

REPORT OF GENERAL PURPOSES AND LICENSING COMMITTEE

(Meetings held on 12 and 26 June 2015)

1. DISMISSAL AND DISCIPLINARY PROCEDURES - STATUTORY CHIEF OFFICERS (MINUTE NO. 9 – 12 June 2015)

The Government has amended the requirements for the processes that must be followed before one of the Council's three "statutory officers" (the Chief Executive, the Monitoring Officer and the Chief Finance Officer) can be disciplined or dismissed.

The new requirements remove the need for a (paid) Designated Independent Person (DIP) to be appointed to investigate and report to the Council on any allegations of misconduct. They remove the mandatory requirement for the appointment of a DIP, and the initial steps of any potential disciplinary action are no longer prescribed.

Instead, the new Standing Order simply requires a decision on dismissal of one of the statutory officers to be taken by the full Council, which must consider:

- (a) any advice, views or recommendations from an Independent Panel (this Panel must include the Independent Persons appointed by the Council to consider complaints about Councillors, or if they do not accept an invitation to join the Panel, an independent person(s) appointed for the same purpose by another authority)
- (b) the conclusions of any investigation into the proposed dismissal and
- (c) any representations from the officer concerned

The Industrial Relations Committee has considered and supported the proposals, and the Committee makes the recommendation below.

RECOMMENDED:

- (a) ***That Standing Orders for General Procedures be amended so as to remove references to a Designated Independent Person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001, and to incorporate the provisions set out in the amended Schedule 3 to the Regulations (Appendix 1 to this report);***

- (b) ***That the following be added to the General Purposes and Licensing Committee's Terms of Reference:***

"Through a Panel of 3 members of the Committee and two Independent Persons appointed under section 28(7) of the Localism Act 2011, to carry out the functions required to be carried out under Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).

The membership of the Panel be determined by the Chief Executive unless the Chief Executive is to be the subject of the Panel's consideration, in which case the membership is to be determined by the Monitoring Officer;"

- (c) *That the disciplinary processes for the statutory Chief Officers prior to the Panel consideration be approved as set out in Appendix 2 to this report.*

2. ELECTORAL REVIEW OF HAMPSHIRE COUNTY COUNCIL (MINUTE NO. 15 – 26 June 2015)

The Local Government Boundary Commission for England (LGBCE) is reviewing electoral arrangements in Hampshire County Council. The review is being undertaken to deliver electoral equality across the county. At present, some county councillors represent many more, or many fewer, electors than others. The review aims to correct those imbalances. This Council, together with other principal authorities and town and parish councils in Hampshire, has been invited to submit views on future County Council electoral divisions. The LGBCE will take into account all representations received during the current consultation (which expires on 3 August), and will then publish draft recommendations. Those draft recommendations will include the number of councillors to be allocated to each district within the county. Final recommendations are expected in April 2016, with new electoral arrangements coming into effect at the local elections in May 2017.

A special meeting of the Committee was held to consider this Council's response. Hampshire County Councillors representing divisions in New Forest District were invited to attend. They reported on draft recommendations being considered by Hampshire County Council – these proved useful to the Committee in arriving at its recommendations set out below.

In its deliberations the Committee was mindful that the LGBCE must, by law, balance the following three criteria:

- To deliver electoral equality where each county councillor represents roughly the same number of electors as others across the county. (In practice, the LGBCE works on the principle that electoral variances of more than 10% are not acceptable).
- That the pattern of divisions should, as far as possible, reflect the interests and identities of local communities.
- That the electoral arrangements should provide for effective and convenient local government.

The Committee heard that, following consultations with Hampshire County Council, the LGBCE is minded to recommend that the size of the County Council should remain at 78, and the Committee bore this in mind in formulating its recommendations.

The law requires that the LGBCE takes into account changes to the number and distribution of local government electors likely to occur within five years following the end of the review. The review is due to be completed in 2016, and therefore the review must be undertaken on the expected electorate in 2021. The 2021 electorate estimates are based on the County Council's 2014-based Small Area Population Forecast (SAPF). The SAPF is a proven forecasting model used consistently throughout the County Council's area for various service planning roles.

The SAPF forecasts a total electoral for New Forest District in 2021 of 142,910, 1,102 more than the 1 December 2014 electorate, but 838 fewer than the electorate at 1 June 2015. The reduction from the current electorate may be explained by the

anticipated increase in single-occupancy dwellings, and the restricted supply of new dwellings, within the District.

The projected 2021 electorate in Hampshire is 1,079,999. Following discussions with Hampshire County Council, the LGBCE has indicated that it is minded to recommend that the total number of members remains at 78. This equates to an average electorate per member of 13,846, which is 766, or 5.9%, more electors per member than currently.

