

Overview and Scrutiny Committee Thursday, 1st September, 2005

Place: Civic Offices, High Street, Epping

Room: Council Chamber

Time: 7.30 pm

Democratic Services Officer: Simon Hill, Senior Democratic Services Officer
email: shill@eppingforestdc.gov.uk Tel: 01992 564249

Members:

Councillors Mrs D Collins (Chairman), Mrs J H Whitehouse (Vice-Chairman), Mrs D Borton, M Colling, K Faulkner, P Gode, Mrs A Grigg, F Maclaine, Mrs M Sartin, D Stallan and M Woollard

<p>PLEASE NOTE THAT THIS MEETING IS OPEN TO ALL MEMBERS TO ATTEND</p>
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1. MINUTES

Decisions required:

To confirm the minutes of the meetings of the Committee held on 7 July 2005.

2. MINUTES , 07/07/2005 OVERVIEW AND SCRUTINY COMMITTEE (Pages 7 - 14)

3. APOLOGIES FOR ABSENCE

4. SUBSTITUTE MEMBERS

(Head of Research and Democratic Services). To report the appointment of any substitute members for the meeting.

5. DECLARATIONS OF INTEREST

(Head of Research and Democratic Services). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

6. PURCHASE OF RECYCLING BOXES - CALL IN (Pages 15 - 26)

To consider the attached report.

7. WORK PROGRAMME MONITORING (Pages 27 - 34)

(a) Updated Schedule

The Committee are asked to note the updated schedule.

(b) Progress reports – Standing and Task and Finish Panels

In accordance with the Overview and Scrutiny Procedural Rules, all Chairmen are asked to attend the meeting to report on progress with their work plan and on any recommendations for consideration.

Standing Panels

Finance and Performance Management
 Housing
 Planning and Environmental Services
 E-Government and Information and
 Communication Technology
 Constitutional Affairs

Chairman

Councillor J M Whitehouse
 Councillor S Murray
 Councillor D Stallan

 Councillor F Maclaine
 Councillor R Morgan

Task and Finish Panels

Externally Funded Leisure and Youth Provision
 Register of Development Proposals
 Member Training
 Traveller Issues

Councillor Mrs A Grigg
 Councillor F Maclaine
 Councillor M Sartin
 Councillor P McMillan

8. REVIEW OF ALLOCATION OF PANEL PLACES (COUNCIL MINUTE 33 - 28 JULY 2005) (Pages 35 - 36)

Recommendation:

That no alteration be made to the allocation of places on Standing and Task and Finish Panels.

(Head of Research and Democratic Services) The Council, at its meeting on 28 July 2005, undertook a review of the allocation of places to pro rata Committees and made amendments to the membership of this Committee.

The Council also requested that this committee undertake a review of the allocation of places on Panels reporting to the Overview and Scrutiny Committee. Officers have now reviewed the allocation and conclude that no further adjustments are required to Standing Panels, as the results of recent elections do not effect pro rata on a Panel of ten. This is illustrated in the attached appendix.

Allocation to the Task and Finish Panels are made on the basis of interest. Unless members specifically wish changes to be made, it is considered that no changes be made pending the six month review of the programme due shortly.

9. CABINET REVIEW

Recommendation:

To consider any items to be raised by the Chairman at the Cabinet meeting on 5 September 2005.

(Head of Research and Democratic Services). Under the Overview and Scrutiny procedural rules, the Committee is enabled to scrutinise proposed decisions of the Executive. The Chairman is also required to report on such discussions to the Cabinet.

In view of this role, the Committee is asked to consider the 5 September 2005 Cabinet agenda (previously circulated) to see whether there are any items to be raised at that Cabinet meeting.

10. ELECTIONS 2005 (Pages 37 - 46)

(Head of Research and Democratic Services). To consider the attached report.

11. COUNCIL MEETINGS - QUESTIONS AND MOTIONS (Pages 47 - 50)

(Head of Research and Democratic Services). To consider the attached report.

12. PRESS AND PUBLIC - ATTENDANCE AT STANDING AND TASK AND FINISH PANELS (Pages 51 - 52)

(Head of Research and Democratic Services). To consider the attached report.

13. EXCLUSION OF PRESS AND PUBLIC

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the paragraph(s) of Part 1 of Schedule 12A of the Act indicated:

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

To resolve that the press and public be excluded from the meeting during the consideration of the following items which are confidential under Section 100(A)(2) of the Local Government Act 1972:

Agenda Item No	Subject
Nil	Nil

Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

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EPPING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES

Committee:	Overview and Scrutiny Committee	Date:	Thursday, 7 July 2005
Place:	Civic Offices, High Street, Epping	Time:	7.30 - 9.15 pm
Members Present:	Councillors Mrs J H Whitehouse (Chairman) M Colling (Vice-Chairman) Mrs D Borton, K Faulkner, P Gode, Mrs A Grigg, Mrs P Richardson, Mrs M Sartin, M Woollard, L Martin and D Stallan		
Other Councillors:	Councillors A Lee, S Murray and J M Whitehouse		
Apologies:	Councillors Mrs D Collins and F Maclaine		
Officers Present:	I Willett (Head of Research and Democratic Services), R Palmer (Head of Finance), J Preston (Head of Planning and Economic Development), S Tautz (Senior Performance Management Officer), R Barwell (Public Relations and Internet Officer), S G Hill (Senior Democratic Services Officer) and Z Folley (Democratic Services Assistant)		
By Invitation:	Marina Sherriff, Aiden Thomas and Sally Yeoman		

20. APPOINTMENT OF VICE-CHAIRMAN FOR THE MEETING

Following the appointment of Councillor Mrs J H Whitehouse to the position of Chairman, the Committee were asked to appoint a Vice- Chairman for the meeting.

RESOLVED:

That Councillor M Colling be appointed Vice – Chairman for the meeting.

21. TERRORISTS ATTACKS

The Chairman referred to the terrorist attacks in central London early in the day and on behalf of Members expressed sympathy for those affected. She asked the Committee to stand for a minutes silence.

22. MINUTES

RESOLVED:

That the minutes of the meetings of the Committee held on 31 May and 9 June 2005 be agreed and signed as a correct record.

23. SUBSTITUTE MEMBERS

It was reported that Councillor L Martin had been appointed to attend the meeting in place of Councillor F Maclaine and Councillor D Stallan had been appointed to attend the meeting in place of Councillor Mrs D Collins.

24. DECLARATIONS OF INTEREST

No declarations of interest were made pursuant to Part 2 of the Council's Code of Member Conduct.

25. LOCAL STRATEGIC PARTNERSHIP - PRESENTATION

The Chairman introduced Marina Sherriff, the Community Strategy and Partnership Manager of the Epping Forest Local Strategic Partnership who was in attendance to give a presentation on the work of the Local Strategic Partnership (LSP).

Ms Sherriff reported that the LSP had been established in response to the Local Government Act 2000 which placed a requirement on Councils to prepare comprehensive community strategies in partnership with local agencies and residents. She explained the background to the LSP and reported the progress made with the production and delivery of the Community Strategy for the Epping Forest District. This involved an explanation of the work of the Community Strategy and Partnership Manager, the completion and implementation of group action plans, reporting processes, review and monitoring arrangements.

Ms Sherriff reported that the Partnership covered a series of key themes and was connected to the Epping Forest Crime and Reduction Partnership. She drew attention to recent activities arranged to support the partnership including the Community Conference and an event organised to bring together local transport providers to share knowledge and resources. It was noted that this particular initiative resulted in actions to coordinate Essex County Council and Primary Care Trust transport services. She drew attention to the Youth Challenge Event held in March this year and reported subsequent work being carried out with a local school to implement a web based survey for young people's views. She explained performance monitoring arrangements and advised that a Partnership Improvement Plan had been devised and an annual away day organised to measure the performance of the partnership and identify aims for the future. Links within Essex including Go-East were also reported.

Following the presentation, Marina Sherriff introduced to the Committee Aiden Thomas, the Chief Executive for the Epping Forest Primary Care Trust and Chairman of the LSP. He outlined Ms Sherriff's role in more detail including the contribution she made to LSP activities. He further explained steps undertaken to monitor the implementation of the strategy and the progress made with key aims. A handout containing such information was circulated to Members.

