

LGBCE (12) 2nd Meeting

Minutes of meeting held on 14 February 2012, at 09:30am, in Rooms A & B,
Layden House, 76-86 Turnmill Street, London, EC1M 5LG

Commissioners Present:

Max Caller CBE (Chair)
Professor Colin Mellors (Deputy Chair)
Dr Peter Knight CBE DL
Sir Tony Redmond
Dr Colin Sinclair CBE

Invited Guest: Susie Squier – The Treasury Solicitor

LGBCE Officers Present:

Alan Cogbill	Chief Executive
David Hewitt	Director of Finance
Richard Buck	Review Manager
Timothy Bowden	Review Manager
Alison Wildig	Implementation and Programme Manager
Marcus Bowell	Communications Manager
Sarah Vallotton	Business & Committee Services Manager (minutes)
David Owen	Policy & Research Officer
Paul Kingsley	Review Adviser
Danny Edwards	Review Officer
Nicholas Dunkeyson	Review Officer
William Morrison	Review Officer
Arion Lawrence	Review Officer
Simon Keal	Review Officer
Daniel Knag	Implementation Officer
Dean Faccini	Business Assistant

Apologies for Absence

Apologies for absence were received from Professor Paul Wiles
(Commissioner) and Archie Gall (Director of Reviews).

Minutes of LGBCE's meeting on 17 January 2012

The minutes of the Commission meeting on 17 January 2012 were agreed as an accurate record.

Matters Arising

Further correspondence regarding the Electoral Review of Cumbria had been received from the Leader and Deputy Leader of Cumbria County Council. The correspondence, and LGBCE's response, would be circulated to all Commissioners.

Declarations of interest:

The Chair declared an interest in Swale and would subsequently withdraw for discussion of that item.

1. Equalities Legislation Briefing – LGBCE (12)8

The Commission had previously requested advice on how it could ensure that it was meeting its equalities duties in the conduct of review processes. To that end, Susie Squier of the Treasury Solicitor's Department had been invited to the meeting to speak to the paper.

As a result of the briefing and the answers that Susie gave in response to Commissioners' questions, the Commission was reassured that its equalities procedures were robust and appropriate.

2. Operational Report – LGBCE (12)9

Cumbria: It was agreed that a deadline should be given for Cumbria to provide a revision of updated electoral figures in order to avoid a delay in the review programme.

Milton Keynes: Milton Keynes had not yet provided a detailed rationale for Council Size, but was planning to do so.

Lancaster: Evidence presented at a meeting with Lancaster Group Leaders on proposed council size was considered insufficient and a further meeting was being arranged to resolve this issue.

As a result, both Milton Keynes and Lancaster reviews would be considered at the March 2012 meeting.

Officers were currently checking which reviews might no longer be pursued due to changes in electoral data.

Harrogate had indicated that it no longer fulfils the criteria, but would still welcome an electoral review. It was agreed that the review should go ahead subject to receiving a formal request from Harrogate.

Electoral change orders for Daventry, Broxbourne and Rushmoor had been made.

It was noted that there had been a number of staff changes which might result in reallocation of some reviews. These were to be detailed at subsequent meetings.

3. Proposed Wiltshire (Electoral Changes) (Amendment) Order – LGBCE (12)10

Defects had been found in the Electoral Commission order The County of Wiltshire (Electoral Changes) Order 2009.

While it was possible for Wiltshire CC to undertake a Community Governance Review to address these defects, it did not wish to do so, and had asked that LGBCE undertake an amendment order to correct the errors.

However, the legislation was not clear on the LGBCE's powers to amend an Electoral Commission order, and clarification was being sought. It was therefore agreed that consideration of this issue should be postponed until the situation had been clarified.

4. Arun Council Size & Review Type – LGBCE (12)11

It had been agreed to review Arun due to electoral imbalances. The review had commenced on 9 January 2012. According to the latest electoral figures, 31 percent of wards had variances greater than 10 per cent.

The Commission had held meetings with local authority leaders and officers both to explain the review process and to seek information about electorate forecasts and the basis of the proposed council size. The current size of the Council is 56 members.

Following receipt of information from the Council about future governance and representative arrangements, LGBCE officers recommended that there was sufficient evidence to support the council size changing to 53 members.

The Commission considered all the available evidence. On the basis of the evidence submitted they were minded to support a council size of 53 members.

Agreed

The Commission agreed that a council size of 53 be used as the basis for the preparation of the Draft Recommendations. It was agreed that the review be classed as a medium type review for the next stages of the review process.

5. Warwick DC Council Size & Review Type – LGBCE (12)12

It had been agreed to review Warwick District Council due to electoral imbalances. The council had also formally requested a review take place. The review had commenced on 9 January 2012. According to the latest electoral figures, 36 percent of wards had variances greater than 10 per cent.

The Commission had held meetings with local authority leaders and officers both to explain the review process and to seek information about electorate forecasts and the basis of the proposed council size. The current size of the Council is 46 members.

At its meeting on 13 December 2011, the Commission considered the Council's proposals for council size, but concluded that there was insufficient evidence to make a decision about council size. Further discussion at a meeting in January 2012, between the Lead Commissioner, LGBCE officers, Group Leaders and Chief Officers of Warwick District Council, provided further information and evidence on council size.

In the light of the additional information received, LGBCE officers recommended a council size of 46.

The Commission considered all the available evidence and, on the basis of the evidence submitted, were minded to support a council size of 46 members.

Agreed

The Commission agreed that a council size of 46 be used as the basis for the preparation of the Draft Recommendations. It was agreed that the review be classed as a small type review for the next stages of the review process.

6. Derbyshire CC Draft Recommendations – LGBCE (12)13

The review of Derbyshire County Council had commenced on 16 May 2011. According to the latest electoral figures, 39 percent of divisions had variances greater than 10 per cent.

