

## Hampshire

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At an Extraordinary Meeting of Hampshire County Council held at The Castle, Winchester on 16 July 2015.

**Chairman:**

*p* Councillor Jonathan Glen

**Vice-Chairman:**

*p* Councillor Keith Chapman, MBE

Councillor:	Councillor:
<i>p</i> Phil Bailey	<i>p</i> Andrew Joy
<i>p</i> John Bennison	<i>p</i> David Keast
<i>p</i> Ray Bolton	<i>p</i> Mark Kemp-Gee
<i>p</i> Ann Briggs	<i>p</i> Mel Kendal
<i>p</i> Zilliah Brooks	<i>p</i> Rupert Kyrle
<i>p</i> Graham Burgess	<i>p</i> Chris Lagdon
<i>p</i> Rita Burgess	<i>p</i> Peter Latham
<i>p</i> Adam Carew	<i>p</i> Warwick Lovegrove
<i>p</i> Christopher Carter	<i>p</i> Martin Lyon
<i>p</i> Roz Chadd	<i>p</i> Robin McIntosh
<i>p</i> Peter Chegwyn	<i>p</i> Anna McNair Scott
<i>p</i> Charles Choudhary	<i>p</i> Keith Mans
<i>p</i> Vaughan Clarke	<i>p</i> Fiona Mather
<i>p</i> Adrian Collett	<i>p</i> Ken Moon
<i>p</i> Criss Connor	<i>p</i> Andy Moore
<i>p</i> Mark Cooper	<i>p</i> Frank Pearce
<i>p</i> Ferris Cowper	<i>p</i> Roy Perry
<i>p</i> Shaun Cully	<i>p</i> Jackie Porter
<i>p</i> Colin Davidovitz, BEM	<i>p</i> Roger Price, JP
<i>p</i> Alan Dowden	<i>p</i> Stephen Reid
<i>p</i> Peter Edgar	<i>p</i> Alan Rice, TD
<i>p</i> Jacqui England	<i>p</i> George Ringrow
<i>p</i> Keith Evans	<i>p</i> Steve Rippon-Swaine
<i>p</i> Liz Fairhurst	<i>p</i> Timothy Rolt
<i>p</i> Philip Fawkes	<i>p</i> Frank Rust
<i>p</i> Ray Finch	<i>p</i> David Simpson
<i>p</i> Jane Frankum	<i>p</i> Patricia Stallard
<i>p</i> Andrew Gibson	<i>p</i> Mark Staplehurst
<i>p</i> Chris Greenwood	<i>p</i> Elaine Still
<i>p</i> Brian Gurden	<i>p</i> Bruce Tennent
<i>a</i> David Harrison	<i>p</i> Tom Thacker
<i>a</i> Marge Harvey	<i>p</i> Ken Thornber, CBE
<i>a</i> Edward Heron	<i>p</i> Martin Tod
<i>p</i> Geoff Hockley	<i>p</i> Malcolm Wade
<i>p</i> Tony Hooke	<i>p</i> John Wall
<i>p</i> Keith House	<i>p</i> Sharyn Wheale
<i>p</i> Rob Humby	<i>p</i> Chris Wood
<i>p</i> Roger Huxstep	<i>p</i> Seán D. T. Woodward

Honorary Alderman Michael Woodhall was also in attendance.

**164. BROADCASTING ANNOUNCEMENT**

The Chairman announced that the meeting was being recorded for broadcast on the County Council's website and would be available for repeated viewing. The press and members of the public were also permitted to film and broadcast this meeting. Those remaining at the meeting were consenting to being filmed and recorded, and to the possible use of those images and recording broadcasting purposes.

**165. DECLARATIONS OF INTEREST.**

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest and, having regard to Part 3, Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Personal Interest in a matter being considered at the meeting they considered, having regard to Part 5, Paragraph 4 of the Code, whether such interest should be declared, and having regard to Part 5, Paragraph 5 of the Code, considered whether it was appropriate to leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with the Code.

**166. APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors David Harrison, Marge Harvey and Edward Heron and from Honorary Aldermen Patricia Banks, John Bryant, Phryn Dickens, Felicity Hindson, Roger Kimber, Pamela Mutton and Marilyn Tucker.

