

Report to: Cabinet

Date: 18th September 2008

Subject: Transport Innovation Fund Bid - Joint Arrangements for Referendum

Report of: SERVICE DIRECTOR BOROUGH SOLICITOR

Contact officer: Kevin Lawson (Telephone: 01942) 244991 extension 2026

Purpose / summary: To authorise the entry of joint arrangements with the other 9 Greater Manchester Authorities in order that the Association of Greater Manchester Authorities can make arrangements for a referendum across each of the 10 districts in accordance with a resolution passed by AGMA on 25th July 2008. The AGMA Executive on 29th August 2008 approved the resolutions set out in this report and approved the submission of these resolutions to each of the 10 district councils for approval

Alternative options considered and reason for selecting the one recommended: The only alternative option that can be considered is not to approve the resolutions as put forward

Recommendation / decision: It is recommended, pursuant to Section 20 of the Local Government Act 2000, Regulations 4, 11 and 12 of the Local Authorities (Arrangements for Discharge of Functions) (England) Regulations 2000, Section 101(5) of the Local Government Act 1972, and paragraph 29(v) of Schedule 1 to the Operating Agreement and Constitution of AGMA adopted on 29 August 2008, that the Cabinet –

(1) agree to enter into joint arrangements with the other Greater Manchester district councils to discharge those of its functions as set out below through the AGMA Executive Board -

(a) the making of arrangements for the

conduct of local polls (“the referendum”) under Section 116 of the Local Government Act 2003, Section 170 of the Transport Act 2000 and Section 111 of the Local Government Act 1972 to be held in each of the ten districts in relation to the Transport Innovation Fund (“TIF”) proposals, including the determination of a common question to be asked in the referendum;

- (b) the consideration of the outcome of the current consultation on the TIF proposals and the finalisation of the proposals which will be the subject of the referendum;
 - (c) the determination, following the referendum, as to whether the TIF proposals are pursued further;
 - (d) in the event of a decision to proceed, the taking (in consultation with the Greater Manchester Passenger Transport Authority , where necessary) of all further actions necessary to progress the bid;
- (2) note that in accordance with the AGMA Constitution decisions in relation to the above functions will be made on the basis that any decision requires the support of seven out of ten councils.
 - (3) The decisions at (1) above be exempt from call-in on the grounds that it is urgent as any delay likely to be caused by the call in process could seriously prejudice the legal and financial and financial position of the Council and the interests of the residents as set out in the report

Key Decision:

This report involves a key decision within ground 1 . Members are asked to consider exempting the decision from call-in to enable the decision to be acted upon immediately

This item is included in the Forward Plan.

Risks / Implications:

Financial: The Transport Innovation Fund proposals clearly have major financial implications. Under the proposals the Council will incur a proportion of the costs of the referendum calculated in relation to the populations of each district

Staffing: While many elements of the referendum are to be outsourced, certain staffing arrangements will need to be put in place to ensure that this Council can meet relevant timescales

Policy: There are major transport implications in relation to the TIF proposals

Equal Opportunities - Has a Diversity Impact Assessment been conducted? Not appropriate

Wards affected: All

Property Implications– Does the proposal involve a reduction, addition or change to the Council’s asset base or its occupation?

No

Does this proposal have significant implications for the Council and the local population?

The Transport Innovation Fund Bid proposals have major implications for the Borough and the Region

Does this proposal involve a new policy or procedure or significant changes to an existing policy or procedure?

