

LGBCE (10) 6th Meeting

Minutes of meeting held on 14 September 2010, in Room B at Layden House, 76-86 Turnmill Street, London, EC1M 5LG

Present:

Max Caller CBE (Chair)
Dr Peter Knight CBE DL (Deputy Chair)
Jane Earl
Joan Jones CBE
Professor Colin Mellors

Also present:

Alan Cogbill	Chief Executive
Archie Gall	Director of Reviews
David Hewitt	Director of Finance
Joan D'Souza	Review Manager
Sam Hartley	Review Manager
Richard Buck	Review Manager
Marcus Howell	Communications & Public Affairs Manager
Sarah Vallotton	Business & Committee Services Manager (Minutes)
David Owen	Policy and Research Officer
Paul Kingsley	Review Adviser
Lisa Siggins	Review Officer
Tim Bowden	Review Officer
Sarah Murphy	Review Officer
Jessica Metheringham-Owlett	Review Officer
Kathleen Peacock	Business Support Officer
Michael Cutler	Business Assistant

The Chief Executive introduced and welcomed Lisa Siggins (Review Officer), Kathleen Peacock (Business Support Officer) and Michael Cutler (Business Assistant) to their first Commission Meeting.

1. Minutes from the LGBCE's meeting on 19 August 2010 and Matters Arising

Agreed:

1. To re-word Paragraph 5.1. to read as follows: "Letters had been received from a number of Councils requesting that reviews are not carried out in their areas in the near future, citing budgetary pressures and, in a small number of cases, possible reorganisation as the reasons for seeking delay."
2. To re-word Paragraph 5.2. to read as follows: "Whilst sensitive to the financial and workload pressures on local authorities, it was important to explain as effectively as possible the reasons for carrying out reviews in general and FERs in particular. Also the working group on the process of reviews would be mindful of resource issues in its considerations."
3. To remove the first sentence Paragraph 5.3.
4. Paragraph 8.3. remove the word "which" so it reads " Church Gresley ward would have an electoral variance of 14% by 2015."
5. That all examples of the word "rewarding" in relation to warding patterns should be hyphenated to read 're-warding'.
6. The minutes were agreed subject to these amendments.
7. The revised electorate forecasts for Bedford were tabled and formally agreed.
8. It was reported that Sedgemoor had promised to produce its revised electoral forecasts the previous week but had not yet done so. Attempts to chase this up with the Democratic Services Department had not been successful. The Director of Reviews would contact the Chief Executive and, if this did not produce the required result, the Chair would write to the Leader of the Council.
9. Commissioners at the last meeting had requested that the Financial Progress Report for 2010-11 contained more detail, explaining why expenditure was expected to increase in the second half of the year. The Director of Finance confirmed this was due to the filling of previously vacant posts and an increase in the planned programme of work from September 2010 to March 2011. The rate of spend through the year was under close examination in preparing the budget submission for the Speaker's Committee.
10. Correspondence from the Leader of Cumbria County Council was tabled which suggested that the proposed review of Cumbria should be more wide ranging, covering not only the county council but also the districts. Also, whilst recognising that such reviews would be required in due course, imminent reductions in public funding (to be announced in October 2010) made this a difficult time for the county council to go through the review process. Whilst sensitive to the demands on councils (which had been expressed by other councils and had been considered in this context) the Commission confirmed its intended timetable for the review. With respect to suggestions of a more wide-ranging review, this

would need to be considered if, and when, the district councils within Cumbria indicated their clear support for such an approach.

2. Declarations of Interest

Noted:

1. Item 10 Operational Report – LGBCE (10)52: Peter Knight declared an interest in Staffordshire and Joan Jones declared an interest in Gloucestershire. Both stated that they would take no part in the discussion on these reviews under this agenda item.

3. Chair's Report

Noted:

1. The Chair reported that he and the Chief Executive had been communicating with the Department for Communities & Local Government (DCLG) to find out whether there was any progress on the appointment of two new Commissioners and the permanent Deputy Chair. They had been told that this process would be complete by the end of October 2010. The Chair felt that this left the Commission's review programme at serious risk, given the work pressures on Commissioners, and could even bring business to a halt if the Commission were unable to achieve a quorum.