In response to questions, Mr Thomas reported that the government had indicated a commitment to providing new funding to support partnership working. He stated that the LSP and local initiatives working to support joint projects should benefit from this approach. A member asked about the strategy's key aims and urgent issues. In response, Mr Thomas drew attention to the plan policies concerning the implications of housing proposals within regional planning guidance and transport infrastructure matters. He stated that transport issues were important because they affected everyone and was a service which the Partnership could take steps to improve. He advised that the implications of housing proposals ran through most parts of the strategy and thus was a significant area.

That Chairman thanked the representatives for their presentation and looked forward to their attendance at a future meeting.

RESOLVED:

That the presentation from Marina Sherriff and Aiden Thomas on the work of the Local Strategic Partnership be noted.

26. TERMS OF REFERENCE

The Committee were asked to consider terms of references for the Standing Panels on Finance and Performance Management, Environmental and Planning Services and the Task and Finish Panel on the register of Local Development Proposals.

(i) Finance and Performance Management Standing Panel

The Chairman of the panel Councillor J M Whitehouse outlined its work plan, and the different types of work to be considered and timescales.

(ii) Environmental and Planning Services Standing Panel

Councillor Stallan, Chairman of the Panel outlined its work plan. He stated that important items were the Council's waste management policies and the Local Plan. He advised that the programme also incorporated the Authority's response to the East of England Plan, which would be subject to public examination in September 2005 and required early consideration.

(iii) Register of Local Development Proposals.

As the Chairman of the Panel was not present the Senior Democratic Services Officer presented the proposals. He outlined the areas the review would address.

RESOLVED.

That the terms of reference for the Standing Panels for Finance and Performance Management, Environmental and Planning Services and the Task and Finish Review on the Register of Local Development be approved.

27. WORK PROGRAMME MONITORING

The Committee received reports on the progress made with the establishment of Panels. Several Chairmen were in attendance to present the updates to Members.

(a) Standing Panels.

(i) Housing.

The Chairman of the Panel, Councillor Murray explained that the first meeting of the Panel had been timed to fit in with the existing housing timetable. He advised that the first meeting would determine a programme of future meetings.

(ii) Constitutional Affairs

In the absence of the Chairman of the Panel, Councillor R Morgan, the Head of Research and Democratic Services reported that the first meeting of the Panel would take place on 18 July 2005. He stated that the meeting would focus on reviewing the May 2005 Elections and would be presented with a list of other items to prioritise. He advised that this list would include a report of the Standards Board on regulations in relation to Member Services.

(iii) Environmental and Planning Services.

The Chairman of the Panel, Councillor Stallan, reported that he was seeking to ensure Panel members received the minutes of the monthly Joint Waste Management Panel. He stated that a first meeting would be arranged for early August 2005 to consider the Local Plan. He advised that a second was planned for September 2005 to deal with policies for redundant agricultural buildings. He reported that a meeting would be programmed for November 2005 to consider the Environmental Services Business Plan.

(iv) E-Government and ICT Standing Panel.

In the absence of the Chairman of the Panel, Councillor F Maclaine, the Head of Research and Democratic Services reported that he had met with the Head of ICT, the Chairman of the Panel Councillor Maclaine, and the Portfolio Holder for Corporate Support Services and ICT to discuss scrutiny's involvement in ICT issues. During discussions particular attention was paid to the Customer Contact Centre and Member Connectivity project. He stated that the timescale for both projects was challenging.

Members were advised that two meetings of the Panel had been arranged for 18 July 2005 and 8 August 2005.

(a) Task and Finish Panels

(v) Review of Externally Funded Leisure Services and Youth Provision.

The Chairman of the Panel, Councillor Mrs Grigg, reminded Members that the Cabinet would be considering a report on the Alternative Leisure Services Management Contract at its next meeting. The Panel would consider the results of the Cabinet discussions concerning the matter as well as its youth provision commitments.

(ii) Travellers Issues.

In the absence of the Chairman of the Panel, Councillor P Macmillan who sent his apologies, the Head of Planning and Economic Development reported that the first meeting of the panel would take place on 14 July 2005 and be a tour of traveller sites in the District. He advised that an agenda had been dispatched and outstanding reports would be circulated in due course.

Several Members expressed concern about the timing of the first meeting. It was suggested that steps should be taken to ensure that members were consulted about future dates to encourage maximum participation.

(iii) Member Services.

With the agreement of Councillor Mrs Sartin, the Head of Research and Democratic Services reminded Members that a pro - forma on Scrutiny Skills training had been sent to Members for comment. He stated that so far seventeen responses had been received and urged Members to return their forms as soon as possible. He advised that responses would be looked at the first meeting of the Panel.

(c) Reserve Programme.

The Head of Research and Democratic Services reported that the OSC work plan was due to be reviewed in six months time. He stated that as part of the review process new items would be needed for the programme to fill space left following the completion of existing reviews. Requests for the reserve list would need to be submitted via the standard scrutiny request pro forma to ensure they were given proper consideration at review stage. Members were encouraged to submit requests.

(d) Call in of Portfolio Decision regarding the purchase of recycling boxes.

The Head of Research and Democratic Services reported that the Portfolio Holder Decision regarding the purchase of recycling boxes for the Council's new recycling arrangements had been called – in. It was reported that the call- in comprised two elements. A review of the Portfolio Holder Decision and a request for a wider discussion about recycling arrangements. It was reported that the OCS Chairman, the Portfolio Holder for Environmental Protection and the Head of Environmental Services would be meeting to discuss how best to progress the request. Members noted that the Call-in would be fitted into the OSC work plan and considered at a future meeting.

RESOLVED:

- (1) That the progress reports by Panel Chairmen be noted; and.
- (2) That the Call-in regarding the Council's purchase of recycling boxes and proposed new recycling system be added to the OSC work programme.

28. CABINET REVIEW

The Chairman reported that under the Overview and Scrutiny rules the Committee were enabled to scrutinise proposed decisions of the Executive. She advised that the power should be used responsibly and with due care.

The Committee was asked to consider the 11 July 2005 Cabinet agenda to see whether there were any items, for pre scrutiny that they wished to be raised at the Cabinet meeting.

The Committee identified no matters to be raised at the Cabinet meeting.

29. REVIEW ITEMS TO BE UNDERTAKEN BY THIS COMMITTEE

The Committee were asked to consider the following items:

- (a) Highways Local Service Agreement.

The Committee asked about the local level consultation arrangements for the Local Service Agreement (LSA). Members raised several highways related matters and asked how they would be dealt with under the new arrangements. Several Members sought clarity on new points of contact and described the responses that they had received regarding specific concerns. It was noted that such issues had been raised at the West Essex Area Forum. The Head of Research and Democratic Services stated that the Head of Environmental Services had been pursuing highways consultation issues with the County. He advised that proposals were due in September 2005. It was noted that they could include the introduction of new local forums, (outside existing Area Forums arrangements) consisting of District representatives.

Members underlined their wish to secure this Council's involvement in the new process. The Head of Research and Democratic Services agreed to liaise with the Head of Environmental Services to obtain further information on proposals and report back to the Committee. It was agreed that should this step not address the Committee's views, a representative of the Essex County Council Highway's department be invited to the Committee. It was noted that a report on the matter would be considered in September 2005.

It was agreed that contact details for the LSA be included in the Members Bulletin.

(b) Future presentations

Members were asked to consider how they wish to deal with the presentations within the work programme allocated to the Committee. It was agreed that in view of the aim under the new arrangements to encourage Member led investigations, individual Members of the Committee be tasked with seeking questions for OSC presentations. Two Members were appointed – Councillors Mrs A Grigg and M Woollard. It was agreed that to facilitate the process an item be put in the Members bulletin to draw attention to the arrangements. It was also agreed that Members should hold pre - meeting briefings to co-ordinate their approach to external liaisons and that predetermined questions be collated and sent to the external organisations concerned.

(c) 'PICK' System – Review of operation.

In view of Councillor Maclaine's unavailability to discuss his request regarding the operation of the PICK system, the Committee agreed that the item be deferred.

(d) Forward Plan.

The Head of Research and Democratic Services reported that the Forward Plan was now available in the Members Room for perusal. He stated that senior management had undertaken work to improve the plans content and turn the four monthly document into a forward plan for the year. It was agreed that the plan should be a standing item on the Committee's agenda. This would enable the Committee to adjust its work plan to provide for such reviews.

(e) September meeting – business.

The Committee said that there were too many items of business planned for the September 2005 meeting. As a result it was agreed that the Liaison with London Underground be deferred to the October 2005 meeting.

