

## **OVERVIEW AND SCRUTINY COMMITTEE**

### **MINUTES OF THE MEETING HELD ON 3 FEBRUARY 2014 AT 2:00PM**

Present: Councillors John Kane (Chair); David Banks; Jackie Bowman; Geoff Garrity; Ian Hill; Sam Pollen; Gilbert Scurrah and Felicity Wilson.

Apologies for Absence: Councillors Eileen Eastwood; Dave Smith and Henry Wormstrup.

Officers: Penny Mell, Head of Policy and Transformation; Julie Betteridge, Head of Regeneration & Community; Debbie Cochrane, Housing Policy Manager and Clive Willoughby, Member Services Technical Support Officer.  
Paul Walker, Chief Executive and Tim Capper, Democratic Services Manager for Agenda Items 9, 6, 7 and 8.

Also Present: Louise Barkes, Home Group.

#### **OSC 39/13 Minutes**

The Minutes of the meeting held on 10 January 2014 were signed by the Chairman as a correct record.

#### **OSC 40/13 Arrangement of the Agenda**

Committee agreed that Agenda item 10 (Home Group Presentation) be taken first, followed by Agenda item 9 (Work Programme).

#### **OSC 41/13 Home Group Presentation.**

The Housing Policy Manager introduced Louise Barkes, Home Group, who had been invited to attend this committee to discuss Customer Satisfaction issues.

Ms Barkes began by advising Members that all maintenance work was carried out by Home Group's contractor, Willmott Dixon, then provided an outline of how and when customers are contacted to obtain satisfaction results. Customer satisfaction together with complaint figures were provided, that were Cumbria wide and not specific to Copeland.

Committee was also made aware of the Customer Insight Forum

Members asked a number of questions specific to their wards and generally about the contractor, Willmott Dixon.

Members also asked if there was a list of what constituted an 'emergency' and also for details regarding the membership of Viewpoint.

Home Group were asked to continue attending this committee at regular six month intervals and were also asked if a representative from Willmott Dixon could also be invited.

Ms Barkes was thanked for her attendance.

**RESOLVED – That**

- a) the presentation be received,
- b) a list of what constitutes an emergency be provided to the Housing Policy Manager for circulation to OSC members,
- c) details of the membership of Viewpoint be provided to the Housing Policy Manager for circulation to OSC members,
- d) Home Group be invited to attend a further meeting in six months and that the invitation be extended to a representative of Willmott Dixon.

**OSC 42/13**

**Work Programme**

Members considered the Committee's Work Programme.

During discussion of this item, Members received a brief update from the Chief Executive and the Democratic Services Manager on the Elected Mayor process and were advised that the petition received was in the process of being verified.

It was suggested that a Special Overview and Scrutiny Committee be arranged for Monday 17 February 2014, to which all Members be invited, for this item to be discussed in detail including:-

- a further update on progress, and provided the petition is verified
- Timescales,
- a report on a proposed model, prior to it being put to Full Council at the meeting on 27 February 2014, and
- Purdah restrictions.

Members requested an additional item be added to the Work Programme, being a General update report on the recent Flood and Storm Damage and particularly the damage caused to Whitehaven Harbour.

**RESOLVED – that**

- a) the Work Programme be noted and updated accordingly,
- b) a Special Overview and Scrutiny Committee be arranged for Monday 17 February 2014, to which all Members be invited, to discuss the Elected Mayor process, and

- c) a update report on the recent Flood and Storm Damage and particularly the damage caused to Whitehaven Harbour be added to the Work Programme and to be an agenda item for the 12 March meeting.

**OSC 43/13**

**Executive Forward Plan**

Committee considered the Forward Plan of the Council’s Executive for the period January 2014 – April 2014.

Members expressed a wish to receive an overview of the Home Group Partnership and suggested the Head of Regeneration & Community together with the Portfolio Holder be invited to attend a future meeting of this committee.

**RESOLVED** – That

- a) the Forward Plan be noted, and
- b) the Head of Regeneration & Community together with the Portfolio Holder be invited to attend a future meeting of this committee to provide an overview of the Home Group Partnership.