Based on 11 members representing New Forest District, the elector:member ratio in the District in 2021 would be 1:12,992, 6.17% below the county average. There would be significant variances in the divisions within the District, as shown below:

Division	Electorate 1 Dec 2014	Projected electorate 2021	Variance from County average (- = over- represented + = under- represented)
Brockenhurst	11,400	11,302	-18.4%
Dibden & Hythe	14,640	14,371	+3.8%
Fordingbridge	11,417	11,300	-18.4%
Lymington	12,398	13,174	-4.9%
Lyndhurst	12,345	12,875	-7%
Milford & Hordle	13,774	13,877	+0.2%
New Milton	14,037	14,511	+4.8%
Ringwood	11,924	12,227	-11.7%
South Waterside	12,728	12,602	-9%
Totton North	13,012	12,890	-6.9%
Totton South & Marchwood	14,223	13,781	-0.5%

At -6.17%, New Forest District will have the predicted largest over-representation in the County by 2021, followed by Gosport with -6%. On the other hand, it is predicted that Eastleigh will be under-represented by 8.2%; Hart by 6.9%; and Winchester by 4.2%.

The Committee heard that the County Council had adopted a general principle that it was practical and logical for County Councillors in urban areas to represent larger electorates than those in rural areas, because in urban areas the travel distances are less and community facilities are located in a compact area. The County's proposals therefore envisage the urban divisions continuing to have higher electorates. In adopting this position the County Council is relying on the principle outlined in the Commission's guidance "We will look at the geographic size of the ward or division and try to ensure that it is not so large that it would be difficult for a councillor to represent." The County's views accord with those of the Committee, which considered that:

- (a) representation of rural communities was far more difficult and time-consuming than those in urban areas;
- (b) dividing rural communities in order to achieve electoral equality did not meet the LGBCE's criterion of reflecting the interests and identifies of local communities; and

- (c) dividing parishes purely to achieve greater electoral equality did not provide for “effective and convenient local government”, another of the Committee’s criteria.

The Committee was pleased to learn that a County Working Party charged with drawing up recommendations relating to the review is recommending that, notwithstanding the predicted electoral imbalance, New Forest District should continue to have 11 divisions and 11 county councillors. The Committee strongly supports this approach and is firmly of the opinion that special circumstances apply to the New Forest, which make enlarging any of the 11 divisions problematic. These circumstances are set out in the recommendation below, but include the complexities of decision-making due to the existence of the National Park Authority over most of the geographical area of the District, and other bodies such as the Forestry Commission, the Court of Verderers and the Commoners’ Defence Association which have much influence and rights under statute.

The Committee considered some of the undesirable circumstances that apply to the existing Divisions, with some parish and town councils being divided across county divisions, but recognised the difficulties of addressing any of those and therefore makes no recommendations for change.

RECOMMENDATION:

- (a) ***That strong representations be made to the LGBCE to retain the 11 divisions and county councillors for New Forest District Council’s area, for the following reasons:***

(i) While the main criterion of the LGBCE is to ensure electoral equality, it is considered that in large geographical areas such as the New Forest, equal weight should attach to two other LGBCE criteria – reflecting interests of communities and achieving effective and convenient local government. Very large divisions which result from the imposition of electoral equality do not support effective and convenient local government.

(ii) Effective representation of rural communities is more difficult and time-consuming than in urban areas. The Fordingbridge Division, with 13 whole parishes and one ward of another, covering an area of 91.98 sq miles; and the Brockenhurst Division, with 8 parishes and an area of 85.22 sq miles, are examples of this. These divisions are 386% and 350% respectively larger than the average for the county. Extending rural divisions to achieve electoral equality would entail very large geographical expansion, to the extent that it would place unacceptable workloads on county councillors representing those divisions.

(iii) The complexities arising from the existence of the New Forest National Park over a large area of the District and other statutory bodies such as the Forestry Commission and the Court of Verderers, and the consequent division of or effect on decision-making, further complicates “effective and convenient local government”. It places more onerous burdens on councillors representing areas partly or wholly within the National Park.

(iv) Constraints on housing development within the National Park cause difficulty in creating divisions with greater electoral equality in that more development pressure is placed on the areas outside of the National Park. The District has a large, sparsely populated, interior surrounded, particularly to the east and south-west, by more intensive development. Expanding an urban division into the sparsely populated interior would be highly inappropriate.

(v) While the need for the LGBCE to set a point in time on which to base projected electorates to form the basis of their reviews is understood, and while respecting the integrity of the SAPF models, the forecasts on which the current review will rely must be regarded with some caution. The effects of individual electoral registration, introduced in 2014, on the total electorate are still uncertain. In addition, in order to meet national planning guidance, the Council has commenced a review of its Local Plan for the period 2016 - 2036, and new development areas and housing allocations will be considered as part of this process. Given this context of uncertainty over future development levels it would be premature to reduce the County representation.

(b) That the LGBCE be urged not to divide rural parishes across county divisions for the purposes of achieving electoral equality, because this is contrary to the aim of achieving effective and convenient local government.

**Cllr S J Clarke
Chairman**