

Yvonne Arnold



Spring Garden Cottage  
Stockton Road  
Hartlepool  
TS25 5BE

31<sup>st</sup> May 2012

TO WHOM IT MAY CONCERN

**Re. Objection to using the Nursery at St. Aidan's School as a Polling Station**

I would like to raise an objection to Hartlepool Borough Council using the Nursery at St. Aidan's School as a Polling Station.

It caused a huge inconvenience for me in May when the decision was made to use the nursery as a polling station. My daughter is currently attending the nursery on a morning and is picked up by a private nursery at 11.50 am for the afternoon as I work every day. Due to the nursery being used as a polling station I had to pay extra money to the private nursery to take my daughter in for a full day. This was an expense which I should not have had to pay had the Council arranged for another location to be used as a polling station.

It is unfortunate that the Council took the decision not only to close Foggy Furze Library (which was a great addition to the school and the local community) but to also demolish the building. This decision, I feel, has been taken at the expense of parents whose children attend the nursery and also work.

The Council need to rethink their decision to use the nursery as a polling station.

Yours faithfully

Helen Edwardes



## Admin StAidans

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**From:** Stephen Collins <Stephen.Collins@ahlstrom.com>  
**Sent:** 01 June 2012 12:01  
**To:** Admin StAidans  
**Subject:** School used as a polling station - response.

Dear Mr Railton,

I am writing in response to the news that the school nursery will be closed so it can be used as a polling station. Whilst I am a firm believer in democracy and the right to vote I must say I am strongly opposed to this plan for a number of reasons.

Firstly, in this information driven age, the most important thing we can do for our children is provide a good education.

The education authority have very clear, strict rules about pupils missing school unnecessarily on the grounds that this adversely

affects education. On that basis how can the council justify shutting even a small part of the school? Yes it may be only one day,

but days add up and soon become weeks!

Secondly, it is very difficult for many parents to make alternative arrangements for their children especially those that work.

Either taking a day off or paying a child minder hits people financially which is particularly hard in the current economic climate.

Finally, there is the safety aspect. As I understand it, with the exception of the start and end of the school day, access to the

school is strictly controlled. Visitors need to sign in and out via reception. Are voters going to be watched constantly on school

grounds or asked to sign in? I'm guessing not, and they certainly won't all have CRB checks.

As a parent of two young girls at St Aidan's I find this idea disturbing.

I would urge the council to reconsider and find an alternative location. In the past the council was able to use a convenient

(and quite well used) library until it was closed, victim of cost cutting. I really don't want to see my children's school, education

and safety become more victims of these cost cutting exercises.

Yours Sincerely,

Stephen Collins

Dr. Stephen Collins  
Product Development Engineer  
Food and Medical Business Area

Ahlstrom Chirnside Ltd  
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## Admin StAidans

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**From:** Deborah Leonard <debnbonjovi@yahoo.co.uk>  
**Sent:** 31 May 2012 23:31  
**To:** Admin StAidans  
**Subject:** Polling station

Dear Mr Railton,

Being a teacher myself and challenging parents to ensure their children have 100% attendance, I find it appalling that for a second time my daughters education is going to be affected due to the establishment being used as a polling station when there are other venues which could be used and which wouldn't affect their educations. I also have the issue of a childminder which will cost me more as a result of her not being in nursery but if this option is not available then I will have to take time off work to look after her which mean the students I teach will also lose out on their education.

I hope the council will take the objections of parents seriously as it is not just the students of St Aidan's who are affected.

Yours faithfully  
D. Robinson

(Parent of Chloe Robinson/Teacher at St Hilds C of E School)

## Admin StAidans

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**From:** Penelope Stevenson <penstevenson@gmail.com>  
**Sent:** 31 May 2012 22:05  
**To:** Admin StAidans  
**Subject:** Polling Station Protest

As a parent of a 5 yr old in upper foundation I wish to strongly object to the councils insistence to upset my child's education earlier this year when the nursery class was used for polling where only 23% of the population could be bothered to vote. The 60 children in my child's year group were seconded to the only other classroom in the school which had insufficient capacity to transfer their educational needs, so depriving them of their education that day. I'm sure I would be penalised for keeping my child away from the classroom for a day so why should the council think they are above the law and deprive my child of a day's education at such a vital time of his early years education. I was also concerned that people other than parents, teachers and authorised visitors had access to the school. I entrust the school and other bodies in the school to be appropriately checked (CRB) so as not to put my child at risk. I wonder how this fits with safeguarding children when the gate leads straight to the school yard and access to the school without barriers. I am further concerned to learn that the school nursery is again to be considered appropriate to be used for voting later in the year.