**OSC 44/13**

**Report of the Member representative to the Cumbria Health Scrutiny Committee**

The Member representative, Councillor Geoff Garrity, together with Councillor Ian Hill provided Members with a verbal update.

Members had accepted an opportunity to visit the new hospital site on 23 January 2014, and reported that they were very impressed with the progress being made and the new facilities that would be available when the new hospital opens.

**RESOLVED** – that the report be noted.

**OSC 45/13**

**Progress Reports/Final Reports from Public Sector Partner Priority Task Groups**

No Items reported at this meeting.

The meeting closed at 4:15 pm

Chairman .....

Date .....

## **OVERVIEW AND SCRUTINY COMMITTEE**

### **MINUTES OF THE SPECIAL MEETING HELD ON 17 FEBRUARY 2014 AT 4:00PM**

Present: Councillors John Kane (Chair); David Banks; Jackie Bowman; Eileen Eastwood; Allan Forster; Geoff Garrity; Gilbert Scurrah; Dave Smith; Felicity Wilson and Henry Wormstrup.

Apologies for Absence: Councillors George Clements; John Jackson; Ian Hill; Alistair Norwood; Sam Pollen and Elaine Woodburn.

Officers: Paul Walker, Chief Executive; Tim Capper, Democratic Services Manager; Leila Cox, Communications Officer and Clive Willoughby, Member Services Technical Support Officer.

Also Present: Councillors John Bowman; Hugh Branney; Yvonne Clarkson; Peter Connolly; Karl Connor; Margarita Docherty; Jon Downie; Stephen Haraldsen; Keith Hitchen; Lena Hogg; Allan Holliday; Joan Hully; Alan Jacob; Peter Kane; Michael McVeigh; David Moore; David Riley; Robert Salkeld; William Southward; Peter Stephenson; Graham Sunderland; Gillian Troughton; Peter Tyson; Douglas Wilson and Carole Woodman.

**OSC 46/13**

#### **Directly Elected Mayor Form Of Governance**

This item was introduced by the Chief Executive and Committee then received a presentation from the Democratic Services Manager on the process for a Directly Elected Mayor form of Governance. Copies of the slides used are attached to these minutes.

During the presentation, Members were given the opportunity to ask questions and seek clarification. They were advised that:-

- The Referendum vote was a simple majority of the votes cast regardless of the turnout.
- A further Referendum on the Directly Elected Mayor issue could not be held for a period of 10 years, even if a valid petition was submitted.
- Electors eligible and who had registered for a Postal Vote, would be able to vote by that method in the Referendum.
- The Referendum count would take place immediately after the verification of both the European Election and Referendum ballot papers. This would take place at Egremont Market Hall commencing after Close of Poll on 22 May and continuing overnight into 23 May.

- Any current Council employee could stand for election as Directly Elected Mayor, but if elected, would be required to resign from the Council's employment before taking office.
- If the Directly Elected Mayor died in office, this would trigger an election.
- The Directly Elected Mayor's must have an Executive which would consist of elected Councillors appointed by him/her and but can be from any political party or Independent member.
- The Directly Elected Mayor cannot change the Local Plan, but could influence it.
- Committee memberships would continue to be politically balanced and set by the Group Leaders.
- A Directly Elected Mayor would have no powers over the Town and Parish Councils in Copeland.
- The cost of the last election (Police & Crime Commissioner) in November 2012 was £121,746.64 As the Directly Elected Mayor Referendum cost would be shared equally with the European Election, the estimated cost would be £60k. If there was a vote in favour of a Directly Elected Mayor, an election in October would then be an estimated further cost of £120k, making a total of £180k.
- A Directly Elected Mayor could appoint a 'Mayor's Assistant (Political Assistant). This would be a new post on a Fixed Term Contract and funded from within resources available to the Council.
- Any allowance paid to the Directly Elected Mayor and his/her Executive would be part of the Members' Allowance Scheme and would be set by Full Council after receiving a recommendation from the Independent Remuneration Panel.
- There are only two models of governance available. The current Leader and Executive or a Directly Elected Mayor and Executive.
- Referendum regulations detail definitions and Election Returns that must be completed and submitted to the Electoral Commission. Guidance on this will be provided to Members in due course.

