

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTIONAL AFFAIRS SCRUTINY STANDING PANEL
HELD ON MONDAY, 27 MARCH 2006
IN COMMITTEE ROOM 2, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.30 - 9.44 PM**

Members Present: R Morgan (Chairman), Mrs J H Whitehouse (Vice-Chairman), R D'Souza, J Demetriou, Mrs A Haigh, J Markham, Mrs P Richardson and D Stallan

Other members present: Mrs D Borton, Mrs D Collins and Mrs A Grigg

Apologies for Absence: Mrs P Brooks

Officers Present I Willett (Head of Research and Democratic Services), C Overend (Policy & Research Officer), W MacLeod (Elections Officer) and Z Folley (Democratic Services Assistant)

Also in attendance: (none)

34. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

Noted that Councillor Mrs J H Whitehouse was attending the meeting as a substitute for Councillor Mrs P Brooks.

35. DECLARATION OF INTERESTS

No declarations of interests were made pursuant to the Member Code of Conduct.

36. NOTES OF THE LAST MEETING - 20 FEBRUARY 2006

(a) Civic Protocol (Note 24)

Noted that the Head of Research and Democratic Services had sent a letter to Loughton Town Council repeating the comments made by the Panel at its last meeting in response to the Town Councils proposals regarding the Civic Protocol. He advised the Panel that the letter was available for perusal on request for information.

(b) Electoral Services Pack (Note 25)

The Head of Research and Democratic Services reported that the pack had now been finalised and had gone into production.

37. TERMS OF REFERENCE / WORK PROGRAMME

Noted.

38. FUTURE ROLE OF COUNCIL

The Policy and Research Officer presented a report on the review detailing options for consideration. Members were invited to consider the identified enhancements to decide on which ones should be pursued. The options were as follows:

- (a) 'State of the District' debates
- (b) 'Single Issue' Council meetings
- (c) 'Council in Committee'/Seminar Concept
- (d) Reports from OS
- (e) Reports from the Leader/Cabinet Members
- (f) Questions by Members
- (g) Questions by the Public

The Panel consider each option

(a) State of the District Debates

Noted that such debates could be used to support the objectives in the Best Value Performance Plan and the Council Plan. Noted that the forums could be carried out in advance of the budget process in Autumn to maximise impact and ensure that work was focused and planned better.

It was proposed that the discussions should involve the electorate to demonstrate the Council's plans and identify whether this reflected their aspirations. The first debate should not be too formal to encourage public participation and be reviewed subsequently. No other business other than the items to be the subject of the debates should be on the agenda except urgent business. It was suggested that they be held say once a year.

A Member suggested that publicity would be required to encourage public interest and steps should be taken to ensure that the public in attendance felt that their views would be taken into account. Residents might not be aware of the contents of the Council Plan, thus suggesting that the debates and questions focus on the strategy might present difficulties. This needed to be given further consideration together with the method for selecting the issues to be discussed.

Reference was made to the system in place at Welwyn Hatfield Council.

The Panel agreed that this option should be pursued.

(b) Single Issue Debates

Noted that provision already existed in the Constitution for such debates. The discussion was about how it should be used and the approach to be taken to evoking it.

Reference was made to the informal public seminar recently held on wheeled bins. The option could be used for similar discussions using a similar approach. The debates might be held before formal Council meetings and involve consultation with the public and them participating in the discussions and possibly the voting. In relation to choosing topics for discussion, it was noted that this could be rotated between the Groups. 'State of the District' debates could also bring forward issues for the sessions.

The Panel agreed that this option should be pursued.

It was suggested that only one debate be held in the first instance as a pilot. It was proposed that action should be taken to ensure that meetings were followed up to

secure a 'positive outcome'. This could be undertaken by a special Task and Finish Panel.

(c) ' Council in Committee'/seminar concept

The Panel agreed that this option should be held in abeyance for the time being.

It was agreed that options (a) and (b) should be reviewed one year after taking effect. This review should also reconsider option (c) to see whether at this later stage it should be pursued.

(d) Reports from Overview and Scrutiny/Leader/Portfolio Holders

The Panel agreed that this should involve a written report being submitted to every meeting by each of the Portfolio Holders, the Leader and the OS Chairmen on current work. The information should be taken as read and be subject to questions by Members without notice. It was suggested that twenty minutes be allocated under this item to each of the three areas and cover any issue under their remit.

It was agreed that a protocol be devised for determining the number of questions each Group/individual Member would be entitled to ask during the item. Would this be allocated on a prorated basis?