No

Has the Service Director Borough Solicitor confirmed that the recommendations within this report are lawful and comply with the Council’s Constitution? **Yes**

Has the Director of Finance and IT confirmed that any expenditure referred to within this report is consistent with the Council’s budget? **Yes**

Are any of the recommendations within this report contrary to the Policy Framework of the Council? **No**

For Cabinet reports only :

Categorisation of the report:	X		X
Discussion leading to a decision		Discussion	X
Monitoring		Decision	
Sharing for corporate understanding		Information	

Tracking/Process:

AGMA Executive	Consultation	Ward Members	Partners
29.8.2008			
Panel	Overview & Scrutiny	Cabinet	Council
		18.9.08	

List of Background Papers in accordance with Section 100D of the Local Government Act 1972:

Document	Date	File Reference	Place of Inspection
Minutes of AGMA Executive Meeting	29.8.08		Town Hall, Library Street, Wigan WN1 1YN

Proper Officer K. P. Lawson

Date 8.9.08

BACKGROUND

1. At its meeting on 9th July 2008 the Full Council meeting resolved as follows:-

In the light of the Government's decision to support the Transport Innovation Fund Bid for Greater Manchester, this Council fully supports a referendum for Greater Manchester organised with the help of the Electoral Commission provided all Greater Manchester Councils agree to a procedure to seek early ratification of the results.

2. On 25TH July 2008, the AGMA Executive agreed that AGMA should commission a section 116 poll (a "referendum") on the acceptability or otherwise of Greater Manchester's transport innovation package, including the proposed congestion charge, across each of the ten Greater Manchester authorities during late 2008. The AGMA Executive also passed the following resolutions:
 - That the poll be organised and disaggregated by borough and the result be declared by borough. A majority result will be deemed to be one with over 50% of valid votes cast.
 - That AGMA Executive appoints the Leader and three Vice Chairs to work up the detailed proposals and to propose an ERS approved question to be agreed by future meetings of AGMA.
 - That the same approved question be used for each section 116 poll of the ten AGMA authorities.
 - That following the approval of the revised constitution of AGMA and in line with its new provisions, unless support is given by at least seven out of the ten Greater Manchester authorities for the transport innovation package, AGMA will not proceed with the bid any further.
3. In order for AGMA to make arrangements for the referendum across each of the ten districts in accordance with this resolution the ten district councils need to pass the formal resolutions detailed at the front of this report agreeing to enter into joint arrangements.
4. The City Solicitor Manchester City Council, Borough Solicitor Tameside MBC. and Director of Legal and Democratic Services Bolton MBC submitted a report on the 29th August to the AGMA Executive setting out the recommendations of the AGMA sub group held on the 27th August on the principles and key operational issues relating to the conduct of a Transport Innovation Fund 'referendum' for the Executive to take decisions on those principles and key operational issues (including the terms of the resolutions to be passed by each of the 10 authorities). A copy of that report is attached.
5. On the 29th August the AGMA Executive considered the report and agreed:
 1. To approve the draft resolutions set out in APPENDIX 1 to the report and the submission of those resolutions to each of the 10 District Councils for approval.
 2. To approve:

- (a) the appointment of Sir Neil McIntosh as 'Returning Officer' for the referendum on the terms set out in the report.
 - (b) the appointment of Manchester as lead district through the City Solicitor to provide the facilities, professional and administrative support to the Returning Officer and to procure the necessary goods and services for the conduct of the 'referendum' on behalf of the ten districts.
 3. The 11th December was the most expedient date for a referendum.
 4. That the basis of the 'referendum' should be local government electors.
 5. That the approach set out in the report should be the basis for the referendum register across all of the 10 districts for a referendum late in 2008.
 6. That the referendum be conducted on an all postal basis by reason of cost, administrative efficiency and turnout and that:
 - A. drop off points across Greater Manchester are established for the final day or days of polling;
 - B. the ballot paper should be accompanied by a declaration of identity; and
 - C. the traditional system of A and B envelopes should be used.
 7. That the detailed arrangements for the count be made by the Returning Officer following consultation with the AGMA sub-group.
 8. To approve the proposals set out in the report in connection with communications and publicity including public information about the referendum, awareness about the poll and encouraging participation.
 9. To approve the proposals in connection with procurement, costs and insurance / indemnities set out in this report.
 10. That this item be exempt from Call-in on the grounds of urgency for the reasons set out above, but that it be referred to the AGMA Scrutiny Panel for their consideration and comments to be reported back to the AGMA Executive Board meeting on the 26th September 2008.
6. In addition it was recognized by the AGMA Executive that there would need to be effective lines of communication between each of the authorities and the Returning Officer to deliver the referendum and work is underway to establish these.
 7. At its meeting on 29th August 2009 the AGMA Executive also agreed that further opinion polling of businesses would take place during the period of the referendum which would enable AGMA to consider the acceptability of the proposals to businesses as well as the public. Further details of the polling proposals will be presented to the AGMA Executive at a future meeting.