Additionally, Members asked the following questions, the answers for which would be obtained and circulated after the meeting:-

- Can a former Council employee stand for election as Mayor?
- Can staff of Elected Mayor be externally funded?
- What is the latest date for registering for a Postal Vote?

The Chief Executive and Democratic Services Manager were thanked for the presentation.

**RESOLVED – That**

- a) the presentation be received,
- b) the answers to the additional questions be obtained and circulated to all Members.

The meeting closed at 5:40pm

Chairman .....

Date .....

# **DIRECTLY ELECTED MAYOR**

17 FEBRUARY 2014

## **TOPICS**

- Petition & Consequences
- Referendum
- Mayoral Election
- Executive Arrangements under DEM
- Referendum & Election Costs
- Remuneration
- Officers under DEM model
- Civic Duties
- "Purdah"

## PETITION

- Valid Petition 21 January – Exceeds Verification Figure of 2777
- Referendum Must Follow on 22 May
- Election Follows Referendum if “YES” Vote
- Administrative Steps Following Petition:
  - Notice of Referendum
  - Notice 56 Days Before Referendum
    - Proposals for Executive Arrangements under DEM
    - Proposals on Deposit
    - Date of Referendum
    - Question to be Asked
    - Referendum Expenses Limit & Formula

## REFERENDUM

- 22 May – Combined Poll with EC Election
- Question:
  - How Would You Like Copeland Borough Council to be Run?
    - By a Leader who is an Elected Councillor Chosen by a Vote of the Other Elected Councillors. This is How the Council is Now Run
  - Or
    - By a Mayor who is Elected by Voters. This Would be a Change from the Way the Council is Now Run
- Count – Egremont Market Hall 22 May following Verification
- Simple Majority
- Whatever Result, Cannot be Further Referendum for 10 Years

## MAYORAL ELECTION

- If "Yes" Vote – Mayoral Election 16 October 2014
- Eligibility to Stand – As For a Councillor:
- **Nationality** – a person must be a British subject, or qualifying Commonwealth citizen, or a citizen of the Republic of Ireland, or a citizen of a member state of the European Union
- **Age** – a person must have attained the age of 18 on the date of nomination of candidates
- **Connection with Locality** – the person must on the day of nomination of candidates:
  - Be, and thereafter continue to be a local government elector for the area of the local authority; or

## MAYORAL ELECTION

- During the whole of the previous 12 months, occupied as owner or tenant any land or other premises in the area of the authority; or
- During the whole of the previous 12 months, have had his/her principal or only place of work in the area of the authority; or
- During the whole of the previous 12 months, have resided in the area of the local authority
- An Existing Councillor can stand if he/she is eligible
- If Elected a Vacancy Occurs in seat on Council

## MAYORAL ELECTION

- Alternative Vote Method
  - Elector Lists Candidates in Order of Preference – 1,2,3,4....
  - Candidate with Fewest First Preference Votes Eliminated
  - That candidate's 2<sup>nd</sup> Preference Votes Allocated to Remaining Candidates
  - And so on Until one Candidate Has 50% of Votes
- Winning Candidate Takes Office on 4<sup>th</sup> Day Following Election
- Holds Office Until May 2019 – Then 4 Year Terms
- Continues in Office Unless He/She Resigns, Dies or Becomes Disqualified
- Cannot be Removed from Office by Resolution of Council

## DISQUALIFICATION

- Employment by the Local Authority
- Politically Restricted Post in any Local Authority
- Bankruptcy – Subject to Restriction Order or Interim Order
- Conviction of Offence with Prison Term 3 Months or More Within Past 5 Years
- Disqualified under RPA 1983 for Corrupt Electoral Practices

