

LGBCE (11) 1st Meeting

Minutes of meeting held on 11 January 2011, at 2.00pm,
in Room B, Layden House, 76-86 Turnmill Street, London,
EC1M 5LG

Commissioners Present:

Max Caller CBE (Chair)

Dr Peter Knight CBE DL (Acting Deputy Chair)

Jane Earl

Dr Colin Sinclair CBE

Professor Paul Wiles CB

Observer:

Sir Tony Redmond

Officers Present:

Alan Cogbill

Archie Gall

David Hewitt

Joan D'Souza

Sam Hartley

Richard Buck

Timothy Bowden

Marcus Bowell

Sarah Vallotton

David Owen

Kathleen Peacock

Chief Executive

Director of Reviews

Director of Finance

Review Manager

Review Manager

Review Manager

Review Manager

Communications & Public Affairs
Manager

Business & Committee Services
Manager

Policy and Research Officer

Business Support Officer (Minutes)

1. Minutes from LGBCE's meeting on 8 December 2010 and Matters Arising

Apologies for absence were received from Professor Colin Mellors (Deputy Chair). Dr Peter Knight acted as Deputy Chair in Professor Mellor's absence. Those present introduced themselves and welcomed new Commissioner Professor Paul Wiles and observer Sir Tony Redmond to their first meeting of the Commission.

The Chair informed the Commission that Sam Hartley would shortly begin a two-year secondment to the Boundary Commission for England. Following a selection exercise, Tim Bowden would become Review Manager to cover the period of Sam Hartley's secondment. The Chair thanked Sam for his contribution to the LGBCE and wished both Sam and Tim every success in their new roles.

The minutes from the 8 December 2010 meeting were agreed as an accurate record. The Commission discussed Matters Arising from the 8 December Minutes.

Noted:

1. A farewell dinner had been provisionally arranged for recently retired Commissioner Joan Jones CBE on the evening of 7 March 2011.

2. Declarations of Interest

The following declarations of interest were received:

- 2.1 Max Caller registered new interests in Suffolk and Swale.
- 2.2 Paul Wiles registered a new interest in Darlington and Islington.
- 2.3 Jane Earl registered a new interest in Cambridge City Council and declared continuing interests in Slough, Oxfordshire and the Rich Mix Cultural Foundation.
- 2.4 Peter Knight declared an existing interest in Staffordshire.
- 2.5 Colin Sinclair declared an existing interest in Cumbria.
- 2.6 David Hewitt declared an existing interest in Rushmoor.

3. Chair's Report

3.1 Schedule of Parliamentary Meetings - LGBCE (11)1

- 3.1.1. During December, two meetings took place between the Chair, the Communications & Public Affairs Manager and MPs for Aldershot and Daventry.
- 3.1.2. The results of the meeting with both MPs were positive. In particular, assurances were given by the MP for Daventry that Daventry District Council would endeavour to work more closely with the LGBCE, to find a way forward with their on-going electoral review.
- 3.1.3. In addition to these meetings, the Chair, Chief Executive and Communications and Public Affairs Manager attended an LGA Leadership meeting to discuss the Commission's consultation papers. Written responses were still awaited from the LGA and DCLG.

3.2 Parliamentary Questions to LGBCE - LGBCE (11)2

- 3.2.1. No new Parliamentary questions have been put down since the last Commission meeting.

- 3.2.2. The Commission's first four electoral change orders had been made on 4 January 2011 – and incidentally were numbers 1 to 4 in the 2011 series of statutory instruments.
- 3.2.3. For the eight draft orders still before Parliament, 15 days remained for MPs to pray against them before the way would be clear for them to be made. To date no prayers had been tabled.

4. Chief Executive's Report

The Chief Executive gave the following update to the Commission.

Noted:

- 4.1. A number of Internal and External Audits have taken place over the last 2 months. The results of the Internal IT Controls Audit were expected by 21 January.
- 4.2. NAO were in the middle of carrying out a Value for Money Audit. The Chief Executive and Director of Finance were working closely with NAO representatives to ensure that the final report fairly reflected the LGBCE's performance as a whole. NAO would present the emerging report to the LGBCE's Audit Committee at the February meeting. Jane Earl, Chair of the Committee, would be meeting NAO representatives on 31 January.
- 4.3. NAO had found it difficult to pin down the LGBCE's unit costs for their VFM study. This was partly due to Commission's transition process from the EC to the LGBCE, and partly due to the disruption of the (exceptional) structural reviews.
- 4.4. Three workshops had taken place to help produce a set of up to date KPIs for the LGBCE, as promised to the Speaker's Committee. The Policy and Research Officer was working on a report supporting updated KPIs, to be circulated to Commissioners imminently, for review before new KPIs were put to the Commission for final approval at its February meeting, shortly before they were due to be submitted to the Speaker's Committee.
- 4.5. The Chief Executive had recently received a division re-naming request from Shropshire. There was a case for withholding consent, and he would consider whether to bring the request to the Commission for decision, in accordance with the agreed delegation.

5. Membership of the Audit Committee

The Commission discussed the membership of the Audit Committee, as a result of the recent changes to Commission membership.