RECOMMENDATIONS

8. The Cabinet is requested to pass the resolutions set out at the front of this report.
9. Members may consider that the decision at (1) above is urgent and therefore should not be subject to call in as the delay likely to be caused by the call in process could seriously prejudice the legal and financial position of the council and the interests of the residents of Wigan

Immediate arrangements need to be made for the conduct of the referendum to ensure that the proposed dates are achieved to enable the greatest possible benefit to the Borough. The Mayor has been requested to confirm that the decision is reasonable in all the circumstances and can be treated as an urgent decision.

K. P. Lawson
Service Director Borough Solicitor

Y-881

ASSOCIATION OF GREATER MANCHESTER AUTHORITIES

COMMITTEE: AGMA EXECUTIVE

DATE: 29 AUGUST 2008

SUBJECT: TIF REFERENDUM

REPORT OF: THE CITY SOLICITOR MANCHESTER CITY COUNCIL
BOROUGH SOLICITOR TAMESIDE METROPOLITAN
BOROUGH COUNCIL
DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES
BOLTON METROPOLITAN BOROUGH COUNCIL

Purpose of Report

To report to the AGMA Executive the recommendations of the AGMA sub group held on the 27 August on the principles and key operational issues relating to the conduct of a Transport Innovation Fund 'referendum' in accordance with the AGMA Resolution dated 25 July 2008 and for the Executive to take decisions on those principles and key operational issues.

Recommendations

1. In the light of the AGMA sub group's recommendation the AGMA Executive are asked to approve the draft resolutions set out in APPENDIX 1 to this report and the submission of those resolutions to each of the 10 District Councils for approval.
2. In the light of the AGMA sub group's recommendations the AGMA Executive are asked to approve:
 - A. the appointment of Sir Neil McIntosh as 'Returning Officer' for the referendum on the terms set out in this report.
 - B. the appointment of Manchester as lead district through the City Solicitor to provide the facilities, professional and administrative support to the Returning Officer and to procure the necessary goods and services for the conduct of the 'referendum' on behalf of the ten districts.
3. The AGMA Executive are asked to approve 11th December as the most expedient date for a referendum.
4. In the light of the AGMA sub group's recommendation the AGMA Executive are asked to confirm that the basis of the 'referendum' should be local government electors.
5. The AGMA Executive are asked to approve that the approach set out in this report should be the basis for the referendum register across all of the 10 districts for a referendum late in 2008.

In the light of the AGMA sub group's recommendations the AGMA Executive are asked to confirm that the referendum be conducted on an all postal basis by reason of cost, administrative efficiency and turnout and that:

- A. drop off points across Greater Manchester are established for the final day or days of polling;
- B. the ballot paper should be accompanied by declaration of identity; and
- C. the traditional system of A and B envelopes should be used.

7. In the light of the AGMA sub group's recommendation the AGMA Executive are asked to agree that the detailed arrangements for the count be made by the Returning Officer following consultation with the AGMA sub-group.

8. In the light of the AGMA sub group's recommendation the AGMA Executive are asked to approve the proposals set out in this report in connection with communications and publicity including public information about the referendum, awareness about the poll and encouraging participation.

9. In the light of the AGMA sub group's recommendation the AGMA Executive are asked to approve the proposals in connection with procurement, costs and insurance / indemnities set out in this report.