Agreed:

1. The Chair would write to the Department to express his considerable concern, at the continuing delay and to draw their attention to the imminent need to confirm the re-appointment of Dr Knight and Jane Earl from 1st November 2010 for 5 year terms. The risk to the Commission if appointments remained unmade much longer would be flagged in the imminent submission of the 2011/12 budget and five year plan to the Speaker's Committee, for its hearing on 13 October 2010.

Action: Chief Executive and Chair

4. Chief Executive's Report

Noted:

1. The Chief Executive had circulated a letter to the Clerk at the Speaker's Committee, relating to the implementation of orders and a paper for the Speaker's Committee, on the first orders under the new Parliamentary procedures. These had not been received by the Commissioners due to ongoing problems with their LGBCE email addresses. The Chair asked that a weekly pack of papers be sent to the Commissioners through the post.
2. The Chief Executive set out the likely timetable of events surrounding the submission to the Speaker's Committee of the Commission's 2011/12 budget and 5 year plan. The paper would be sent to the

Speaker's Committee Clerk on 20 September. There would then be a period of three weeks in which the Scrutiny Unit and HM Treasury might want to question officers for clarification and detail. The Speaker's Committee's Sub-Committee would meet officers on Monday 11 October, and the Chair and the Chief Executive would meet the Speaker's Committee on 13 October. The transcript of the Speaker's Committee meeting would then be published.

3. The Chair and the Chief Executive would meet Clive Betts MP in his capacity as Chair of the CLG Select Committee in October to discuss the work of the Commission.
4. The proposed terms of reference for the Remuneration Committee, revised after their earlier discussion, were now before the Commission for approval.

Agreed:

1. That the Remuneration Committee Terms of Reference should be amended by removing - in paragraph 8, bullet point 1 – the reference to "of the State". With this amendment, the Commission approved the Terms of Reference.
5. Submission to the Speaker's Committee of Preliminary Budget Proposal and 5 Year Plan - LGBCE (10)47

Noted:

1. Commissioners were asked to suggest amendments to the paper, which would form the basis of a final document for submission to the Speaker's Committee. It had to be submitted to the Speaker's Committee on Monday 20 September. Due to the tight deadline, the draft of the final document would be checked and amended further, if necessary, by the Chair and Deputy Chair before submission.
2. Once submitted, the Scrutiny Unit and HM Treasury would have a maximum of three weeks to look at, and comment on the report, before the meeting of the Speaker's Committee Budget Sub-Committee on 11 October.
3. Members of the Budget Sub-Committee were unknown at present but were likely to be Gary Streeter MP, Grant Shapps MP and either Graham Allen MP or Gerald Kaufman MP, these being the only other members of the Speaker's Committee presently appointed. It was expected that this meeting would inform officers of issues and questions that might be raised at the meeting with the Speaker's Committee on 13 October, to the extent these were not exposed by earlier informal discussions with the Scrutiny Unit and Treasury. The Speaker's Committee report from that meeting will feed directly and immediately into the Government's spending review, conclusions of which would be declared on 20 October.

The Commission had a full and detailed discussion of the working draft, pointing to changes of approach in how LGBCE activities were explained and more detailed suggestions.

Agreed:

4. That officers would put a suitably amended draft to the Chair and Deputy Chair for approval, to enable submission on 20 September.

6. Risk Register – LGBCE (10)48

Noted:

1. The Management Team had discussed the best way to combine the risks set out in the Risk Register and proposed to re-group them into the top six risks for the organisation. The suggested categories were: people; money; relationships; delivery; equalities; and governance.
2. There was more work to be done, to outline actions to mitigate risk and to prioritise what could be achieved.
3. The Audit Committee would examine the management team's handling of risk management at its November meeting

Agreed:

1. To include two columns showing the estimated likelihood of a risk occurring and the impact that such an occurrence would have on the organisation, as well as the overall risk score.
2. To give the Commission for information, the next version for its October meeting.
3. To embed risk management through continual assessment, and to show whether risks were increasing or decreasing over time.

Break: 13:15

Resumed: 13:45

7. Order-making Communications Strategy – LGBCE (10)49

Noted:

1. That the Commission's first orders, relating to Cornwall, Northumberland, Cheshire East and Cheshire West & Chester would be laid in Parliament in the week beginning 11 October 2010, straight after Parliament's short recess.
2. The risks of an MP's or Peer's praying against the order, and the various procedural routes and outcomes which might follow were discussed.
3. To facilitate the passage of orders in future, the Chair and the Communications Manager always offered meetings to all MPs affected and had met a few MPs to keep them informed at the start of new reviews. MPs had been pleased to be involved and surprised that the Commission was so open about the process. Similar briefings would be helpful for peers.