RESOLVED:

• **Future presentations:**

- (1) That the work plan items allocated to this Committee be noted.
- (2) That the following Members seek questions for the forthcoming presentations to be dealt with by the Committee;

Highways Local Service Agreement – Councillor Mrs A Grigg
London Underground Liaison - Councillor M Woollard;

(3). That an item reporting the arrangements contained within recommendation (2) above be placed in the Members Bulletin.

(4) That the identification of a Member to seek matters for the Primary Care Trust Presentation be deferred to a future meeting;

- **Highways Liaison.**

(5) That the Head of Research and Democratic Services liaise with the Head of Environmental Services to obtain information about the consultation arrangements regarding the Local Services Agreement and report back accordingly;.

- **Forward Plan.**

(6) That an item on the Forward Plan be included on the Committee's agenda at each meeting.

30. STANDING AND TASK AND FINISH PANELS - TIMETABLE FOR MEETINGS

The Committee noted proposed dates for future Panel meetings.

31. PRESS AND PUBLIC - ATTENDANCE AT MEETINGS

The Head of Research and Democratic Services reported that the press had expressed an interest in attending meetings of Panels. He stated that relevant access to information did not suggest that Panel meetings must be open to the public. Thus it was up to Members to consider the issue. The view was expressed that open meetings would support the principles behind the new arrangements which were to encourage public participation in scrutiny. It was also stated that allowing such attendance could hinder debate. It was agreed that the Head of Research and Democratic Services make a report to the next meeting of the Committee.

RESOLVED:

That the Head of Research and Democratic Services produce a report on the attendance of the press and public at Scrutiny Panel meetings for the next meeting of the Committee.

32. OVERVIEW AND SCRUTINY AWARENESS SESSION

The Committee noted that an awareness session on the new arrangements would be held on 19 July 2005 at 7.30 pm in the Council Chamber, Epping. Members were encouraged to attend.

CHAIRMAN

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Report to Overview & Scrutiny Committee

Date of meeting: 1 September 2005

Portfolio: Environmental Protection

Subject: Purchase of Recycling Boxes – Call in

Officer contact for further information: J Gilbert

Committee Secretary: Simon Hill – Ext 4249

SCRUTINY



Recommendations/Decisions Required:

To consider the call – in of Portfolio Holder decision EN/001/2005-06 regarding the purchase of recycling boxes via the Yorkshire Purchasing Consortium.

Report:

1. In accordance with rule 20 of the Overview and Scrutiny Rules five members have called in a Portfolio Holder decision, taking by the Portfolio Holder for Environmental Protection on 24 June 2005. This decision relates to the seeking of tenders for the purchase of recycling boxes via the Yorkshire Purchasing Consortium. The Chairman of the Overview and Scrutiny Committee determined that consideration of the call should be referred to the next Overview and Scrutiny Committee.
2. Attached to this report are:
 - (a) Copies of all documentation submitted to the Portfolio Holder on which the decision was based (Annex 1);
 - (b) A copy of the written notification of the "call in" including the names of the relevant Councillors who requested the "call in" and their grounds for so doing (Annex 2).

Consideration of the Call – in

3. In accordance with the Council's Protocol (Annex 3 attached) the consideration of call-ins by the Committee should be considered in the following manner:
 - (a) the representative of the Councillors calling in the decision shall describe their concerns;
 - (b) the Portfolio Holder shall then respond;
 - (c) the Overview and Scrutiny Committee or delegated Panel will then debate the issues involved. The Chairman of the meeting shall have the discretion to vary the way in which evidence is gathered including speakers and public participation if appropriate but shall seeking a response from the initiating Councillor(s) and the Portfolio Holder before formulating its recommendations;
 - (d) The Overview and Scrutiny Committee or delegated Panel has the following options:
 - (i) confirm the decision, which may then be implemented immediately, or

- (ii) refer the decision back to the decision taker for further consideration setting out in writing the nature of its concerns, or
 - (iii) refer the matter to full Council in the event that the Committee or Panel considers the decision to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with, the budget.
- (e) If it appears that the review of a decision of the Executive cannot be completed at one meeting, the Executive or decision taker will be informed, indicating any preliminary views the Committee or Panel may have and a proposed timescale for the completion of the review. The Chairman of the Overview and Scrutiny Committee/Panel shall, if necessary, consult with the Leader of the Council regarding the urgency of the proposed decision or any other related matter;
- (f) The Chairman of the Overview and Scrutiny Committee or delegated Panel shall sum up the recommendations to be submitted to the Executive and these shall be incorporated in full in the Minutes or report of the meeting;
- (g) In cases where the Overview and Scrutiny Committee or delegated Panel determines that a review of the decision is not justified or that, having reviewed the decision of the Executive, it has no adverse comment to make, the Committee or Panel shall ensure that its decision is published in the Members' Bulletin;
- (h) In the circumstances outlined in (g) above, the decision of the Executive or Decision Taker may be implemented with effect from the date of that meeting;
- (i) A report detailing any appropriate recommendations of the Overview and Scrutiny Committee or delegated Panel shall be reported to the Decision Taker
- (j) In presenting the recommendations of the Overview and Scrutiny Committee or delegated Panel, the Chairman may make general comments on the Committee's/Panel's recommendations, answer questions and respond to comments or new proposals made by the Executive at that meeting; and
- (k) The report of the Overview and Scrutiny Committee or delegated Panel shall be sent in draft to all its Members for approval prior to their submission to the Decision Taker.
- (l) Minority reports may be made by members of Overview and Scrutiny Committee or delegated Panel in accordance with the Protocol for that purpose.
4. If, having considered the decision, the Overview and Scrutiny Committee or delegated Panel is still concerned about it, then it may, subject to the procedures outlined in Rule 16(a) or (b) in attached , refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 5 working days, or in the case of a Cabinet decision, as soon as practically possible amending the decision or not, before adopting a final decision.
5. If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no power to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the

decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a committee of it, a meeting will be convened to reconsider within 14 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 14 working days of the Council request.

6. If the Council does not meet, or if it does but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
7. The Committee are asked to consider the decision taken by the Portfolio Holder and report accordingly.

Decision by Portfolio Holder

Report reference: EN/001/2005-06
Date of report: 28 June 2005



**Epping Forest
 District Council**

Portfolio: Environmental Protection

Author: J Gilbert, ext.4062
 Committee Secretary: A Hendry, ext.4246

Subject: Purchase of recycling boxes via the Yorkshire Purchasing Consortium

Decision:

That, in accordance with Contract Standing Order C14, the Yorkshire Purchasing Consortium be requested to seek tenders for the purchase of 75,000 55 litre recycling boxes with lids

ADVISORY NOTICE: <i>A Portfolio Holder may not take a decision on a matter on which he/she has declared a prejudicial interest. A Portfolio Holder with a personal interest must declare that interest when exercising delegated powers.</i>	
I have read and approve/ do not approve (delete as appropriate) the above decision:	
Comments/further action required: <i>none</i>	
Signed: <i>D. Jaworski</i>	Date: <i>24/6/05</i>
Personal interest declared by Portfolio Holder/ conflict of interest declared by any other consulted Cabinet Member:	Dispensation granted by Standards Committee: Yes/No or n/a <i>n/a</i>
Office use only: Call-in period begins: <i>1 July 05</i>	Expiry of Call-in period: <i>7 July 2005.</i>

**After completion, one copy of this pro forma should be returned to
 Democratic Services IMMEDIATELY**

Reason for decision:

1. The Yorkshire Purchasing Consortium (YPC) were used to procure the wheeled bins for the revised waste management service. Given the advantages of bulk purchase and quality certainty it is proposed to ask the YPC to procure on our behalf the recycling boxes.

Options considered and rejected:

2. To go out to separate tender using normal contract standing order procedures.

Initialled as original copy by
 Portfolio Holder:

sg.

Background Report:

3. As part of the revised waste management service, alongside the wheeled bin it is intended to replace the present clear plastic sack for dry recyclables with a 55 litre lidded recycling box. The existing blue box will continue to be used for glass. Cabinet agreed to procure the wheeled bins through the YPC and on the same basis of best price and quality it is proposed to procure the recycling bins via the same process.
4. It is proposed that the YPC seek tenders for 75,000 recycling boxes, this number being such that all appropriate premises can be supplied with at least 1 box, those who require additional boxes can have them and there will be sufficient to manage damaged and misplaced boxes.
5. The cost of the boxes are estimated at £2.50 each and it is expected that 75,000 will be required. This will therefore mean capital expenditure of £187,500 being necessary. The capital outturn report to be included on the Cabinet agenda for 11 July 2005 will seek authority from Council for the inclusion of this within the 2005/06 Capital Programme, £187,500 being necessary.