1. The Resolution

1.1 On 25 July 2008, AGMA Executive passed the following resolution:

- That AGMA commissions the Electoral Reform Services (ERS) to conduct a section 116 poll (currently being referred to as a "referendum") on the acceptability or otherwise of Greater Manchester's transport innovation package, including the proposed congestion charge, across each of the ten Greater Manchester authorities during late 2008.
- That the poll be organised and disaggregated by borough and the result be declared by borough. A majority result will be deemed to be one with over 50% of valid votes cast.
- That AGMA Executive appoints the Leader and three Vice Chairs to work up the detailed proposals and to propose an ERS approved question to be agreed by future meetings of AGMA.
- That the same approved question be used for each section 116 poll of the ten AGMA authorities.
- That following the approval of the revised constitution of AGMA and in line with its new provisions, unless support is given by at least seven out of the ten Greater Manchester authorities for the transport innovation package, AGMA will not proceed with the bid any further.

2. Background

2.1 At its meeting on the 25 July the AGMA Executive appointed the Leader and three Vice Chairs (the AGMA sub group) to work up the detailed proposals to be agreed by future meetings of AGMA. A report was considered by the sub group on the 27 August and where recommendations to the Executive were made these are included in this report.

3. Legal Basis and Governance arrangements

3.1 As noted in the report to AGMA Executive on the 25 July, leading Counsel has confirmed that there is a lawful basis for the ten local authorities to conduct a poll / 'referendum' on the TIF package utilising powers under Section 116 Local Government Act 2003, Section 170 Transport Act 2000 and Section 111 Local Government 1972.

3.2 In accordance with the resolution passed on the 25 July, the ten districts will need to formally enter into joint arrangements to enable AGMA to make arrangements for the referendum across each of the ten districts. Attached at Appendix 1 is a set of draft resolutions which each of the ten districts would need their Executive to approve (in accordance with their own constitutional arrangements). Following this meeting a common report can be produced for the District Councils to support these resolutions.

3.3 The sub-group recommended that the AGMA Executive approve the draft resolutions and the submission of these resolutions to each of the 10 District Councils for approval.

3.4 In the light of the AGMA sub group's recommendation the AGMA executive are asked to approve the draft resolutions set out in APPENDIX 1 to this report and the submission of those resolutions to each of the 10 District Councils for approval.

4. Independent Validation and the appointment of a Returning Officer for the Referendum

4.1 The credibility of the 'referendum' process is paramount. Decisions on how to conduct the 'referendum' need to be consistent wherever possible and capable of delivery across Greater Manchester.

4.2 As noted in the report to AGMA Executive on the 25 July, external independent validation of the 'referendum' process is required. Following consultation with the Electoral Commission and Chief Executives from the ten district councils it was further recommended that a returning Officer should be appointed to assume overall accountability for the conduct of the referendum. Sir Neil McIntosh CBE, a former Electoral Commissioner and local authority Chief Executive, was approached and has agreed to provide an independent overview of the process and act as Returning Officer. Sir Neil's profile is attached at APPENDIX 3.

4.3 A detailed role specification for the Returning Officer for the Referendum is attached at APPENDIX 2 but in particular the Returning Officer would:

- Provide leadership and to be accountable to AGMA for the delivery of the TIF referendum
- Provide independent validation of the conduct of the TIF referendum across the ten district councils and promote good practice and consistency throughout the process

- lead a project office established to deliver a referendum across each of the ten districts and to maintain effective lines of communication with AGMA, the district councils, the police, Royal Mail and suppliers
- Provide effective communication with key stakeholders including the public, political parties and campaign groups and be responsible for media liaison where appropriate; and
- declare the result of the TIF referendum and publish those results

4.4 Due to the detailed developmental work that has already been undertaken by officers at Manchester on behalf of AGMA, it is suggested that Manchester is appointed as 'lead' district. Through the City Solicitor and Monitoring Officer, Manchester would provide the facilities, professional and administrative support to the Returning Officer and procure the necessary goods and services for the conduct of the 'referendum' on behalf of the ten districts, including establishing a project office supported by the Head of Democratic and Statutory services at Manchester (who leads in Manchester on the delivery of the regional aspect of the European Parliamentary elections) together with a project manager. The City Solicitor would continue to work with the Borough Solicitor at Tameside and the Director of Legal and Democratic Services from Bolton in accordance with the report submitted to AGMA Executive on 25 July. Work is underway to ensure there are effective lines of communication between all the parties involved in the referendum process.