Your consideration in finding a suitable alternative venue for voting would be appreciated.

Yours

Mrs P Stevenson

## Admin StAidans

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**From:** Andrea Welsh <andrea.welsh@ntlworld.com>  
**Sent:** 31 May 2012 17:07  
**To:** Admin StAidans  
**Subject:** I would like to raise my objections to the nursery being used as a polling station. As a parent of a child at school and one due to start nursery in September I cannot understand why the school has to be used and do not like the idea of people coming i...

Sent from my Sony Ericsson Sony Ericsson Live

## Admin StAidans

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**From:** Paula <p.stamp@talktalk.net>  
**Sent:** 31 May 2012 13:42  
**To:** Admin StAidans  
**Subject:** Using school as a polling station.

Dear Sir/Madam,

I would like to offer my support to St. Aidan's School in their protest against using it as a polling station.

I am a parent of children within the school & my youngest child is due to start Nursery in the next academic year. I feel the council are being incredibly hypocritical in closing the school whenever it suits themselves, when much is made in the press about how important sending our children to school is & prosecuting those who fail to do so.

I am sure there are alternative venues where polling can take place, where our children's education is not disrupted.

Yours sincerely,

Paula Stamp.



## Admin StAidans

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**From:** Lesley Davison <lesleydavison33@googlemail.com>  
**Sent:** 31 May 2012 12:26  
**To:** Admin StAidans

I strongly agree that the school should NOT be used as a polling station I davison

## Admin StAidans

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**From:** Lester, Barbara <Barbara.Lester@tmdfriction.com>  
**Sent:** 31 May 2012 12:23  
**To:** Admin StAidans  
**Subject:** Re: St Aidans being used as a polling station

To Hartlepool Council,

This e-mail is to support St Aidans in that the school should not be used as a polling station. As a working parent of two young children at St Aidans I can wholly support that using the school as a polling station causes not only disruption to myself and many other working parents, as we either have to find alternative child care arrangements or take time off work.

However more importantly I feel that by closing the school for one day can have a detrimental effect on the children as they are missing out on valuable education. Children only have one chance to get their education right and for schools to do their best for pupils, and by closing the school to use it as a polling station is lowering the chances of children getting a good education at the early stages in their learning life.

Kind regards

Barbara Lester

Tel: 07711004952

\*\*\*\*\*

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## Admin StAidans

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**From:** Lisa Cranney <lisacranney@hotmail.co.uk>  
**Sent:** 31 May 2012 12:04  
**To:** Admin StAidans  
**Subject:** Using school as polling station

I do not agree with st aidans school being used as a polling station at all. It is very difficult to explain to your child why he/she has to miss time at school with friends due to it being used for voting when there is plenty of other places to do this.

Parent of faith cranney  
St aidans nursery.

## Admin StAidans

---

**From:** Ellen Gardner <andrew.gardner2@ntlworld.com>  
**Sent:** 31 May 2012 11:34  
**To:** Admin StAidans  
**Subject:** St Aidans CE Primary School: Objections to voting

This is an enquiry e-mail via <http://st-aidans.hartlepool.sch.uk/joomla/> from:  
Ellen Gardner <[andrew.gardner2@ntlworld.com](mailto:andrew.gardner2@ntlworld.com)>

To whom it may concern, I wish to express my concern about St Aidans school being used for a voting station.  
My reasons being.

Complete disruption for the whole school as classes need to be moved. It is not only the nursery being used but it has a knock on effect and all of the school is disrupted in order to incorporate the voting booths.

If the nursery is used the nursery children are unable to attend which then brings the problem that parents have to find alternative arrangements for their children.