Consultation undertaken:

None specifically

Resource implications:

Budget Provision: Within resources agreed for revised waste management service

Personnel: Nil

Land: Nil

Community Plan/BVPP Ref : Meeting recycling targets

Relevant statutory powers: Environmental Protection Act 1990

Background papers: Report to Cabinet 20 December 2004

Environmental/Human Rights Act/Crime and Disorder Act:

Increase in recycling performance and diversion from landfill

6

EPHING FOREST DISTRICT COUNCIL

NOTIFICATION OF CALL – IN OF CABINET OR PORTFOLIO HOLDER DECISION UNDER PARAGRAPH 16 OF THE OVERVIEW AND SCRUTINY RULES

Decision to be called-in: *Purchase of recycling boxes via the Yorkshire Purchasing Consortium*

Decision reference: *EN/001/2005-06*

Portfolio: *Environmental Protection*

Overview and Scrutiny Committee:

Description of Decision:

To seek tenders for the purchase of 75,000 55 litre recycling boxes with lids.

Reason for Call – in

To enable member discussion especially as to whether lidded bins are needed.

To give more opportunity for discussion about the recyclable collection.

Members requesting call – in (3 members of relevant Overview and Scrutiny Committee or 5 other members)

Members Name:	Signed:
Lead member:	
<i>JANET WHITEHOUSE</i>	<i>[Signature]</i>
<i>KEN FAULKNER</i>	<i>[Signature]</i>
<i>P. KAY RUSH</i>	<i>[Signature]</i>
<i>JOAN DAVIS</i>	<i>[Signature]</i>
<i>JAN WHITEHEAD</i>	<i>[Signature]</i>

TO BE RECEIVED BY THE PROPER OFFICER NO LATER THAN 10.00 A.M. ON THE 5th WORKING DAY FOLLOWING PUBLICATION OF THE DECISION

**PROTOCOL ON CONSIDERATION AND REPORTING ON EXECUTIVE DECISIONS
CALLED IN BY OVERVIEW AND SCRUTINY****1. Purpose of Protocol**

- (a) To codify how the Overview and Scrutiny Committee or delegated Panel should deal with "call in" items.
- (b) To codify how the Executive should respond to reports by Overview and Scrutiny on decisions which have been called in.

2. Validation of "Call In"

- 2.1 All "call in" requests shall be made in writing in accordance with the Council's constitution. "Call in" requests shall only be made by members of the Council who are not members of the Executive. The "call in" shall be validated by the Chief Executive and referred to the Overview and Scrutiny Committee for consideration in accordance with the provisions of the constitution.

3. Consideration of "Call In" Items by Overview and Scrutiny Committee

- 3.1 Consideration of Call-ins shall be the responsibility of the Overview and Scrutiny Committee which will decide whether to consider the issue itself or direct a Panel to undertake it and report back to the decision maker. "Call in" items shall be referred to the next available date for the Overview and Scrutiny Committee or delegated Panel. The provisions of the Overview and Scrutiny Rules in the Council's constitution will apply to "call in" requests which need to be dealt with more quickly.
- 3.2 At its meeting, the Overview and Scrutiny Committee or delegated Panel will receive:
 - (a) copies of all documentation submitted to the Executive on which the decision was based;
 - (b) a copy of the written notification of the "call in" including the names of the relevant Councillors who requested the "call in" and their grounds for so doing; and
 - (c) any other relevant documentation.
- 3.3 The relevant Executive Portfolio Holder and at least one of the members who activated the "call in" and who shall act as spokesperson for those members, shall attend the Overview and Scrutiny Committee or delegated Panel meeting.
- 3.4 The "call in" decision shall be considered in the following manner:
 - (a) the representative of the Councillors calling in the decision shall describe their concerns;
 - (b) the Portfolio Holder shall then respond

- (c) the Overview and Scrutiny Committee or delegated Panel will then debate the issues involved. The Chairman of the meeting shall have the discretion to vary the way in which evidence is gathered including speakers and public participation if appropriate but shall seek a response from the initiating Councillor(s) and the Portfolio Holder before formulating its recommendations;
- (d) The Overview and Scrutiny Committee or delegated Panel has the following options:
- (i) confirm the decision, which may then be implemented immediately, or
 - (ii) refer the decision back to the decision taker for further consideration setting out in writing the nature of its concerns, or
 - (iii) refer the matter to full Council in the event that the Committee or Panel considers the decision to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with, the budget.
- (e) If it appears that the review of a decision of the Executive cannot be completed at one meeting, the Executive or decision taker will be informed, indicating any preliminary views the Committee or Panel may have and a proposed timescale for the completion of the review. The Chairman of the Overview and Scrutiny Committee/Panel shall, if necessary, consult with the Leader of the Council regarding the urgency of the proposed decision or any other related matter;
- (f) The Chairman of the Overview and Scrutiny Committee or delegated Panel shall sum up the recommendations to be submitted to the Executive and these shall be incorporated in full in the Minutes or report of the meeting;
- (g) In cases where the Overview and Scrutiny Committee or delegated Panel determines that a review of the decision is not justified or that, having reviewed the decision of the Executive, it has no adverse comment to make, the Committee or Panel shall ensure that its decision is published in the Members' Bulletin;
- (h) In the circumstances outlined in (g) above, the decision of the Executive or Decision Taker may be implemented with effect from the date of that meeting;
- (i) A report detailing any appropriate recommendations of the Overview and Scrutiny Committee or delegated Panel shall be reported to the Decision Taker
- (j) In presenting the recommendations of the Overview and Scrutiny Committee or delegated Panel, the Chairman may make general comments on the Committee's/Panel's recommendations, answer questions and respond to comments or new proposals made by the Executive at that meeting; and
- (k) The report of the Overview and Scrutiny Committee or delegated Panel shall be sent in draft to all its Members for approval prior to their submission to the Decision Taker.
- (l) Minority reports may be made by members of Overview and Scrutiny Committee or delegated Panel in accordance with the Protocol for that purpose.

4. Consideration of Reports on "Call In" Items by the Executive

- 4.1 The report of an Overview and Scrutiny Committee or delegated Panel will be referred in the first instance to the relevant Portfolio Holder(s) for the executive function concerned.
- 4.2 If the Executive decision is one which the Portfolio Holder(s) has delegated powers to make, he or she shall consider the written proposals of the Overview and Scrutiny Committee or delegated Panel, must consult the Overview and Scrutiny Committee and delegated Panel Chairmen if he or she is minded to accept or reject them. In doing so the Portfolio Holder will ensure that, in recording that decision, the reasons for accepting, rejecting or amending those views are set out in the decision notice.
- 4.3 If the Executive decision is one which the Executive itself or a Committee of the Executive (acting under delegated powers) is competent to take, the relevant Portfolio Holder will consider the proposals of the Overview and Scrutiny Committee or delegated Panel and refer them, with his or her written response, to the decision making body concerned.
- 4.4 At a meeting of the Executive or of any Committee of the Executive, the following documentation shall be submitted:
- (a) the agreed report of the Overview and Scrutiny Committee or delegated Panel and any other supporting documents considered by it;
 - (b) a report of the Portfolio Holder indicating the response to the proposals of the Overview and Scrutiny Committee or delegated Panel, indicating the options available and recommendation for acceptance, rejection or alteration of those proposals with reasons; and
 - (c) any other information.
- 4.5 The Executive or Committee of the Executive shall consider the matter as follows:
- (a) the Chairman of the Overview and Scrutiny Committee or delegated Panel shall present the views and recommendations of the Committee/Panel based on the report of the relevant OSC meeting and respond to questions, make general comments and respond to new proposals as appropriate;
 - (b) the relevant Portfolio Holder shall then respond by presenting his report and recommendations on the proposals of the Overview and Scrutiny Committee or delegated Panel;
 - (c) the Executive (or Committee thereof) shall then consider the original decision, the views of the Overview and Scrutiny Committee or delegated Panel and any proposals by the Portfolio Holder; and
 - (d) the Executive (or Executive Committee) will then make a final decision on whether to re-affirm the original decision, amend the original decision or substitute a new decision. This decision shall be recorded in the minutes of the meeting together with supporting reasons.
- 4.6 Where a Committee of the Executive is required to report to the full Executive on any matter, it shall submit a recommendation on action proposed to the Executive as part of the minutes of the meeting.