4.5 Following this meeting it is anticipated that many of the key decisions on how the 'referendum' will be conducted will be made. Although Sir Neil will require authority to act as Returning Officer and progress the detail of the delivery of the referendum on behalf of AGMA, he will consult with the sub-group regularly throughout the process, particularly in relation to key issues such as the referendum question.

4.6 The sub-group recommended the appointment of Sir Neil McIntosh as 'Returning Officer' for the referendum on the terms set out above and the appointment of Manchester as lead district through the City Solicitor to provide the facilities, professional and administrative support to the Returning Officer and to procure the necessary goods and services for the conduct of the 'referendum' on behalf of the ten districts.

4.7 In the light of the AGMA sub group's recommendations the AGMA Executive are asked to approve:

- the appointment of Sir Neil McIntosh as 'Returning Officer' for the referendum on the terms set out above.
- the appointment of Manchester as lead district through the City Solicitor to provide the facilities, professional and administrative support to the Returning Officer and to procure the necessary goods and services for the conduct of the 'referendum' on behalf of the ten districts.

5. Timetable

5.1 On the 25 July the AGMA Executive passed a resolution to hold a referendum on the acceptability or otherwise of Greater Manchester's transport innovation package, including the proposed congestion charge, across each of the 10 Greater Manchester authorities during late 2008. The principles and key operational issues relating to the conduct of a Transport Innovation Fund 'referendum' set out in this report give effect to that stated timescale. The 'referendum' would follow the current TIF consultation exercise and there must be a sufficient gap from the end of the

consultation exercise until any 'referendum' is held. This will allow for consideration of the outcomes of the consultation exercise, and for any proposed actions (including amendments to the scheme) which arise as a consequence.

5.2 In view of these requirements and also the capacity of Royal Mail during the Christmas period, it is suggested that a close of poll at 10.00 pm on Thursday 11 December is the most expedient time for a 'referendum' to conclude before the end of this year. Royal Mail has confirmed that this is deliverable. This date and time would represent the 'cut off' point for people to vote in the 'referendum', after which the result can be calculated and declared.

5.3 As deadlines are exceptionally tight, rapid decisions on a variety of operational issues are required. In particular the date and time of the 'close of poll' needs to be established as quickly as possible to enable it to be publicised and for detailed project planning to take place. A referendum within the timescales set out above is deliverable dependent on decisions being taken by the AGMA Executive at their meeting on the 31 October.

5.4 The AGMA Executive are asked to approve 11th December as the most expedient date for a referendum.

6. Operational Arrangements

6.1 The Local Government Act 2003 provides discretion on whom to poll, and therefore any 'referendum' could for example include local government electors, the business community or young people. However, restricting the 'referendum' to local government electors provides the most credible basis for conducting a poll. Moving away from the local government electorate as a basis for the 'referendum' raises questions about which 'businesses' should be included and who within a business has the legitimacy to cast a vote on behalf of that business.

6.2 For those reasons inclusion of businesses is not recommended as it could undermine the credibility of the outcome. Proposals in relation to the planned second round of MORI polling in respect of businesses are under review and this issue is referred to in a separate report on this agenda.

6.3 The sub group recommended that the basis of the referendum should be local government electors and should not include other groups such as businesses.

6.4 In the light of the AGMA sub group's recommendation the AGMA Executive are asked to confirm that the basis of the 'referendum' should be local government electors.

7. Registers/databases of who to poll

7.1 Regulation 107 of the Representation of the People (England and Wales) Regulations 2001, provides that the full electoral register can lawfully be used for the purposes of conducting a poll under Section 116 of the Local Government Act 2003.