Also the most important thing is that safety for the rest of the children on premises as different people coming and going through out the school day.

Cost too as the school would need to be staffed longer hours for opening up and closing and heating & electricity will also be used.

Thank you

Ellen Gardner

Jennifer Smith  
21 Stratford Rd.

To whom it May Concern,

I am writing with regards to St aidens School being Used as a polling Station, I wish to show my disappointment in this procedure and raise concern that this is causing Parents expense due to arranging alternative care for their children, Plus children are missing out on valuable education.

Jennifer Smith.

Wendy Allen  
82 Brendard  
Hartlepool

To Whom This may Concern

I am writing as a parent to object to the Council using St Aidans as a Polling Station as it affects the Nursery children as it has my son who likes his routine to be the same everyday and gets very upset when ~~things~~ are changed to his daily routine that's cause confusion to him. ~~the~~ moves up to fulltime school in Sept. But if it doesn't get stopped then it will again affect my youngest son he starts school nursery next year. I hope that you will listen to our concerns for our children's missed education because this.

Wendy Allen  
W Allen



38 Whitfield Drive  
Hartlepool  
TS25 5BH

31<sup>st</sup> May 2012

Dear Sir/Madam,

On behalf of myself and my daughter I would like to object to St. Aidens School being used as a Polling Station as my self and my daughter have both been affected by this action both Past and Present. My grandson this year was not happy that he couldn't go to Nursery when his Uncle could attend school he didn't understand why and was upset all day. I am sure for the amount of people that actually turned out to vote that somewhere more suitable could be used instead of disturbing the full Nursery.

Yours faithfully

M. Brown

M. Brown.

31 May 2012

To whom it may concern

I would like to put my objection forward for the day closure of St Aidan's nursery to make way for a polling station. No thoughts have obviously been given to the children or the parents of the children affected, as some of these parents will have to find alternative childcare arrangements or have to arrange time off work. This time lost at work could impact on their income. Also I find this closure hypocritical due to the government/councils making a point of putting across to parents that their children have to attend school unless ill. Surely a voting booth could be placed elsewhere in the area which allows the nursery, the children who attend it and the parent who relies on it to be unaffected.

Joanne Heward

Parent

31 May 2012

To whom it may concern

I strongly object to the nursery being closed for the use of a polling station. It not only disrupts the nursery but has a knock on affect for the whole school. Also I do not agree with strange people being allowed on the premises during school hours.

Mrs L Corbett

Parent

## GENERAL PURPOSES COMMITTEE

25<sup>th</sup> June, 2012



**Report of:** Director of Child & Adult Services

**Subject:** APPOINTMENT OF LOCAL AUTHORITY  
REPRESENTATIVES TO SERVE ON SCHOOL  
GOVERNING BODIES

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### 1. PURPOSE OF REPORT

To update members of the General Purposes Committee in respect of vacancies that currently exist for Local Authority representative governors serving on school governing bodies where, interest has been expressed in the vacancies, and to request members to make recommendations to the Children's and Community Services Portfolio Holder in respect of the appointments to school governing bodies.

### 2. BACKGROUND

Applications are invited from members of the general public, elected members and those governors whose term of office is about to expire or has expired and who are interested in serving ,or wish to continue to serve as a LA representative governor on school governing bodies.

The following criteria were agreed by the Borough Council for the recruitment of LA representative governors in 2000. LA governors should be able to show:

- demonstrable interest in and commitment to education;
- a desire to support the school concerned;
- a commitment to attend regular meetings of the governing body (and committees as appropriate) and school functions generally;
- good communication/interpersonal skills;
- ability to work as part of a team;
- a clearly expressed willingness to participate in the governor training programme.



### 3. PROPOSAL

A schedule (**Appendix 1**) is attached setting out details of vacancies which currently exist for LA representative governors, where interest has been expressed in the vacancies together with applications received in respect of the vacancies (**Appendix 2**). **This item contains exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, information relating to any individual (para 1)**

Member's attention is drawn to the decision of the Children's Services Portfolio Holder on 8<sup>th</sup> May 2012 in respect of the appointment of a LA Governor for Seaton Carew Nursery School. The General Purposes Committee is requested to give further consider consideration to the appointment to this vacancy.