5. Implementation of Decisions When Cabinet Control or Membership Changes

- 5.1 Notwithstanding the provisions of paragraphs 3.4(g) and (h) above, where political control of the Cabinet or Cabinet membership changes following the Annual Council meeting each year, any decision made by the Executive and supported by the Overview and Scrutiny Committee or delegated Panel following a "call-in" but not implemented before the changes occur, shall stand referred to the Cabinet for further review before action is taken.

6. Consideration of "Call In" Reports of Overview and Scrutiny Committees made to the Full Council

- 6.1 In some circumstances, the Overview and Scrutiny Committee or delegated Panel may choose to refer the results of their consideration of "call in" items to the full Council, rather than the Executive in those instances set out in paragraph 3.4 (d) (iii) above and 6.2 below. With any necessary modification the "call in" shall be dealt with at the Council meeting in accordance with paragraphs 4.1 - 4.5 above.
- 6.2 In considering whether to report to the full Council, the Overview and Scrutiny Committee or delegated Panel shall take account of the advice of the proper officer on:
- (a) whether the Council may properly determine the matter if the function is delegated to the Executive;
 - (b) whether the Executive decision affects the policy or budget framework of the Authority and should properly be determined by the Council;
 - (c) whether the Executive decision relates to a matter which either reserved to the full Council by the constitution or by resolution; and
 - (d) any other advice which indicates that, for whatever reason, a report to the Executive is more appropriate to the proper despatch of Council business.

7. Restriction on "Call In"

- 7.1 The Overview and Scrutiny Committee shall at all times be aware that the decisions of the regulatory or non-executive bodies of the Council are not subject to "call in".
- 7.2 The "call in" procedure shall also not apply to any recommendation by the Cabinet to the full Council.

8. Definitions

8.1 For the purpose of this Protocol, the following definitions shall apply:

(a) "Executive"

This term should be interpreted as referring to the Cabinet, a Cabinet Committee or an individual Portfolio Holder acting under delegated powers.

(b) "Decision"

Denotes a decision on an Executive function by the Cabinet, a Committee of the Cabinet or of an individual Portfolio Holder.

(c) "Decision Taker"

This means the Cabinet, a Cabinet Committee or an individual Portfolio Holder who made the original decision.

9. Review of Protocol

9.1 This Protocol will be reviewed by the Council as part of its constitution as and when appropriate.

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**Overview and Scrutiny Work Programme 2005/06
May – October 2005**

ITEM	REPORT DEADLINE	COMMENTS	PROGRESS
		Housing Standing Panel	
Annual Review of Housing Allocations Scheme	Sept 2005	To be considered by Panel on 15 September 2005	Terms of reference and work plan agreed by Chairman and Head of Housing Services and OSC on 7 June 2005
Annual Ethnic Monitoring Review of Housing Applicants	July 2005	Review completed by Panel on 21 July 2005	
Housing Services Development Plan – Progress Report	Sept 2005 and March 2006	To be considered by Panel on 15 September 2005	First meeting- 21 July 2005. Proposed that 4 meetings will be held over 12 month cycle.
Draft Private Sector Housing Assistance Policy	March 2005		Three Housing information Evening arranged:
Initiatives for reducing number of Empty Properties in Private Sector.	March 2005	Panel has agreed that priority given to review be changed to 'high'. Work Plan on review to be produced for its next meeting	Housing Information Evening – 8 Sept 2005 Basic Housing Law Briefing – (in two parts) - 13 Sept and 17 October 2005
Implementation of Choice Based Lettings Scheme	Sept 2005	First report to 15 September 2005 meeting	Next meeting 15 September 2005 at 5.15pm in CR2
Annual Review of Housing – Related Fees and Charges	Nov 2005		
Housing Strategy Action Plan (6 Monthly Progress Report)	Sept 2005 and March 2005		
Updated draft Local Supporting People Strategy	March 2005		

Local Supporting People Strategy Action Plan – (6 Monthly Progress Report)	Sept 2005	To be considered by Panel on 15 September 2005	
Introductory Tenancy Scheme	Sept 2005	To be considered by Panel on 15 September 2005	
Housing Services Strategy on Tenants Participation	Sept 2005	To be considered by Panel on 15 September 2005	
Updated draft Housing Services Strategies on Older People and Housing Management	July 2005	Agreed (subject to textual amendments) at 21 July 2005 meeting and referred to Portfolio Holder for determination	
Updated draft Housing Strategy	Sept 2005		
Report on Findings of Private Sector House Condition Survey	Dec 2005		
Updated draft HRA Business Plan.	March 2006		
Constitutional Affairs Standing Panel			
Council Meetings – Completion of Review of Questions and Motions	By Council meeting on 27 September 2005	Review completed by Panel on 8 August 2005 and referred to OSC	Terms of reference and work plan agreed by Chairman and Head of Housing Services and OSC on 7 June 2005.
Council Meetings – Completion of Review of Future Role	By Council meeting on 27 September 2005		Next meeting: 6 September 2005 inCR2 at 6pm.
Contract Standing Orders and Financial Regulations - Review	By Council meeting on 13 December 2005		

Protocol for Relationships with external organisations and partnerships	By Council meeting on 27 September 2005.	Review considered by Panel on 18 July 2005. Agreed that draft protocol be sent to Members for consultation	
Elections 2005		Review completed by Panel on 8 August 2005 and referred to OSC.	
Review of Changes in legal requirements concerning postal voting and resource implications	By May 2006 (Subject to ODPM timetable)		
Completion of Review of Parliamentary Constituencies	By May 2006 (Subject to ODPM timetable) (Possible reserve list item)		
Review of Opportunities for Participation in further Electoral Pilots.	By May 2006 (Subject to ODPM timetable)		
Review of Changes in procedures for electoral registration.	By May 2006 (Subject to ODPM timetable)		
Consultation with Standards Committee on new protocol on the use of Member Services.	By Council meeting on 27 September 2005		
Planning and Environmental Standing Panel			
Essex County Joint Waste Procurement Process	Ongoing	Panel meetings to receive minutes of West Essex Joint Waste Committee.	Terms of Reference and Work Plan agreed by OSC meeting on 7 July 2005. Next meeting: 13 September 2005 at 7.30p.m in CR2

Re use of buildings in the Green Belt	September 2005	Panel has agreed that item be considered as part of Local Plan review	
Local Plan and Scheme	September 2005	To be considered by Panel on 13 Sept 2005	
East of England Plan	November 2005	To be considered by Panel on 13 Sept 2005	
Finance and Performance Management Standing Panel			
Development of New Council Plan			Terms of Reference and Work Plan agreed by OSC on 7 July 2005
Community Conference 2005/06			First meeting: 2 August 2005
Finance - Budget Consultation			
Best Value Performance Data			
E-Government and ICT Standing Panel			
Current investment in Information Communications Technology			Terms of Reference and work plan agreed by OSC on 9 June 2005 OSC agreed that terms of reference include a review of proposed Customer Contact Centre.

				First meeting – 18 July 2005 Second meeting – 8 August 2005
Task and Finish Panel on Externally Funded Leisure Services and Youth Provision				
Youth Provision in the District	November 2005			Terms of Reference and Work Plan agreed by OSC on 9 June 2005.
Contract Monitoring Arrangements	November 2005			Date of first meeting- 30 August 2005
External Funding	February 2005			
Task and Finish on Register of Local Development Proposals				
Maintenance of Roads and Pavements in District		Final report to be ready for OSC meeting on 8 December 2005	Task and Finish Panel to be split into two groups to consider: (i) Parking policies and procedures in residential areas (Lead Cllr Angold - Stephens) (ii) Establishment of Register of significant concerns for Local concerns (Lead Cllr Maclaine)	Terms of reference and Work Plan agreed by OSC on 7 July 2005 First meeting: 26 July 2005. Future meetings: 23 August 2005 (site visits), 30 August 2005 Forth meeting – To be arranged
Establishment of Register of significant concerns for Development Proposals -				
Task and Finish Review Traveller issues.				
Review of particular unauthorised developments and encampments and arrangements for 'tolerated' sites				Terms of reference and work plan agreed by OSC on 9 June 2005 First meeting, held on 14 July 2005, consisted of tour of traveller sites in District