**167. CHAIRMAN'S PROPOSAL.**

The Chairman proposed the following in regard to Item 4 on the Agenda to assist the smooth running of business to be transacted:

- a) to vary the usual order of proceedings to allow the Head of Governance and Monitoring Officer to speak and to answer questions Members may have; and
- b) to vary Standing Order 21 to allow Political Group Leaders to speak for a maximum of 15 minutes to respond to the proposed recommendations of Cabinet.

The Council agreed the Chairman's proposals.

168. **FURTHER ELECTORAL REVIEW OF HAMPSHIRE COUNTY COUNCIL – PATTERN OF ELECTORAL DIVISIONS SUBMISSION TO THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND.**

The Council considered a report from the Chief Executive (Item 4 in the Minute Book) which contained the draft proposals of the Members' Working Group for a Pattern of Electoral Divisions, as an Annex to the Report for submission to the Local Government Boundary Commission for England (LGBCE). The proposals had also been considered by the Group Leaders' Working Group. The Report sought approval of the draft proposals for submission to the Local Government Boundary Commission for England to meet their deadline of 3 August 2015.

In presenting the Report, the Head of Governance and Monitoring Officer reminded Members that on 29 August 2014 the Local Government Boundary Commission for England ("the Commission") advised the County Council that a further Electoral Review of the County Council's Electoral Arrangements should take place. In regard to Part I of the Electoral Review on 'Council Size', the County Council made its submission following an Extraordinary Council Meeting on 13 April proposing that the County Council should remain with 78 Councillors. Subsequent to this submission the Commission wrote to the County Council indicating that it was minded to recommend that the size of the County Council should remain at 78 County Councillors and invited proposals from the County Council, and from other stake holders, interested parties and members of the public generally on a pattern of Electoral Divisions to accommodate those Councillors. The Commission's approach is one of public consultation and evidence-gathering, and analysis of all the evidence it receives. The Head of Governance and Monitoring Officer therefore highlighted the importance, as before with the submission on Council Size, that any submission of the County Council on Electoral Division Patterns was evidence based, and in line with statutory criteria and guidance which the Commission applies.

Members noted that in consideration of its recommendations as to a pattern of Electoral Divisions, the Commission is required by law to have regard to three statutory criteria as follows:

- i) Electoral Equality, that is that each County Councillor should represent roughly the same number of registered electors as other County Councillors across the County Council;
- ii) that any recommended pattern of Electoral Divisions should, as far as possible, reflect the interests and identities of local communities and have ready identifiable boundaries; and
- iii) that the Electoral Arrangements of the County Council should provide for effective and convenient Local Government

The Head of Governance and Monitoring Officer emphasised that neither the law nor the Commission's guidance places priority on any particular one of these three criteria. Electoral equality is an objective test and thus more readily quantifiable, whilst evaluation of the second and third criteria are subjective and as a consequence require subjective evidence. Community identity and interest can mean different things to different people. Similarly, effective and convenient Local Government is also more difficult to define and guidance from the Commission indicated that the third statutory criteria is often overlooked as a consideration in proposals on Electoral Division Patterns. Therefore, the impact of proposals on the workload of individual Councillors should be considered in both numerical terms of registered electors, and in terms of the physical extent of the size of proposed Electoral Divisions and the ability of Councillors to effectively represent people in those Divisions.

The Head of Governance and Monitoring Officer drew Members attention to some specific points on Electoral Equality which were important for them to take account of in their consideration of the draft submission:

- a) The trigger for an Electoral Review is where the Commission consider 'significant' electoral inequality exists. That is:
  - i) that 30% (or more) of Divisions in an Authority have an electoral variance of more than 10% from the average for that Authority; and/or
  - ii) one (or more) Division(s) has an electoral balance of more than 30% from the average; and
  - iii) the imbalance is unlikely to be corrected by foreseeable changes to the electorate within a reasonable period.

These are the Commission's own policy criteria rather than a definition set out in primary legislation. However, the Commission is likely to aim for a position whereby as many as possible of future Electoral Divisions within the County Council fall within this '+/- 10% variance', the closer to the average the better.