### 4. RECOMMENDATIONS

That the recommendations for the appointments set out in the confidential section of the minutes, of LA representative governors be referred to the Children's and Community Services Portfolio Holder for approval.

### 5. BACKGROUND PAPERS

- Schedule of vacancies
- Applications
- Children's Services Portfolio Holder decision record 8th May 2012

### 6. CONTACT OFFICER:

**Ann Turner, Governor Support Officer, telephone 523766  
email [ann.turner@hartlepool.gov.uk](mailto:ann.turner@hartlepool.gov.uk)**

## **VACANCIES SCHOOL GOVERNING BODIES**

**JUNE, 2012**

**Contact Officer: Ann Turner  
01429 523766**

## VACANCIES FOR LOCAL AUTHORITY REPRESENTATIVES ON GOVERNING BODIES

<b>SCHOOL INCLUDING LA GOVERNORS</b>	<b>VACANCIES</b>	<b>INTEREST EXPRESSED</b>	<b>RECOMMENDED FOR APPOINTMENTS</b>
Barnard Grove Primary School  Mr James Michael Kay Councillor Jean Robinson Councillor Rob Cook	Mr. James Michael Kay Term of office expires 21 <sup>st</sup> September, 2012	Mr. James Michael Kay	
Clavering Primary School  Councillor Rob Cook Councillor Jean Robinson Mrs. Irene Green	Councillor Rob Cook term of office expires 19 <sup>th</sup> September, 2012	Councillor Rob Cook	
High Tunstall College of Science  Councillor Dr. George H Morris	Councillor Dr. George H Morris Term of office expires 15 <sup>th</sup> October, 2012	Councillor Dr George H Morris	
Holy Trinity C.E. Aided Primary School  Councillor Michael Turner	Councillor Michael Turner Term of office expires 3 <sup>rd</sup> September, 2012	Councillor Michael Turner	
Lynnfield Primary School  Mr. Jamie Bryant Councillor Carl Richardson	2 vacancies Councillor Chris Simmons Term of office expired 5 <sup>th</sup> June 2012 Councillor Carl Richardson Term of office expires 31 <sup>st</sup> August, 2012	Councillor Carl Richardson Councillor Chris Simmons	
Manor College of Technology  Mr. Arthur Preece	Mr. Arthur Preece Term of office expires 31 <sup>st</sup> August, 2012	Mr. Arthur Preece	

<b>SCHOOL INCLUDING LA GOVERNORS</b>	<b>VACANCIES</b>	<b>INTEREST EXPRESSED</b>	<b>RECOMMENDED FOR APPOINTMENTS</b>
Owton Manor Primary School  Councillor Marjorie James Mrs. Mary Raine Mrs. Judy Thompson Vacancy	Vacancies Vice Mrs. Stephanie Hayes Mrs. Judy Thompson Term of office expires 31 <sup>st</sup> August, 2012	Mrs. Judy Thompson	
Sacred Heart R.C. Primary School  Councillor Gerard G Hall	Councillor Gerard G Hall Term of office expires 19 <sup>th</sup> September, 2012	Councillor Gerard G Hall	
St. John Vianney R.C. Primary School  Mrs. Brenda J Cook	Mrs. Brenda J Cook Term of office expires 20 <sup>th</sup> September, 2012	Mrs. Brenda J Cook	
St. Joseph's R.C. Primary School  Vacancy	Vacancy	Mr. David W Tindall Mrs. Diane Risebury Mrs. Rachel Parker	
West View Primary School  Mr. D. Wise Councillor C. Simmons	Councillor Chris Simmons Term of office expires 31 <sup>st</sup> August, 2012	Councillor Chris Simmons	
Seaton Carew Nursery School  Mrs Hilary Thompson Vacancy	Vacancy  Councillor Geoff Lilley Term of office expired July 2011	Councillor Geoff Lilley Councillor Paul Thompson	