Agreed:

- 5.1 Colin Mellors would remain a member of the LGBCE's Audit Committee.
- 5.2 Colin Sinclair would become a member of the LGBCE's Audit Committee.

6. Future Business - LGBCE (11)3

The Commission reviewed the future business paper for the 8 February Commission meeting.

Noted:

- 6.1 The agenda for the February meeting would be full, even allowing for the earlier start (with Commissioners in London for the Audit Committee meeting the previous day).
- 6.2 An update was given by the Policy & Research Officer on the consultation process. Approximately 80 responses had been received from a wide range of different stakeholders, including district, county, unitary, parish and metropolitan authorities, members of the public, MPs and chief executives and officers.
- 6.3 The responses appeared positive, with constructive suggestions. A report would be produced for February's Commission meeting analysing the responses received. It was not expected that there would be need to reconvene working groups to consider the results.

Agreed;

- 6.4 The meeting on 8 February would commence at 10.15am.

7. Operational Report – LGBCE (11)4

Received: Reviews Operational Risk Register – Updated 14 December 2010.

The Director of Reviews discussed the operational report and presented the operational risk register.

Noted:

- 7.1. Updated and markedly different electoral figures had been received from County Durham. After careful analysis of the figures, the Commission would need to consider if a period of further consultation, before publication of final recommendations would be required.
- 7.2. A new high scoring Operational Risk had been identified and added to the register. Discussions are ongoing between the Commission, TSOL and DCLG to resolve the risk, which is related to the 1972 Local Government Act. The results of discussions will be reported to the Commission.
- 7.3A brief update was given on Cumbria County Council's electoral review. A meeting had now been scheduled with Cumbria County Council before the February Commission meeting to seek a more evidence-based council size submission.

8. PABR Requests and Anomalies – LGBCE (11)5

The Commission resolved to take note of the paper at the post-meeting workshop.

Agreed;

- 8.1 A further paper, taking account of informal discussion, would be presented to the Commission after it had decided its procedures in the light of responses to consultation.

9. Agreement to Commence Electoral Reviews after Elections - LGBCE (11)6

The Commission discussed the paper. The Chair did not take any part in discussion of Swale's suitability for an electoral review and delegated chairing of that section of the meeting to Peter Knight.

Noted:

- 9.1 Swale Borough Council has met the FER criteria for a number of years. One ward has an electoral variance of 48% and several wards have electoral variances of more than 10%. Swale Borough Council has recently moved its electoral cycle and will be holding whole-council elections in 2011.
- 9.2 Purbeck District Council has been identified as having 30% of wards with electoral variances of more than 10%. Purbeck currently elects by thirds and had expressed an interest in moving to whole-council elections, although it did not pass the necessary resolution by 31 December 2010.
- 9.3 Somerset County Council meets both criteria for an FER and has done so for a number of years. County Council representatives made a request for a review to take place within 2010/11 and are aware that a review will take place before the next county elections in 2013.
- 9.4 An initial meeting with Slough Borough Council has been scheduled for 8 February and plans are being made for the review to take place after their May elections.

Agreed:

- 9.5 That the FER process will be progressed for Swale Borough Council, Purbeck District Council, Somerset County Council and Slough Borough Council with reviews beginning for each council after the May elections.
- 9.6 That Bromsgrove District Council and Three Rivers District Council will be approached with a view to begin FERs following elections in May 2011.

10. Related Alterations Policy Paper - LGBCE (11)7

The Commission reviewed the related alterations policy paper.

Agreed;

- 10.1. That the LGBCE will not usually agree to related alterations requests by principal Councils if the criteria for an FER would be met by the alteration or if the alteration worsened electoral equality in a council which already met the FER criteria.

11. AOB

11.1 Three Member Wards

The Commission discussed the issues around the presumption of a uniform pattern of three-member wards where a council holds elections by thirds.

Noted;

- 11.1.1. At its meeting in February 2011, the Commission would be asked to reach decisions on draft recommendations for a number of councils that elect by thirds.
- 11.1.2. This would be the first occasion on which the Commission would be required to have regard to the provisions of paragraph 1(4) of Schedule 2 to the Local Democracy, Economic Development and Construction Act 2009. This states that the number of councillors returned from wards of authorities that elect by thirds or halves should reflect their electoral cycle.
- 11.1.3. In launching the reviews of this batch of authorities, the Commission had made it clear that in order to meet the provisions of the 2009 Act, the overall council size should be divisible by three (or two, as the case might be).

Agreed;

- 11.1.4. There should be a presumption in delivering a uniform pattern of three-member wards in reviews of authorities that elect by thirds (and correspondingly of two member wards in those that elect by halves).
- 11.1.5. However, the Commission would not dismiss proposals for single- and two-member wards if there was persuasive evidence, firmly based on the statutory criteria, either that a particular three-member ward was not apt or that a single- or two-member ward would better meet the criteria.
- 11.1.6. Such evidence should come from respondents. It was not the role of the Commission to develop proposals for such warding patterns as part of its draft recommendations.

3.00pm Meeting Closed