Members noted that this did not mean that **all** the County Council's proposed Electoral Divisions needed to fall within a +/- 10% variance, and some divisions may be outside this threshold for good reason. The important point to note was that the higher the level of electoral variance proposed for an Electoral Division, the stronger the evidence of the other two statutory criteria needs to be. It would however be incorrect for any part of the submission to be based on evidence in respect of numbers alone.

- b) Neither is there any concept in the law relating to Electoral Reviews, or in the Commission's guidance, of 'rounding up' and 'rounding down' as applied when considering proportionality. Because the allocation of seats to committees and panels is not an exact science, particularly in the case of allocation of seats to minority

groups, where the maths has proposed less than a whole number, the County Council has long adopted a simple solution, by 'rounding up' any figure of 0.5 or above to a whole number, and discounting any figure below 0.5. Although this is a sensible approach to take in exercise of the determination of proportionality entitlements, the Head of Governance and Monitoring Officer confirmed, that in her view, it would be wrong to apply a custom and practice arrangement designed to achieve individual and overall proportionality on County Council Committees and to some outside bodies, which is a numerical exercise, to the formulation of proposals on Electoral Division Patterns where there are three criteria laid down in law, all three of which the Commission is required to take account.

The Head of Governance and Monitoring Officer highlighted the importance of the County Council making a submission on Electoral Division Patterns. Whilst the County Council is an important consultee, the Commission will receive submissions from a wide variety of other stakeholders, therefore if no submission was made the County Council would lose the opportunity to put forward its proposals on Electoral Division Patterns. Members noted that in addition it was open to any individual Member of the County Council who might have an alternative view, either in part or in whole from that set out in the draft proposals on behalf of the County Council, to make their own submission.

Further, the Head of Governance and Monitoring Officer indicated that any submission of the County Council on a new pattern of Electoral Division boundaries may not have universal support from all Members. It should be recognised that on occasions there may be alternative options, either in respect of individual Electoral Division(s) or affecting a whole District. In such cases the advice from the Commission was for the alternative options to be presented in the submission, but if there was a preferred option this should be indicated. It was noted that two options were proposed for the Alton Rural and Alton Town Electoral Divisions in the East Hampshire District area, for the overall Eastleigh District area, and for the Fleet Electoral Division in the Hart District area.

In conclusion the Head of Governance and Monitoring Officer drew Members attention to the remaining timetable for the Review as set out under 'Stage 3' in Annex 1 to the Report. The Commission are due to consider their draft recommendations on a new Pattern of Electoral Divisions on 20 October 2015 which will be followed by a further period of public consultation between 17 November 2015 and 11 January 2016. The Commission's draft recommendations will be considered by the Members' Working Group who will then report to the Group Leaders' Working Group, and a further Report will be brought for Members consideration at the County Council Meeting on 7 January 2016. It is however important to note that at this stage the County Council would be commenting on draft recommendations as proposed by the Commission, and it would therefore not have the 'open book' it now had in making its

proposals on Electoral Division Patterns.

The structure of the debate was set out as part of the Agenda, as per the arrangements for the Extraordinary Meeting held on 13 April 2015 and also adopted for meetings of the Council when considering Budget proposals, to facilitate the smooth running of the proceedings. In line with that procedure, the Chairman invited the Leader of the Council to speak on the Report and move its recommendations, followed by the other Group Leaders in turn.

The Leader of the Council, Councillor Roy Perry paid tribute to Councillor Ken Thornber for chairing the Members' Working Group effectively and objectively and extended his thanks to District Council partners and all Members of the Council for the work they had done to input to the proposals. The Leader also put on record his thanks to the County Council's Head of Governance and Monitoring Officer and her team and to officers in the Research and Intelligence Team in the Economy, Transport and Environment Department for the work they had done. The Leader expressed his view that the draft proposals made a lot of sense and moved the Report's recommendations. Attention was drawn to recommendation (b) which invited the Council to indicate its preferred options, where more than one option was available.