**GENERAL PURPOSES COMMITTEE**

25th June 2012

**Report of:** Chief Solicitor**Subject:** GOVERNANCE OPTIONS

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**1. CONSTITUTIONAL CHANGE**

1.1 The Localism Act, 2011, provides for the following permissible forms of governance which a Local Authority must operate;

- (a) Executive arrangements
- (b) A Committee system, or
- (c) Prescribed arrangements

Executive arrangements must either follow the Elected Mayor and Cabinet Executive format or that of a Leader and Cabinet Executive. The Department of Communities and Local Government have also indicated that it would be permissible for Local Authorities “....to consider some novel form of governance arrangements such as a hybrid of executive and committee systems, or something entirely new”. Such “prescribed arrangements” would require the Secretary of State’s approval through his regulation making powers and in submitting such proposals a Local Authority must set out how it considers that the following statutory conditions would be met –

- that the operation of the proposed arrangements would be an improvement on the Council’s current arrangements;
- that the operation of the proposed arrangements would be likely to ensure that decisions are taken in an efficient, transparent and accountable way; and
- that the proposed arrangement would be appropriate for all Councils or any particular description of Council.

1.2 Through ‘The Local Authorities (Committee System) (England) Regulations, 2012, which came into force on 4th May, 2012, Local Authorities may resolve to move to a committee based system of governance. Where such a resolution was passed, a Council would operate a committee system from its next annual meeting or subsequent annual meeting as specified in the resolution. These Regulations also provide for certain functions that can only be discharged by Council, for example, the approval or adoption of a plan or strategy (which effectively replicates the Council’s current policy

framework) and also the approval or adoption of any plan or strategy for the control of the Authority's borrowing, investment or capital expenditure or for determining the Authority's minimum revenue provision. Whereas under the Executive arrangements an Authority must appoint one or more committees to discharge its overview and scrutiny function, under a committee based system, this would be a discretionary feature. If adopted, an overview and scrutiny committee would review or scrutinise decisions made, or action taken, in connection with the discharge of any function of the Authority as set out more fully within the Regulations.

- 1.3 As indicated, The Localism Act, 2011, allows for a Local Authority to change its form of governance. A formal resolution is required in order to make a change in governance arrangements. As soon as practicable after passing such a resolution a Local Authority must; provide copies of the document setting out the arrangements for its governance, for public inspection and that the same is published in one or more newspapers circulating in the Local Authority's area. The legislation also provides that where a Local Authority is currently operating a Mayor and Cabinet Executive and any change to these arrangements would see a cessation to the operation of a Mayor and Cabinet Executive, the "relevant change time" is the time during the third day after the day on which the next ordinary election of a Mayor was expected to be held. Further, where the implementation of a Local Authority's existing form of governance was approved in a referendum then a subsequent referendum to effect any change, is a statutory requirement.
- 1.4 Where a Local Authority wishes to make a change in its governance arrangements that require approval through a referendum, then it must draw up proposals for such a proposed change. The proposals must include;
- A timetable with respect to the implementation of the proposals
  - Details of any transitional arrangements which are necessary to implement the proposals, and
  - A statement that the change in governance arrangements is to be subject to approval in a referendum.

After complying with these requirements, a Local Authority may hold a referendum on its proposals. A Local Authority may not pass a resolution which makes the proposed change unless the result of the referendum is to approve the proposals. Such a resolution must be passed within a period of 28 days beginning with the day when the referendum was held. In addition, such a resolution must be passed at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object of the meeting. As before, where a Local Authority holds a referendum, it may not hold or be required to hold a further referendum within a period of 10 years beginning with the date of that referendum.

- 1.5 The Regulations relating to the conduct of referendums, have also changed. The earlier 2007 Regulations have now been revoked and the pertinent regulations are now 'The Local Authorities (Conduct of Referendums) (England) Regulations, 2012'. These Regulations provide that not less than

56 days (excluding Saturdays, Sundays, Bank Holidays) before any referendum, the local authority proposals and a statement as to the question to be asked at the referendum, and the date of the referendum and other required information must have been published. The Regulations also provide for the combination of polls namely where an “ordinary election” is to be held within a period of 28 days either side of the proposed referendum. Where a Local Authority either resolved to hold a referendum or received a valid petition or Order from the Secretary of State, then the question to be put must be that which is described within the Regulations. The question to be asked in a referendum is that prescribed within Schedule 1 to these Regulations and is based on the current arrangements that an Authority operates and the proposal to move to another permissible form of governance.