8. Commission Authorisation to the Laying of Orders: Cornwall & Northumberland – LGBCE (10)50

Agreed:

1. The laying of the Cornwall and Northumberland electoral changes orders.

9. Future Business – LGBCE (10)51

Noted:

1. The content of the Future Business paper.

10. Operational Report – LGBCE (10)52

Noted:

1. That the proposed additional Commission Meeting date of 22 February 2011 was not suitable for a number of reasons. An (earlier) alternative date in February would be identified as soon as possible and set aside as a contingency.

11. West Lindsey Council Size – LGBCE (10)53

Noted:

1. West Lindsey District Council had not submitted a formal Council-backed response to the council size consultation. However, the majority Conservative Group on the Council had responded and recommended a 32 member council.
2. A total of 14 submissions had been received but none of them were substantive or backed by sufficient evidence. There was a general preference among the submissions received to reduce the council size from the current 37 elected members.
3. The proposed 32 councillors are not divisible by three and this proposal is therefore not in accord with the Commission's criteria of reflecting the district's electoral cycle of elections by thirds.
4. Given the inadequate evidence it would be necessary to seek further information since the Commission could not simply concede reversion to the status quo. Instead, based on the submissions that had been received, it might be appropriate to take a tentative 'minded to' decision based on such indications as it had been given.

Agreed:

1. That the Commission should indicate that it is minded to recommend a council size of 33 based on the weight of such representations as had been made.
2. That the lead Commissioner and/or the Chair would seek a meeting with the Leader and the Chief Executive to see if the Council had more robust evidence for a reduction in council size

12. Swindon Council Size - LGBCE (10)54

Noted:

1. The Commission had received 13 submissions on council size, including submissions from the Borough Council for 59 members. However this proposal was not divisible by three and therefore not in accordance with the Commission's criteria of reflecting the borough's electoral cycle of elections by thirds. The Labour Group on the Council advocated a council size of between 60 and 62. The Liberal Democrat Group put forward two proposals, for 42 and 69 members.
2. The Commission noted that it was content with the commentary the Council had provided on its existing arrangements, but that it did not see evidence for an increase in councillors.

Agreed:

1. That the Commission would recommend a council size of 57 provided that good levels of electoral equality could be achieved.

13. Daventry Council Size – LGBCE (10)55

Noted:

1. The Commission had received 11 submissions on council size, two of which were substantive, from the District Council (for 39 members) and from a local councillor (for between 39 and 41 members).
2. The District Council had stated that 33 councillors would enable it to carry out its statutory functions. The Commission did not consider that the additional representational elements of the role resulted in the need for six more councillors.
3. The Commission's guidance did not allow for increasing council size by one, to rectify an imbalance in one ward, where there was no accompanying evidence on the basis of the Council's decision-making structures

Agreed:

1. To recommend a council size of 36, which would allow the Council to carry out its statutory functions, while taking into account liaison with parishes, and councillors' representative roles.

14. Hartlepool Council Size - LGBCE (10)56

Noted:

1. Twelve submissions had been received with the Council proposing to retain the current council size of 47. This was supported by three councillors, a residents' association and the New Deal for Communities Partnership.

2. The Mayor had proposed a council size of 32, supported by a local councillor, a local resident and the Hartlepool branch of the UK Independence Party. The Mayor supported his proposals by demonstrating how he intended to modify the current Committee structure.
3. As the Council elected by thirds, Councillor numbers divisible by three would be required.
4. In recent years the demographics of the Hartlepool area had changed, due to the growth of populations in rural areas. The Commission discussed the implications of how this would affect the council functions and the number of councillors needed.

Agreed:

1. That the Commission would recommend a council size of 33.

15. Rugby Council Size – LGBCE (10)57

Noted:

1. Seven submissions had been received, with Rugby Borough Council's being the only substantive response, proposing a council size of 42. This represented a reduction of 6 members, to be achieved through a reduction in the numbers on the Licensing Committee.
2. That the proposals put forward by the Rugby Borough Council were well thought through and evidence-based.

Agreed:

1. That the Commission would recommend a council size of 42.

16. AOB

1. None

15:05 Meeting closed