In acknowledging that much work had been done to prepare the proposals that were in front of the Council, Councillor Keith House reported that he and the Liberal Democrat Group would not be supporting the Report's recommendations. Councillor House was of the view that the aggregation of 78 Councillors across 75 Electoral Divisions was a matter of basic arithmetic, and that by using the 'rounding up' and 'rounding down' principle used to determine proportionality, the number of Electoral Divisions in one district area would go up, one would go down and arguably one other district area would also go up - this was the approach that had been taken in preparing the two options for the Eastleigh District area. Councillor House was also of the view that the Commission's recommendation for the County Council to continue with 78 Councillors was not set in stone, therefore if the Council Size increased to 81 Councillors it would allow for one additional Electoral Division in the Eastleigh, Hart and Basingstoke and Deane District areas. Councillor House highlighted the importance of urban representation as well as rural representation.

In respect of two-Member Electoral Divisions, the proposals for Havant to split the existing two-member Electoral Division of Bedhampton and Leigh Park into two one-Member Electoral Divisions was supported however, the proposals for the continuance of the two-Member Electoral Divisions of Fareham Town in the Fareham district area and Leesland and Town in the Gosport district area were not supported.

In conclusion, Councillor House expressed the view that the process of determining a pattern of divisions was driven by electoral equality and if

that issue was not addressed satisfactorily it could lead to the County Council being reviewed again sooner rather than later. No Amendment to the draft recommendations was moved.

Councillor Chris Lagdon praised the work that had been done by officers in the preparation of the Report and endorsed the recommendations. No amendment was moved.

Councillor Criss Connor expressed a personal view that he could not support a change in regard to the 'minded to' recommendation of the Commission that the County Council remain with 78 County Councillors and highlighted the importance of working with what the Commission had recommended. However, Councillor Connor confirmed that he had expressed a view from the outset regarding the electoral equality position of both the Eastleigh and the New Forest District areas which was a factual position based purely on the numbers. Furthermore, he felt that the Commission was likely to consider electoral equality over and above the two other criteria, albeit the other two criteria were, in his view, of equal importance. Councillor Connor also commented that the Commission's guidance was confusing in parts and could be open to different interpretation. In conclusion, Councillor Connor also praised the work that had been done by officers and endorsed the Report's recommendations. No amendment was moved.

Councillor Jacqui England endorsed the Report's recommendations. The proposals set out in the Report were based on factual data and sound reasoning and Councillor England emphasised the importance of working with the Commission's position in regard to Council Size. In conclusion, Councillor England also praised the work that had been done by officers. No amendment was moved.

The Chairman of the Members' Working Group, Councillor Ken Thornber thanked the Lead Co-ordinators on the Group for the work they had done, which had led to 67 Electoral Divisions conforming to the average electorate forecast for 2021. Councillor Thornber reported that where electoral equality had not been met, this was due to overriding factors in respect of the Commission's other two statutory criteria of community identity, and convenient and effective local government.

During the course of the ensuing debate a number of views were expressed. Members' attention was drawn to the Extraordinary Council Meeting of 13 April and the debate regarding Council Size. The Council agreed that in the current climate of austerity, it would be wrong to increase the overall number of Councillors and further views were expressed that now was not the time to revisit that decision. In drawing up the proposals for the Winchester District area, the added complexity of Winchester City Council also being under Review at the same time as the County Council, albeit further along the process, was recognised. Thanks were extended to Councillor Humby for the work he had done to take into account the new boundaries for Winchester City Council which

were not confirmed until late June, and at a time when the County Council's proposals were well advanced. The importance of community cohesion featured strongly in the debate and the unique geography of areas such as the predominantly rural New Forest and the Gosport Peninsula were highlighted. It was noted that for the areas where it had not been possible to achieve electoral equality, the Report set out clear and concise reasons for this.

The recommendations were put to the vote and in respect of recommendation (b) the Leader proposed, as seconded by Councillor Mans, that:

- (i) taking into account the views of the Lead Co-ordinator for the East Hampshire proposals, Councillor Mark Kemp-Gee together with the views of other local East Hampshire Members, no preference be specified for the Alton Rural and Alton Town Divisions in the East Hampshire district area;
- (ii) the 7-division model for the Eastleigh District area be supported;
- (iii) Option A be supported for the Fleet Division in Hart.

The majority of Members present supported the Report's recommendations (a) and (b) and the preferred options as set out above.

(The meeting closed at 11.30am).