Government Guidance and District Local Plan	March/April 2006		
CRE Findings	June/July 2005		
Outstanding PWG2 matters			
Task and Finish Member Services			
Services for Members			Terms of reference and Work Plan agreed by OSC on 9 June 2005.
Member Training on scrutiny skills and new structure			First meeting: 12 July 2005
Members Training - General			
Overview and Scrutiny Committee			
Scrutiny of outside bodies (Primary Care Trust/ Local Strategic Partnership)		Presentation from LSP received and considered by OSC on 7 July 2005.	Future meetings: 1 September 2005 6 October 2005 10 November 2005 8 December 2005 2 February 2005 2/16 March 2005 6 April 2005
Administration of PICK system			
London Underground Ltd (LUL) Liaison		LUL presentation programmed for October 2005 meeting. Essex County Council proposals awaited Due in September 2005.	
Liaison on Highways Local Service Agreement		Presentation on LSA programmed for November 2005 meeting.	
Reserve List			

Consultancy work - review			Reserve list to considered by OSC on 7 July 2005.
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Epping Forest District Council - Scrutiny Memberships

Political Affiliation	Places	lab	Cons	Lib Dem	LRA	IND	Ind Soc	BNP	Totals
No of Councillors	4	26	14	6	4	1	3	58	
Percentage	6.897	44.828	24.138	10.345	6.897	1.724	5.172	100.000	
Overall % places	0.000	0.000	0.000	0.000	0.000	0.000	0.000		

Overview & Scrutiny Committee 11 0.759 1 4.931 5 2.655 3 1.138 1 0.759 1 0.190 0 0.569 1 12 check allocation

Standing Panels:

Planning	10	0.690	1	4.483	4	2.414	2	1.034	1	0.690	1	0.172	0	0.517	1	10
Housing	10	0.690	1	4.483	4	2.414	2	1.034	1	0.690	1	0.172	0	0.517	1	10
Institutional Affairs	10	0.690	1	4.483	4	2.414	2	1.034	1	0.690	1	0.172	0	0.517	1	10
ICT and E Government	10	0.690	1	4.483	4	2.414	2	1.034	1	0.690	1	0.172	0	0.517	1	10
Finance and Perf Management	10	0.690	1	4.483	4	2.414	2	1.034	1	0.690	1	0.172	0	0.517	1	10
Environment and Planning	10	0.690	1	4.483	4	2.414	2	1.034	1	0.690	1	0.172	0	0.517	1	10

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**Report of Overview and Scrutiny
Constitutional Affairs
Standing Panel
Date of Meetings: 18 July and
8 August 2005**



Portfolio People First

Subject: Elections 2005

Officer contact for further information: I Willett (01992 564243),
G Lunnun (01992 564244), W MacLeod (01992 564023)

Democratic Services Assistant: Zoe Folley (01992 564532)

Recommendation:

To note issues raised in this report and action agreed with the Registration Officer/Returning Officer on possible improvements for the future.

Report:

Introduction

1. This report outlines the main issues arising from the elections held this year and sets out the action we have agreed with him.

Nomination Papers

2. The submission of a valid nomination paper is a key event of the electoral process. The aim is to accept nominations as valid, if possible, but the requirements are directive not discretionary. Candidates and agents are encouraged to present nomination papers in good time to enable fresh papers to be submitted in the event of errors.
3. Only one nomination paper was rejected at the May 2005 elections as it had been completed incorrectly. Unfortunately, time did not permit the submission of a fresh nomination paper.

Poll Cards

4. Separate poll cards were used for the Parliamentary and County Council Elections. This enabled the Poll Cards for the County Council elections to be issued earlier than would have been the case had a combined Poll Card been used. As a result, many requests for absent votes, not previously made, were received earlier and were able to be processed in good time. No queries were received from electors about the receipt of two Poll Cards, but the Panel raised one further issue.

5. The Parliamentary and County Council elections had different polling hours. Following comments received after the combined elections in 2001, the County poll cards, which were delivered first, stated that if the Parliamentary election was to be held on the same day, polling hours for both elections would be 7.00 a.m. - 10.00 p.m. Unfortunately, despite taking this step to assist electors, it would appear that some members of the public still found it confusing about when they could vote. The Returning Officer has agreed to examine whether this can be clarified within the constraints of the card the next time Parliamentary elections are held on the same day as local authority voting.

Absent Votes

6. There are two kinds of absent votes - postal votes and proxy votes.
7. No issues arose regarding proxies. There were considerably more than in previous years but there was no evidence of a large number from one source which might have suggested electoral fraud.
8. Just over 5,300 postal vote packs were issued which represented a large increase. The majority contained both Parliamentary and County Council voting papers. Figures for the Parliamentary election show that 4,260 postal votes were returned of which 63 were rejected at the opening stage.
9. There was a noticeable improvement in the service provided by Royal Mail but unlike previous years, a large number of postal votes were handed in at Polling Stations during the hours of poll.
10. One political group expressed concern before the elections about possible fraud following national publicity about the all-postal ballots in other parts of the country. However, after receiving an explanation of the Council's processes, they seemed reassured that all possible steps were in place to prevent fraud in relation to postal votes. The point was made that the Returning Officer/Registration Officer was only able to exercise the controls which were provided by electoral law. He did agree to clarify whether this is being addressed as part of the Electoral Commissions current review. Use of bar codes has been mentioned which would enable postal votes to be recorded.
11. No particular issues arose during the opening of postal votes. A leaflet produced by the Electoral Commission explaining how to complete and return the ballots and declarations of identity was included in each pack and there was a noticeable reduction in the number of postal votes rejected (63 out of 4,260). Most of those which were rejected had incomplete declarations of identity.
12. As in 2004, some of the political parties sent out a large number of postal vote applications forms with a request to return them to the political party for onward transmission to the Registration Officer. However, the problems experienced in 2004 as a result of a large number of applications being handed to the Registration Officer close to the last day for receipt, were not repeated in 2005. The question of whether applications should be returned direct to the Registration Officer and not via political parties is still being considered by the Electoral Commission and the Government, as part of a wide-ranging review designed to deal with a national unease about the integrity of postal voting.

13. At the Sheering by-election on 23 June 2005, 263 postal votes were issued, 149 were received, three were undelivered and one was rejected.
14. The Panel expressed an interest in arranging to remind absent voters that they had postal votes before polling day. The Returning Officer agreed to look into this as a way of avoiding confusion on polling day.
15. The Panel considered a copy of the letter/form issued by the London Borough of Hammersmith and Fulham to remind electors who have a postal vote of their postal details and report changes of circumstances. This information is attached to this report for further consideration.

Election Staff

16. As the County Council elections were combined with the Parliamentary Elections in May, the Returning Officer was responsible for staffing only Polling Stations in the Epping Forest Parliamentary Constituency, a total of 47 Polling Stations.
17. There were sufficient volunteers to act as Presiding Officers and Poll Clerks and for some standby staff to be available in the case of last minute emergencies.
18. If the elections had not been combined, it would have been necessary to staff Polling Stations for the County Council elections throughout the whole of the Epping Forest District, a total of 81.
19. To staff this number of Polling Stations would have presented a problem in recruiting a sufficient number of Presiding Officers and this remains a matter of concern for the future and will be kept under constant review.
20. There were sufficient volunteers for both the Parliamentary election count and the County Council election counts.

Tellers

21. It is a well-established practice at elections for the candidates, their agents or political parties to appoint tellers who stand outside Polling Stations and record the names of electors who have voted.
22. However, tellers have no status in electoral law. Advice issued by the Home Office in 1991, emphasises that tellers should do nothing which might give rise to allegations of undue influence. The advice suggests that there is no objection to tellers wearing coloured rosettes in order to make it clear to voters that they are party workers and not polling station officials.
23. This Council, many years ago, agreed with the local political parties that rosettes worn by tellers would simply be of the relevant colour and would not include any words or logos. Over the years, most political parties have followed this agreement.
24. No problems arose at the elections in May 2005 but at the Lower Sheering by-election on 23 June 2005, one of the tellers who is normally involved in elections run by Harlow Council refused to cover or remove the wording and logo on his rosette. Other supporters of the political party concerned and supporters of another political party abided by the agreement. The difficulty may be that a more relaxed view is taken in other local authority areas.

25. Discussions will take place with local political parties to establish whether they wish to reaffirm the agreement which has worked well for many years. The Panel saw no reason to change the current policy and the Returning Officer noted this view.

Police/Security Liaison

26. Excellent support was provided by Essex Police. Meetings took place before the elections about political canvassing, election security and electoral fraud and the Police issued notes for guidance.
27. Concerns were expressed by the public about the approach adopted by one political party to canvassing in Loughton and this was kept under review in the run up to election day and on the day itself.
28. On the day of the election, there was a visible Police presence in the urban parts of the Constituency and polling staff in those locations felt reassured that support was readily available if required.
29. Police presence was also provided at both of the counts.
30. No issues arose during the hours of poll or at the counts which required Police intervention.