7.2 However there are some issues with regard to determining exactly who should be polled and which database of information should be used for this data.

7.3 The register published on the 1 December each year is the most accurate and up to date register as it follows the annual canvass. For a referendum to be held before the end of the year (as set out in the AGMA resolution of the 25 July) it will

not be possible to use the 1 December register, because time needs to be built into the process for the ballot papers to be printed, despatched and returned. Matters are further complicated because every year during the canvass period the publication of the rolling electoral register is suspended between 1 September and the date the revised register is published (which in practice is always the 1 December).

7.4 Detailed advice has been sought from leading Counsel on a number of different possibilities on which to base a referendum taking place in early December. Leading Counsel has concluded there are three possible options, each of which has pros and cons and there is no one option which is simple and fits with existing practices across all ten district councils. The sub group considered these options and concluded in terms of the credibility of the register and in the interests of security, reducing voter confusion and accuracy the best available option for a referendum within the timescales detailed in the AGMA resolution of the 25 July was as set out in paragraph 7.5 below.

7.5 This involves publishing the register ordinarily published on the 1 December earlier in November. The legal position is briefly that publication of the register is required by S13 RPA 1983. Publication is required during the period beginning with the end of canvass and ending on 1 December. In practice this ordinarily means the 1 December to maximise the time to complete the canvass which in turn gets more people onto the 1 December register.

7.6 Whilst the final date for publication of the register is 1 December there is no legal barrier to the canvass being completed earlier e.g. on the 5 November with the register being published very shortly afterwards. It is anticipated at this stage that any contractor would need the data around the 7 – 9 of November. Such a register will be accurate and up to date because it will incorporate significant additions and changes arising as a result of the canvass. Although publishing the register early could have a negative impact on the numbers on the register it is submitted these issues could be ameliorated by undertaking a comprehensive communications exercise to encourage residents to return their canvass forms by a designated date which will ensure they get on the register to be used for the referendum and alterations to canvass activity.

7.7 The sub group agreed that the same approach should be used across all 10 districts for consistency and fairness.

7.8 At the time of writing 8 out of the 10 Chief Executives have indicated they can positively commit and deliver this approach.

7.9 The AGMA Executive are asked to approve that the approach set out above should be the basis for the referendum register across all of the 10 districts for a referendum late in 2008.

8. Conduct of the Poll

8.1 The legislation provides discretion on how to conduct a 'referendum'/poll. The sub group considered and dismissed the option of holding the poll just using polling stations on the basis of lack of choice for the electorate, turnout and administrative difficulties. The sub group also dismissed a mixture of postal voting and voting at polling stations due to the increased costs, administrative difficulties and voter confusion. The sub group recommended an all-postal 'referendum' on the basis of cost, turnout, administrative simplicity and equality of access. This method has been

used in conducting other similar referenda. For an all-postal ballot, the whole process can be outsourced to specialists independent of the authorities and aside from providing the data, the Greater Manchester authorities do not need to be involved (except perhaps to arrange delivery points – see later). The ten authorities would simply provide their data to the supplier, who will print and post out a ballot paper pack to all those to be polled.

8.2 Voters could choose to return their completed ballot paper by post, or towards the end of the polling period, drop it into a network of delivery points across Greater Manchester.

8.3 The sub group also recommended that a declaration of identity should be part of any postal ballot paper pack. A signature brings criminal offences into play regarding fraud which would not otherwise apply and provides some gravitas to the procedure. A ballot paper would only be valid if accompanied by the corresponding signed declaration of identity. The secrecy of the ballot would be preserved through the use of the traditional system of A and B envelopes and the sub group recommended this approach.

8.4 In the light of the AGMA sub group's recommendations the AGMA Executive are asked to confirm that the referendum be conducted on an all postal basis by reason of cost, administrative efficiency and turnout and

- that drop off points across Greater Manchester are established for the final day or days of polling;
- that the ballot paper should be accompanied by declaration of identity; and
- that the traditional system of A and B envelopes should be used.