(e) Questions by Members

It was agreed that alongside a provision for verbal questions, provision should still exist for written questions under notice. As option (d) would comprise Member questions there was no need to have a standalone item for this option since this would duplicate work.

(f) Questions by the Public

Agreed that consideration should be given to the publicity arrangements for this. Noted that this could involve the Website.

Agreed that the options be sent out in a special Members Bulletin to seek Members views.

ACTION:

Head of Research and Democratic Services/Policy and Research Officer to produce Members Bulletin item on the review including the Panel proposals for consultation purposes.

39. REVIEW OF AREA PLANS SUB - COMMITTEES

The Panel continued with their review of the structure of the four Area Planning Committees. Following a request made at the last meeting, the Panel received information detailing the number of cases considered by each Sub - Committee to inform their deliberations and a report to the former Policy Group 3.

The last meeting considered two options forwarding changes to the present structure of the Sub – Committees submitted by two of the Member present. At the start of this discussion, the initiator of option two withdrew this request as the new information had indicated that it was no longer feasible.

In relation to option 1, a Member expressed concern at the proposal to move Buckhurst Hill to Area Plans 'D' in view of the considerable distance between the areas concerned. The present structure of Area Plans 'A' worked well given it covered three geographically linked areas. Consideration needed be given to the distance between the parishes to be grouped under any new arrangement to ensure geographical cohesion baring in mind that Members would need to travel for site visits.

Having discussed the issues, the Panel agreed three principles. These were that:

(a) All Members of the Council should by right be entitled to a place on a Planning Sub - Committee. The present structure did not allow for this given that Area Plans 'A' had a prorata membership of 14 but covered wards represented by 25 Members. The gaps in representation should be addressed to ensure the public were properly represented.

(b) The work load and Membership of Plans C should to be 'levelled up' to match those considered by the other Committees. The present size of 8 and caseload for the Sub - Committee had led to problems in ensuring a quorum for meetings and some being cancelled due to a lack of business;

(c) Rural Parishes should be grouped in a way which recognised their geographical character. At the moment, the Sub - Committees covered a diverse range of rural and urban parishes which did not always reflect the differing needs. For instance Area Plans D;

Agreed that the views of Planning Services be sought. It was recognised that a three Area Sub - Committee solution with a three weekly cycle would assist with meeting statutory targets for processing planning applications. The views of the Planning Officers would indicate the implications of this and provide information on the system in place prior to the present system.

Agreed that all Members of the Council should be invited to contribute to the review. Agreed that a Members Bulletin item be circulated inviting Members to forward their own alternative models for change. The item should report the principles agreed by the Panel and ask Members to try to address them in their suggestions. Agreed that the option considered by the meeting be included in the item for elucidation. Solutions might include combining the Sub-Committees. Agreed that the findings of the consultation exercise be reported back to the Panel's next meeting in June 2006.

ACTION:

Head of Research and Democratic Services/Policy and Research Officer to circulate Bulletin item and submit outcome of the consultation exercise to the next meeting on 6 June 2006.

40. COMPLAINTS AGAINST COUNCILLORS - REVIEW OF SUPPORT

The Head of Research and Democratic Services reported on the work carried out on this review since the last meeting. He outlined the options as reported at that meeting and the views expressed. Noted that a review of the Standards Board for England was currently underway. Noted that a full report would be submitted to the next meeting. Proposed that information be sought from the Local Government Association.

41. ELECTORAL PILOTS/ELECTORAL ADMINISTRATION BILL - UPDATE

(a) Electoral Pilot

The Head of Research and Democratic Services reported that the IT company appointed to provide the software for the pilot were currently involved in high court proceedings. Given this, the electronic aspects of the pilot would not be pursued and a traditional election would be held instead with a centralised count at Theydon Bois Village Hall. One aspect of the pilot involving pre – polling information on postal votes would still be taken forward. Funding had been identified from the Council own budget for this. The Returning Officer was taking steps to recover the costs incurred to the Council of the abandoned pilot from central government.

Noted the possibility of industrial action on polling day. The Senior Elections Officer reported that a letter had been sent to all polling station venues seeking from them a guarantee that they would be open to poll.

(b) Electoral Administration – New legislation

The Senior Elections Officer reported on new guidance for tellers. Noted that the Council was able to issue its own local guidance on this. Agreed that this would report the new national guidance but recommend the Council's own policy as Best Practice. Noted that nominations for this years May elections had to be submitted by 3 April 2006.

42. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

Noted that there were no reports to be made.

43. FUTURE MEETINGS

Noted that the next meeting of the Panel would be held on 9 June 2006 at 7.30 p.m in CR1.