Polling Stations

31. It is the duty of the Returning Officer to provide sufficient numbers of polling stations as he considers necessary for the conduct of the poll. Where no suitable permanent buildings were available, mobile offices (portakabins) can be used provided a suitable site with the necessary facilities can be found within the Polling District. However, the current cost of hiring a suitable portakabin is just under £3,000 which makes it an expensive option for local elections.
32. The Moreton, Bobbingworth and The Lavers Parish Council expressed health and safety and road safety concerns about the use of the Ashlyn's Farm Shop site for use as a Polling Station for Bobbingworth. As a result, it was agreed with the Parish Council that the Moreton Village Hall was used which is just outside of the Bobbingworth Ward. One voter expressed concern about the change but otherwise the new location was felt to be the best option and will be the preferred location for future elections.
33. The Piggott's factory site in Stanford Rivers has previously been used as a Polling Station but close to polling day, they advised of a significant increase in the cost of hiring the accommodation. Following discussions with the Returning Officer for Brentwood who was responsible for that Polling Station in May, steps were taken to use the Toot Hill Village Hall instead. This resulted in all of the electors in Stanford Rivers voting at the Toot Hill Village Hall and no adverse comments were made. Again, this is likely to be the preferred location for future elections.
34. As there is no suitable permanent building in the Lower Sheering Ward and no acceptable site for a portakabin, the Sheering Village Hall (outside of the Lower Sheering Ward) was used for the by-election on 23 June 2005.
35. The location of the Polling Station was perhaps partly responsible for the poor turnout (18.5%). It is understood that a resident of Lower Sheering is prepared to offer a room in their property for use as a Polling Station for the future and, if this offer is

confirmed, the premises will be inspected for suitability. Some comments were made about other events held in the vicinity of the village hall during polling. Some congestion resulted.

36. The Panel made representations about the desirability of completing all District and Parish elections 2006 counts on election night rather than some waiting for the next day. The Returning Officer agreed to look at holding concurrent counts (say 3 or 4 for the whole District) to achieve this.

Counts

37. The count for the Epping Forest Parliamentary Constituency took place at the Debden Park High School and commenced at the close of poll at 10.00 p.m. on 5 May 2005. The result was announced at 2.00 a.m. on 6 May which had been the time anticipated.
38. Many counters had to wait for ballots to verify and count but this will always be the case due to the distance between many of the Polling Stations and the Count Centre.
39. No adverse comments have been received from candidates or agents about the Parliamentary Constituency count.
40. Some improvements will be made in the event of the school being used in the future, e.g. a more refined process for transporting ballot boxes from cars to the building as the distance between the two led to some delays.
41. The count for the County Council divisions took place at Theydon Bois Village Hall on the afternoon of Friday, 6 May 2005.
42. The main hall and a side room were used in order to speed up the process. However, the count still took several hours due to the high turnout as a result of the combined poll. If the County Council ballots had been counted immediately following the Parliamentary Constituency count, the process would not have been completed until early morning on 6 May which would have been unacceptable bearing in mind that many of the staff had commenced work in the early hours of 5 May.
43. It was not possible to count the County Council ballots on the morning of Friday, 6 May as the Returning Officer and other officers had to complete certain processes in relation to the Parliamentary election.
44. The verification for all elections must take place, as soon as it is practical, after the close of poll. In the event of combined elections, including a Parliamentary election, the above arrangements are considered to be the only practical way of proceeding. However, in May 2006, it is anticipated that there will only be elections for certain District Council wards. In the circumstances, there is an expectation that the count should follow immediately the polls close. Members' views would be appreciated.
45. Views would also be appreciated on the stance to be taken in relation to future combined elections comprising District Council and Local Councils. If there is to be one central Count Centre, the likelihood is that it will be the early hours of the morning before both of the District Council and Local Council counts are completed. An alternative would be to undertake the District Council counts immediately at the close of poll and defer the Local Council counts until the next day.

46. Following the count, representations were made about some counters keeping papers face down during the verification stage. The need to keep papers face up will be emphasised at future counts.
47. A problem arose as a result of the Theydon Bois Village Hall being double booked but this was a booking error outside of the control of the Returning Officer. Provisional bookings have already been made to use the hall as a Count Centre for the elections in May 2006.
48. The County Council expressed appreciation at being able to view the results of each Division on the website as soon as they were announced. In other Districts, the County Council was not advised until all of the counts had been completed.

Waltham Abbey and North Weald and Nazeing Electoral Divisions

49. Due to a human error, some of the Polling Stations in the North Weald and Nazeing and Waltham Abbey Divisions were allocated the wrong ballot papers. This error was not noticed by the Presiding Officers (who are required to check the ballot papers and sign that all is in order) when they checked the contents of their ballot boxes. Neither was the error drawn to the attention of Polling Station staff by electors who were handed the wrong ballot papers at the Polling Stations until very late during polling.
50. As a result ballot papers in respect of the North Weald and Nazeing Division and the Waltham Abbey Division were rejected by the Returning Officer at the count. However, in neither case did the number of rejected papers have any effect on the outcome.
51. In future, additional checks will be made at the time ballot papers are placed in ballot boxes. To assist this process, half covers will be provided on books of ballot papers which will ensure that the names of candidates are visible. Also, emphasis will be made at the Presiding Officers' briefing about their need to check the contents of their ballot boxes thoroughly and, in particular, the ballot papers which they have received. The position regarding the Presiding Officers involved will be reviewed if appointments are sought in the next round of elections.

Electoral Protect

52. Prior to the elections, the Returning Officer was advised that some electors might wish to make a protest by only voting in the County Council elections.
53. Normally, in the case of combined elections, an elector presenting themselves at a Polling Station who is entitled to vote in both elections is automatically provided with papers for both elections. If the elector does not wish to exercise voting in respect of one or other of the elections he is advised to place the paper unmarked in the ballot box as a result of which the paper is rejected at the count.
54. The electors concerned indicated that they did not wish to follow this procedure as their intention was to reduce the turnout for the Parliamentary election and this would not be achieved by placing unmarked papers in the ballot box.
55. As a result, Presiding Officers were advised that if electors, before being handed papers, indicated that they only wished to receive one of the ballot papers, that request would be agreed and an appropriate entry would be made in the register so as not to prevent them from returning at a later time if he changed his mind and

wished to vote in the other election. The Returning Officer took the view that this was the best approach to take as a significant number of ballot papers could have been issued and not used and thereby complicated the ballot paper verification at the count.

56. Although the indication was that this situation would only arise in certain Polling Stations in Loughton, all Presiding Officers had to be given the same advice to ensure a consistent approach.

Electoral Register

57. In the days leading up to the elections and on the day of the elections, the majority of telephone calls to the Civic Offices were made by residents who were unable to vote because they were not included on the current Register of Electors. In most cases, this resulted from a failure to complete Electoral Registration Forms, in some cases, forms had not been submitted from the household since the last Parliamentary Election.
58. Whilst the onus is on residents to ensure that they are included on the Register of Electors, it is considered that there is a need for the better exchange of information between Council services. Many of the phone calls received referred to the fact that the person was paying Council Tax and should therefore be included on the Register of Electors. Whilst this does not follow as there are completely separate procedures, steps are being taken for improved liaison between Electoral Services, Finance, Housing Services and Planning and Economic Development in order to ensure that all of the Council's records systems are as accurate as possible.

Official Mark

59. At the briefing of Presiding Officers before the elections, emphasis was placed on the need to stamp the official mark on each ballot paper immediately before handing it to the elector. It is known that in the past some Presiding Officers have stamped up a batch of papers in advance and then failed to realise when they had reached the end of that batch with the result that papers continued to be issued without the mark. There was a noticeable decrease in the number of ballot papers rejected for want of the official mark so it appears that Presiding Officers followed the instructions given.

Parish Councils - Waste Council Elections

60. The Panel was concerned about the costs incurred by small Parish Councils when they are forced to hold whole Council elections, particularly in unforeseen circumstances. Such Councils have very limited precepts and it was often not possible to plan for these situations in advance.
61. The Returning Officer agreed to make enquiries of the Electoral Commission about the position and make representations if necessary.
62. He also agreed to explain to the Local Councils' Liaison Committee that there were procedures whereby small parishes could be amalgamated.