## EXECUTIVE ARRANGEMENTS

- Required to Publish Notice of Proposals 56 Days Before Refdm
- Chapter 7 of Constitution
- Role & Functions of Mayor
- Deputy Mayor
- Other Executive Members
- Procedures for Meetings
- Allocation of Functions

## ROLE OF MAYOR

- First Citizen of the Borough
- Council's Principal Spokesperson
- Overall Direction to Council
- Appoint Executive & Deputy Mayor
- Delegates Executive Functions to Executive/Officers
- Chairs Meetings of Executive
- First Refusal to Attend Civic Functions

## MAYOR AS COUNCILLOR

- Eligibility, Qualification & Disqualification & Casual Vacancies
- Code of Conduct, Disclosure & Recording of Interests
- Able to Attend Meetings of Committees & Sub Committees
- Members' Allowances

## EXECUTIVE

- Mayor **Must** Appoint Executive from Councillors
- Minimum 2 Maximum 9
- Must Designate one as Deputy Mayor
- Deputy Mayor and Executive Members Hold Office for Mayoral Term or Until Mayor Decides Otherwise
- Mayor can Delegate any Functions to Executive, Committee of Executive, Individual Executive Members or Officers
- Delegations Reported to MO and Council
- Delegations Continue till Mayor Terminates or Alters

## ALLOCATION OF FUNCTIONS

- Certain Functions Specified as Non Executive
  - E.g. Development Control
  - Licensing
  - Electoral
  - Appointment of Staff
- Certain Functions LA has Discretion to Decide – Council or Executive Functions
  - E.g. Appointments to Outside Bodies
- All Other LA Functions by Default Executive Functions

## NON EXECUTIVE ARRANGEMENTS

- Other than Executive, Position of 51 Councillors not Affected by DEM
- Full Council Continues:
  - Sets Budget & Policy
  - Other Existing Council Functions
- Overview & Scrutiny Continues & can Call In Executive Decisions
- Regulatory Functions (Planning, Licensing Etc) Continue as now

## EMPLOYEES

- DEM has no Immediate Impact on Staffing
- LA **must** have Statutory Officers in Place:
  - Head of Paid Service
  - Monitoring Officer
  - Chief Finance Officer (S151 Officer)
- DEM cannot Appoint HoPS or Chief officers but Must be Consulted on Appointment
- DEM can Appoint a Mayor's Assistant on Terms & Conditions Decided by him/her Within Resources Available to Council

## COSTS OF REFERENDUM & ELECTION

- Costs of Referendum & EC Elections 22 May to be Shared on 50:50 basis CBC and EU
- Cost of PCC Election in Copeland in Nov 2012 was £121,746.64
- Therefore likely cost to CBC of referendum will be £60,000
- Election on 16 October would be stand-alone – therefore likely cost approx £120,000 – total cost to CBC £180,000

## REMUNERATION

- DEM is a Councillor for Purposes of Remuneration
- DEM & Executive Remuneration therefore part of Members' Allowances Scheme
- Members' Allowances Scheme can only be set or changed by full Council after taking account of recommendations of Independent Remuneration Panel (IRP)
- If "Yes" vote in Referendum, proposed to seek provisional views of IRP after Referendum but before Mayoral election

## CIVIC DUTIES & CHAIRMAN OF COUNCIL

- DEM is First Citizen of the Borough and Entitled to Wear Chain & Regalia
- Mayor on 20 October would become Chairman of Council
- Expected that Mayor & Chairman will Share Civic Functions

## “PURDAH”

- Code of Recommended Practice on Local Authority Publicity
- Restrictions on local authority publicity immediately before elections (this year from 14 April)
- Members should not make public statements which could be interpreted as supporting one side in referendum when acting in capacity as Councillor
- Full guidance to be issued to members before start of Purdah

## KEY DATES

- 27 February – Council agrees revised Executive arrangements
- 28 February – Publish revised Executive arrangements
- 14 April – Notice of Referendum/start of Purdah
- 6 May – Last date for registering to vote in Referendum
- 14 May - Notice of Poll
- 22 May – Referendum
- 16 October – (if Yes vote) Mayoral election
- 20 October – Mayor takes office