9. The Count

9.1 The following information is based upon an all-postal ballot and assumes that the validation and count process will be outsourced rather than undertaken by the districts.

9.2 The supplier would receive all returned postal votes and incrementally process these throughout the fortnight or so before close of poll. Any votes received from the dedicated delivery points and Royal Mail sweeps before the close of poll would subsequently need to be processed.

9.3 For reasons of speed and accuracy a large part of the process could be undertaken electronically. For example the counting process would be more straightforward for a 'referendum' than for a traditional general election as the alternatives are a simple yes or no.

9.4 Once all qualifying ballot papers have been counted, the supplier would firstly determine the result of the 'referendum', which would be disaggregated by district. The supplier would then communicate those results to the 'Returning Officer' who would declare and publish them. It is suggested that the final count and declaration of the result take place the day following the close of poll.

9.5 However various options on the process and location of both the validation of postal votes and the final count process will be explored as part of the procurement process and will of course be subject to the comments of the Returning Officer. It is difficult to establish final arrangements at this point but the sub group supported the electronic validation and counting of ballot papers subject to suitable arrangements being in place for fraud prevention, scrutiny and quality assurance.

9.6 The AGMA subgroup recommended that the AGMA Executive agree that the detailed arrangements for the count be made by the Returning Officer following consultation with the sub-group.

9.7 In the light of the AGMA sub group's recommendation the AGMA Executive are asked to agree that the detailed arrangements for the count be made by the Returning Officer following consultation with the AGMA sub-group.

10. Communications and Restrictions on publicity for Local Authorities

10.1 It is important that a consistent approach to publicity for the referendum is adopted across all ten districts. Promoting public awareness and participation in the referendum falls within the remit of the Returning Officer, who will develop a communications strategy in order to undertake responsibility for communications in relation to public information about the referendum, awareness in relation to the poll and encouraging participation on behalf of AGMA.

10.2 This plan will be consistent with relevant restrictions in relation to the publication of promotional material by local authorities. This prohibits the use of any campaigning material but permits factual information about the holding of the 'referendum', registering to vote and encouraging participation.

10.3 The AGMA sub-group recommended that the above proposals in connection with communications and publicity are approved by the AGMA Executive.

10.4 In the light of the AGMA sub group's recommendation the AGMA Executive are asked to approve the proposals set out in this report in connection with communications and publicity

11. Procurement and Cost Issues and insurance

11.1 Earlier in this report it is recommended that Manchester is appointed as the lead district through the City Solicitor to procure the necessary goods and services for the conduct of the 'referendum' on behalf of the ten districts. In order to ensure that the ten district's meet their statutory requirements in relation to procurement , it is suggested that Manchester should invite tenders for the running of the referendum on behalf of AGMA authorities and that this exercise should be conducted as quickly as possible as the timescales are very tight.

11.2 In relation to all costs associated with the conduct of the referendum, including the costs of the contractor conducting the referendum, appropriate communications costs and the Office of the 'Returning Officer' for the TIF referendum each of the local authorities will bear a proportion of those costs. The most obvious way of determining an allocation would be a cost to each authority which is proportionate to the number of local government electors in their district. Until the procurement process has been completed costs cannot be finalised. A more detailed budgetary breakdown will be brought back to this sub-group.

11.3 As part of Sir Neil's terms of engagement it will be necessary to provide an indemnity / insurance against claims. Enquiries have been made of the insurance company which provides for Manchester's Returning Officer. The company have indicated it will be possible to cover the referendum Returning Officer under the Council's policy at no cost. The policy is however subject to an excess of £250,000 and in the event of a claim the 10 authorities would need to contribute to the excess

on a basis proportionate to their electorate. Enquiries are also being made to ascertain the cost of a policy without a such a high level of excess. It is suggested that the lead Authority make appropriate arrangements for insurance / indemnity on the most economical basis.