At its meeting on 9 August 2011, the Commission was minded to agree a Council size of 64 and the preparation of Draft Recommendations based on this council size.

In preparing the draft scheme, the team had taken into consideration both the submissions it had received and the statutory criteria. The Draft Recommendations proposed a pattern of 60 single-member divisions and two two-member divisions.

The Commission considered the recommendations in detail informed by the statutory criteria and taking into account the submissions received. It agreed the Draft Recommendations as presented with a minor modification in the area of North East Derbyshire.

Agreed

Draft Recommendations for Derbyshire County Council as modified.

7. Swale BC Draft Recommendations – LGBCE (12)14

Following the declared interest, the Chair left the room and the item was chaired by the Deputy Chair.

The review of Swale Borough Council had commenced on 16 May 2011. According to the latest electoral figures, 1 ward had a variance of over 30 per cent, and a further five wards had a variance of more than 10 percent.

At its meeting on 8 November 2011, the Commission was minded to agree a Council size of 47 and the preparation of Draft Recommendations based on this council size.

In preparing the draft scheme, the team had taken into consideration the submissions it had received and the statutory criteria. The Draft Recommendations proposed a pattern of five single-member wards, 15 two-member wards and four three-member wards.

The Commission considered the recommendations in detail informed by the statutory criteria and taking into account the submissions received. It agreed the Draft Recommendations as presented.

Agreed

Draft Recommendations for Swale Borough Council as presented.

8. Hackney Council Size & Review Type – LGBCE (12)15

This item was also chaired by the Deputy Chair of the Commission.

It had been agreed to review Hackney Council due to electoral imbalances. The review had commenced on 9 January 2012. According to the latest electoral figures, 37 percent of wards had variances greater than 10 per cent.

The Commission had held meetings with local authority leaders and officers both to explain the review process and to seek information about electorate forecasts and the basis of the proposed council size. The current size of the Council is 57 members.

Following receipt of information from the Council about future governance and representative arrangements, LGBCE officers recommended that there was sufficient evidence to support the council size remaining at 57 members.

The Commission considered all the available evidence. On the basis of the evidence submitted it was minded to support a council size of 57 members.

Agreed

The Commission agreed that a council size of 57 be used as the basis for the preparation of the Draft Recommendations. It was agreed that the review be classed as a small type review for the next stages of the review process.

9. Chair's Report – including Report on the Daventry Draft Order – LGBCE (12)16

The Chair re-joined the meeting and resumed the Chair to give his report.

On 24 January 2012, a Delegated Legislation Committee (DLC) in the House of Commons considered the Draft Daventry (Electoral Changes) Order 2012.

The motion considered by the committee was:

That the committee has considered the draft Daventry (Electoral Changes) Order 2012.

The committee resolved in favour of the motion.

The Commission's Chair made the order on 24 January 2012 to give Daventry District Council the maximum amount of time possible to prepare new electoral arrangements for the elections in May 2012.

The Chair mentioned that there had been some discussion around the Local Government Boundary Commission for Wales having its objectives widened to include decision making powers on the number of members that appeared on joint bodies, which would have an impact on the police, fire authorities, parks authorities, etc.

10. Chief Executive's Report – oral

The Chief Executive reported that the Chair and he would attend a meeting with the Speaker's Committee on Wednesday 7 March. The main business

would be, for both Electoral Commission and the LGBCE, the draft Corporate Plans and National Audit Office Value for Money reports. It would be a short session, and it was not yet clear whether there would be the opportunity to discuss the legislative framework for the scrutiny to which the Commissions were subject, or external membership of Audit Committees.

He was proposing further Commissioner/staff workshops on the Commission meeting days in April and August.

There had been progress on the development of a new LGBCE website, and it was expected that a new platform would be available before the end of this financial year, with further development going forward.

11. Corporate Plan 2012-2016 – LGBCE (12)17

The draft Corporate Plan 2012-2016 had been circulated.

Agreed

The draft Corporate Plan 2012-2016 was agreed.

12. Budget Forecast for 2011-12 and Budget for 2012-13 – LGBCE (12)18

The Commission considered the draft budget and it was agreed to make minor modifications to reflect possible increased demands on Commissioner's time. Small compensating adjustments would be made to other headings

The Commission was content with the budget allocations for other headings.

The capital budget was also discussed.

It was noted that the budgets were in line with the totals included in the Corporate Plan submitted to the Speaker's Committee.

Agreed

The Commission authorised revenue and capital budgets of £2,567,000 and £50,000 respectively for the year 2012-13.

13. Minutes of the Audit Committee on 7 November 2011 – LGBCE (12)19

The minutes of the Audit Committee meeting on 7 November 2011 were noted.

14. Report on the Audit Committee on 13 February 2012 (oral)

The Chair of the Audit Committee reported on business at the Audit Committee meeting the previous day.

The minutes of the Audit Committee meeting would be circulated to all Commissioners once they had been agreed.

15. Risk Management Policy – LGBCE (12)20

The Risk Management Policy had been reviewed and agreed by the Audit Committee at its meeting on 7 November 2011. The Commission was asked to consider and approve the policy.

Agreed

The Risk Management policy as presented.

16. Future Business – LGBCE (12)21

The future business paper was noted.

AOB

No further business.

The Commission then went into private session regarding personnel matters.

It noted that under current LGBCE procedures, final decisions on staff management rested with the Chief Executive, with no express provision for appeal to the Commission itself. The Commission agreed the need for an appeals panel (consisting of the Chair, the Deputy Chair and the Chair of the Audit Committee). Proposed terms of reference for the panel would be brought to a subsequent meeting.

13:15 Meeting Closed