ELECTORAL SERVICES
STEVE MILLER MANAGER



**LONDON BOROUGH OF
HAMMERSMITH & FULHAM**

Room 28, Town Hall, King Street
Hammersmith, London W6 9JU

WEB www.lbhf.gov.uk
EMAIL electoral.services@lbhf.gov.uk

TEL 020 8753 4466
FAX 020 8753 2229

Please ask for Electoral Services

Council by-election - Ravenscourt Park Ward - 28 July 2005 - your postal vote

I am writing to all electors in the ward who have a postal vote, to remind you of your postal voting details. This is the only way you can vote at this by-election, unless you cancel your postal vote.

Your postal vote

You have arranged to vote by post at

Your postal voting pack will be sent to

Your postal voting pack will be sent by by 1st class post on Thursday 14 July.

If you have not received your postal voting pack by 22 July please contact me urgently to arrange a replacement.

If you want to cancel your postal vote, or change the address where it will be sent to, please tell me as soon as possible, but before 5.00pm on 13 July. There is a form for this over the page, because you need to do it in writing.

Yours sincerely

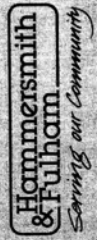
Geoff Alltimes
Returning Officer



2002-2003
Improving Urban Green Spaces
2003-2004
Street and Highway Works

Chief Executive **Geoff Alltimes**

Only fill in this form if you want to cancel or change your postal vote. We cannot make any changes unless you sign the form.



Your surname or family name

Your first names (in full)

Your address (where you are registered to vote)

Postcode

In case we have a query, please give:
 Daytime telephone number Email address

(You do not have to give these, but it helps us contact you if there is something unclear about your form)

**Please return to reach Electoral Services
by 5.00pm, 13 July 2005.**

By 1st class post to:
 Electoral Services
 Room 28, Hammersmith Town Hall
 King Street, London W6 9JU

By fax:
 020 8753 2229 or 2007

By scanning and attaching to an email to:
electoral.services@lbhf.gov.uk



cancel

I want to cancel my postal vote

Sign here

Date: ____/____/____

change

Please change your records and send
my postal voting pack to:

	Postcode

Sign here

Date: ____/____/____

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**Report of Overview and Scrutiny
Constitutional Affairs
Standing Panel
Date of Meeting: 8 August 2005**



Portfolio People First

Subject: Council Meetings - Questions and Motions

Officer contact for further information: I Willett (01992 564243),

Democratic Services Assistant: Zoe Folley (01992 564532)

Recommendations:

- (1) That a report be submitted to the Council recommending that the deadline for submission of written notice of motions and questions by Members of the Council be set at 7 working days prior to the meeting;
- (2) That questions and motions continue to be excluded from the Agenda for Extraordinary Council meetings;
- (3) That a report be submitted to the Council recommending that the Council Procedure Rules be amended to require that any adopted motion:
 - (a) stands referred for consideration by the Cabinet if it relates to executive functions; and
 - (b) is subject to consideration and report back to the Council if it involves questions relating to the Policy or Budget Framework, the Constitution or any other matter requiring Council consent; and
- (4) That a report be submitted to the Council recommending that existing practices in relation to questions and answers at Council meetings be amended to provide for copies of reply to be circulated to all members of the Council at the Council meeting in order that questions and answers can be taken as read unless the questioner requires the reply to be given orally.

Report:

1. The Panel inherited a review of motions and questions which was commenced by the former Policy Working Group 3 and which has fallen to us for completion.

Deadlines for Submission of Written Notice of Motions and Questions

2. Different deadlines apply in respect of motions and questions. In respect of motions, members are required to give 7 calendar days' notice in writing. In the case of questions the requirement is 7 working days' notice. We feel that the deadlines must be standardised and we are therefore proposing that the requirement should be to give 7 working days notice in each case.
3. We looked at the desirability of including all motions and questions in the Council Agenda. It was clear that this could only be achieved by bringing forward the deadline for submission of motions to approximately 14 days before the Council meeting. However, we feel that the 7 working day deadline is more appropriate in that this would cater for issues which arise in the immediate run-up to a Council meeting. We accept that in those circumstances some motions and questions might need to be tabled or circulated after the main agenda has been despatched.

Motions Adopted at Full Council Meetings

4. The Constitution is currently silent as to what happens to motions adopted by the Council which relate to Budget or Policy Framework issues, the Constitution or the Cabinet's responsibilities. The Overview and Scrutiny Procedure Rules do set out procedures for dealing with motions which stand referred to that Committee.
5. We recommend that the Constitution should be amended to require any motion relating to executive functions to stand referred to the Cabinet for consideration in order to comply with the Local Government Act 2000. In the case of matters relating to the policy framework etc, such motions should be referred to the Cabinet, to the Overview and Scrutiny Committee or to some other Committee on the understanding they should be subject to a report to the full Council.
6. This change reflects current practice but we feel it would be of assistance to have these requirements set out in the Constitution.

Extraordinary Council Meetings

7. Extraordinary Council Meetings are called to deal with specific issues, usually on grounds of urgency. We were asked to consider whether there should be a standing requirement for such agenda to include motions and questions items as with the Annual Council and ordinary meetings. On balance, we feel that it would be better to exclude motions and questions from Extraordinary Meetings as these would tend to detract from the "single issue" status of such meetings. Extraordinary Council meetings should in our view be called for a specific purpose and once the item had been dealt with the meeting should close.

Questions - Submission of Answers

8. The normal practice has been for paper copies of questions to be tabled at the Council meeting with the answer given orally by the member responding. This answer is subsequently published in the minutes as part of the official record. In view of the length of some answers we feel it would assist Council meetings to table both the question and the full answer so that these may be taken as read. We also propose a proviso so that the member asking the question the right to require the reply to be given orally.

9. This would speed up Council meetings and ensure that members receive details of the reply at an earlier stage.

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Report to Overview & Scrutiny Committee

Date of meeting: 1 September 2005

Portfolio: People First

**Subject: Press And Public - Attendance At Standing
And Task And Finish Scrutiny Panels**



Officer contact for further information: Ian Willett Ext 4243

Committee Secretary: Simon Hill – Ext 4249

Recommendations/Decisions Required:

To consider the following policy options for public/press attendance at Panel meetings:

- (a) **Option 1 - no attendance by press and public**
- (b) **Option 2 - all meetings open except where confidentiality must be preserved**
- (c) **Option 3 - presumption that press and public will not attend, unless Chairmen determines otherwise**
- (d) **Option 4 - regular press briefings on OS/Panel work, subject to resources**

1. (Head of Research and Democratic Services) At the last meeting, preliminary consideration was given to the policy to be adopted in relation to public and press attendance at Scrutiny Panels. This arose from expressions of interest in attending the Travellers' Panel by one newspaper.

Legal Position

2. The Constitution's Access to Information Procedure Rules apply to the Council, the Overview and Scrutiny Committee, the Cabinet and regulatory committees (i.e. Area Plans Subs, and Licensing Committee). The rules do not apply to Panels or Working Groups. This means that the usual requirements for public notice etc under the Access to Information Acts do not apply. The avoidance of the terms "Panel" and "Working Group" is probably deliberate.
3. The general principle underlying the legal requirements is that deliberative bodies (as opposed to decision making committees etc) need not be subject to the law as they only make recommendations to their parent bodies. This does not preclude the Council from opening up Scrutiny Panels but does give a legal basis for excluding public access if that is members' view.

Custom and Practice

4. In the previous constitution (committee system), working groups of members were generally not accessible to the public. Under the current constitution this practice has continued in relation to the three former Policy Working Groups and the new OS Panels.

Argument for Admitting the Press and Public

5. These centre around transparency. Scrutiny Panels' work should be closely aligned with public concerns and interests. If the Panels wish to engage the involvement of the public, open meetings could assist.

Argument for Closed Panels

6. These centre around the need for Panels to engage in policy formulation in private. Such discussions may be speculative in character and possibly misleading to the public as they may not be capable of being pursued.

Options

7. Four options have been listed. There may be more. Option 1 (closed meetings) and 2 (open meetings) are clear policies. Option 3 (Chairman to determine) is more flexible and will place more onus on members to think about the advantages and disadvantages of public attendance.
8. Option 4 (press briefings) would seek to balance the advantages from discussions in private with regular updates to the press. The resources required may need to be assessed.

Public Attendance by Invitation

9. None of the foregoing comments apply to attendance of particular members public by invitation of a Panel. This is an option which is available under the existing rules.