- 1.6 At the Council meeting on 21<sup>st</sup> June Council debated the proposals in relation to which a referendum is to be held:-

Set out below are the statutory questions to be asked in a referendum.

- a) A Mayor and Cabinet Executive, the question to be asked in that referendum is to be in the form set out –
  - i) where the Authority is currently operating a Leader and Cabinet Executive (England), in paragraph 1 of Schedule 1 to these Regulations; and
  - ii) where the Authority is currently operating the committee system, in paragraph 2 of Schedule 1 to these Regulations; and
- b) A Leader and Cabinet Executive (England), the question to be asked in that referendum is to be in the form set out –
  - i) where the Authority is currently operating a Mayor and Cabinet executive, in paragraph 3 of Schedule 1 to these Regulations/ and
  - ii) where the Authority is currently operating the committee system in paragraph 4 of Schedule 1 to these Regulations; and
- c) the committee system, the question to be asked in that referendum is to be in the form set out –
  - i) where the Authority is currently operating a Mayor and Cabinet Executive, in paragraph 5 of Schedule 1 to these Regulations; and
  - ii) where the Authority is currently operating a Leader and Cabinet Executive (England), in paragraph 6 of Schedule 1 of these Regulations.

Obviously the Council currently is governed by a Mayor and Cabinet Executive and, as can be seen from above, the Council has a choice as to the questions to be put on the ballot paper. It can be either (b) or (c).

- 1.7 The Council does not have a statutory obligation to consult the public on governance options available as laid out in the Localism Act, 2011.

However, due to the impact any governance changes would have to the running of the Council and therefore the town, it would make sense to utilise the Neighbourhood Forums and involve the public in the debate. There are also many other Forums to which the question can be put as well as the Council's website if Members wish.

The first available meeting of the Neighbourhood Forums is 4<sup>th</sup> July where it is suggested the topic is raised and a special meeting of the Forums be convened at the end of July to fit in with the timescales as laid out in Section 1.6 of the report.

- 1.8 It is for Members to determine how that consultation is framed and it is suggested that in order to have meaningful debate then both options set out in figures (i) and (ii) should be the basis of the consultation.
- 1.9 In Figures (i) and (ii) below are the prescribed wording of the ballot papers which would be used for the referendum for your information.

Figure (i)

Form of Ballot Paper: Question in referendum as specified in paragraph 3 of Schedule 1

### Front of ballot paper

<b>Referendum on how _____ Council is run</b>	
Vote only <b>once</b> by marking a cross (X) in the box next to your choice	
<b>How would you like _____ Council to be run?</b>	
By a <b>mayor</b> who is elected by voters. This is how the council is run now.	<input type="checkbox"/>
By a <b>leader</b> who is an elected councillor chosen by a vote of the other elected councillors. This would be a change from how the council is run now.	<input type="checkbox"/>

### Back of ballot paper

Ballot Paper Number

Other Unique Identifying Mark

Council referendum on [insert date] [name of voting area] .....



Figure (ii)

Form of Ballot Paper: Question in referendum as specified in paragraph 5 of Schedule 1

### Front of ballot paper

Referendum on how _____ Council is run	
Vote only <b>once</b> by marking a cross (X) in the box next to your choice	
How would you like _____ Council to be run?	
By a <b>mayor</b> who is elected by voters. This is how the council is run now.	<input type="checkbox"/>
By one or more <b>committees</b> made up of elected councillors. This would be a change from how the council is run now.	<input type="checkbox"/>

### Back of ballot paper

Ballot Paper Number

Other Unique Identifying Mark

Council referendum on [insert date] [name of voting area] .....

## 2. RECOMMENDATIONS

1. For Constitution Committee Council to consider this report and to consider what proposals should be subject to a referendum to effect any constitutional change and consultation arrangements.