11.4 The sub-group recommended that the above proposals in connection with procurement, costs and insurance / indemnities are approved by the AGMA Executive.

11.5 In the light of the AGMA sub group's recommendation the AGMA Executive are asked to approve the proposals in connection with procurement, costs and insurance / indemnities set out in the report.

APPENDIX 1

DRAFT RESOLUTION FOR SUBMISSION TO THE TEN DISTRICT COUNCILS

It is recommended, pursuant to Section 20 of the Local Government Act 2000, Regulations 4, 11 and 12 of the Local Authorities (Arrangements for Discharge of Functions) (England) Regulations 2000, Section 101(5) of the Local Government Act 1972, and paragraph 29(v) of Schedule 1 to the Operating Agreement and Constitution of AGMA [agreed on 29 August 2008], that the Executive –

- (1) agree to enter into joint arrangements with the other Greater Manchester district councils to discharge those of its functions as set out below through the AGMA Executive Board -
 - (e) the making of arrangements for the conduct of local polls (“the referendum”) under Section 116 of the Local Government Act 2003, [Section 170 of the Transport Act 2000 and Section 111 of the Local Government Act 1972] to be held in each of the ten districts in relation to the TIF proposals, including the determination of a common question to be asked in the referendum;
 - (f) the consideration of the outcome of the current consultation on the TIF proposals and the finalisation of the proposals which will be the subject of the referendum;
 - (g) the determination, following the referendum, as to whether the TIF proposals are pursued further;
 - (h) in the event of a decision to proceed, the taking (in consultation with the GMPTA, where necessary) of all further actions necessary to progress the bid;
- (2) note that in accordance with the AGMA Constitution decisions in relation to the above functions will be made on the basis that any decision requires the support of seven out of ten councils.

APPENDIX 2

DRAFT ROLE DESCRIPTION FOR THE 'RETURNING OFFICER' FOR THE TRANSPORT INNOVATION FUND REFERENDUM

- To provide leadership and to be accountable to AGMA for the delivery of the TIF referendum across the 10 Greater Manchester District Councils
- To provide independent validation of the conduct of the TIF referendum across the 10 District Councils and promote good practice and consistency throughout the process
- To lead a project office established to deliver a referendum across each of the 10 Districts and to maintain effective lines of communication with AGMA, the District Councils, the police, royal mail and suppliers
- Having taken appropriate independent advice, to recommend to AGMA the form of the referendum question, the ballot paper and accompanying material
- To communicate effectively with key stakeholders including the public, political parties and campaign groups and be responsible for media liaison where appropriate
- To promote public awareness and participation in the referendum
- To ensure there are robust arrangements in place to ensure the security and integrity of the referendum
- To declare the result of the TIF referendum and publish those results

APPENDIX 3

Sir Neil McIntosh, CBE, JP, DL

Sir Neil McIntosh has substantial experience in the oversight and delivery of elections and referenda.

As Electoral Commissioner for Scotland from 2002 until January 2008, Sir Neil has contributed to the development of electoral law and policy at a national level. He also acted as Chief Counting Officer for the Scottish Parliamentary Referendum in 1997 and Returning Officer for the Strathclyde Water referendum.

From 1992 until 1996, Sir Neil was Chief Executive of Strathclyde Regional Council. Prior to that was Chief Executive of Dumfries and Galloway Regional Council, where he co-ordinated the Council's response to the Lockerbie air disaster and was awarded the CBE in 1990. He was awarded a knighthood in June 2000.

A leading authority on local government issues, Sir Neil chaired the Commission on Local Government and the Scottish Parliament in 1999/00 and acted as Advisor to the Northern Ireland Review of Public Administration from 2002-2005.

Amongst his current public appointments are Chairman of the Judicial Appointments Board for Scotland (until October 2008), Trustee, National Museum for Scotland (until September 2008), member, BBC Audience Council for Scotland and President of the Dumfries Theatre Royal Trust.

A Glaswegian, Sir Neil is married to Marie and has two daughters, a son and a grandson.