

Scrutiny Standing Panel Agenda



Constitution and Members Services Scrutiny Standing Panel Thursday, 21st June, 2007

Place: Committee Room 2, Civic Offices, High Street, Epping

Time: 7.30 pm

**Democratic Services
Officer:** Zoe Folley, Research and Democratic Services
Tel: 01992 564532 Email: zfolley@eppingforestdc.gov.uk

Members:

Councillors R Church (Chairman), R Morgan (Vice-Chairman), Mrs P Brooks, J Demetriou, R D'Souza, J Markham, Mrs M McEwen, T Richardson, B Rolfe, D Stallan and Mrs J H Whitehouse

**A BRIEFING WILL BE HELD FOR THE CHAIRMAN AND VICE –
CHAIRMAN OF THE PANEL AT 6.45 PM PRIOR TO THE MEETING**

1. APOLOGIES FOR ABSENCE

2. NOTES OF THE LAST MEETING

Attached.

3. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

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

4. DECLARATION OF INTERESTS

(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.

5. NOTES OF THE LAST MEETING - ATTACHED (Pages 3 - 6)

6. 2007/08 WORK PROGRAMME (Pages 7 - 8)

(Chairman/Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Panel and associated Work Programme. This is attached. The Panel are asked at each meeting to review the information.

7. REVIEW OF MAY 2007 ELECTIONS (Pages 9 - 16)

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

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

To consider which reports are ready to be submitted to the Overview and Scrutiny Committee at its next meeting.

9. FUTURE MEETINGS

The next programmed meeting of the Panel will be held on 30 July 2007 at 7.30 in Committee Room 1 and then on:

11 October OSC,
11 December OSC,
12 February, 2008 OSC
28 April

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY
STANDING PANEL
HELD ON MONDAY, 2 APRIL 2007
IN COMMITTEE ROOM 1
AT 7.30 - 8.25 PM**

Members Present:	R Morgan (Chairman), R Church, J Markham, Mrs P Richardson, Mrs P Smith and Mrs J H Whitehouse
Other members present:	Mrs D Collins and D Stallan
Apologies for Absence:	M Cohen, Mrs P Brooks, Mrs A Haigh and Mrs L Wagland
Officers Present	I Willett (Head of Research and Democratic Services), R Palmer (Head of Finance), C Overend (Policy & Research Officer) and Z Folley (Democratic Services Assistant)

64. 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.

65. DECLARATION OF INTERESTS

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

66. NOTES OF THE LAST MEETING - 6 FEBRUARY 2007

Noted.

67. TERMS OF REFERENCE / WORK PROGRAMME

Noted.

68. COUNCIL MEETINGS - QUESTIONS WITHOUT NOTICE

At the last meeting of the Panel on 6 February 2007, the Panel requested that a protocol be formulated to regulate the operation of the new question time at meetings

The practice required Portfolio Holders and the OS Chairman to present written reports to full Council on current activities and enabled unscripted questions on them and any others topical matters of interest. Requests had been made for this latter practice to be looked at to ensure it was managed effectively and made the best use of Council time. A 20 minute timeslot had been ascribed to the item.

The Panel had before them an extract of the rules of Fenland District Council illustrating how the procedure could work.

The Panel considered alternative ways of splitting the time allocation between the types of questions as set out below: The Panel considered the need for a formal protocol for determining how the debate should be managed .

Option 1

10 minutes for questions on Portfolio Holder Reports etc
10 Minutes for other questions

Managed by the Chairman

Option 2

20 minutes for questions of all kinds

Managed by the Chairman

Option 3

10 + 10 or 20 minutes with questions by rota from each political group and independents.

Managed by Chairman.

Option 4

Number of questions (allocated pro rota between groups). (3 minutes per question/answer = 7 or 8 questions).

Managed by the Chairman.

Option 5

Fenland option (or variations on it).

Option 6

Leave to Chairman of Council's discretion.

Agreed that it would be appropriate to allocate the full 20 minutes to questions of all kinds as in practice the demand for such question usually far exceeded the demand for questions on the report. It also was **agreed** that provision be created for an additional 10 minutes to be added to the 20 minute time allocation if demand required this.

Support was expressed for option 3 (questions by rota) to ensure all Groups received the same number of questions in the interest of fairness. Some Members questioned the need for such formal arrangements. It should simply be left to the Chairman to stop the debate 'free ranging'. In view of this, option 2 should be pursued.

Having debated the issues, the Panel expressed support for option 2. The Panel also requested that a measure be introduced to ensure all groups received an opportunity to ask their questions and have them answered to ensure all Groups were fairly treated. With this change they **recommended** Option B be pursued.

It was also felt that the Chairman should ensure questions were dealt with in the order they were put by the questioner as per existing arrangements.

A standard item should be added to the Council Agenda outlining the process for the item.

ACTION:

Head of Research and Democratic Services to produce report recording Panels decisions for submission to the Council

Chairman to report on the recommendations at the 5 April 2007 OSC.

69. REVIEW OF FINANCIAL REGULATIONS

The Panel considered a report proposing revisions to Financial Regulations formulated by an Officer Working Party.

At its last meeting, the Panel made recommendations to the Council regarding Contract Standing Orders and Officer Delegation. It was agreed that the review of the regulations of Financial Regulations should be submitted to this meeting for onward recommendation to the Council. The Panel noted the key features of the review which sought to update the regulations to reflect changes made since the last review. The review was not a significant one. Most of its proposals were routine alterations.

The Panel had before them a summary report and a copy of the regulations highlighting the proposed changes.

Attention was drawn to the following main changes:

(a) Financial Regulation A24 (Robustness of Estimates and Adequacy of Reserves)

The most significant change related to the new requirement for the Chief Finance Officer to report to the Council each year on the robustness of the estimates for the purpose of the budget and the adequacy of reserves. Reference was made to the process for handling complaints. Category 1-2 complaints (relating to compensation sums of £250 and under) could be dealt with by officers. Those over this must be referred to the Cabinet for determination.

The Panel supported this amendment.

(b) Appendix A - Financial Governance (Paragraphs 4.4 - 4.17)

The sections for this had been radically reduced in length, reflecting that there was a separate advice note available to officers who have financial responsibilities. What remained was a definition of virements, the relevant responsibilities of Chief Officers in relation to virements and the financial limits which apply to each level of decision making.

The Panel supported this amendment.

(c) Appendix C - Risk Management and Control of Resources

This section of the Financial Regulations deals with managing risks, internal controls, audit requirements, prevention of fraud and corruption, assets, staffing and lost property.

It was reported that the Risk Management and Insurance Officer had been in post for some time now and had carried out good work in the areas of Risk Management and Sundry Debtors. The Audit meeting this Monday had considered and commended on this. It also considered a report on use of resources containing priorities of the Corporate Risk Register and added an additional item to this.

The Panel supported this amendment.

(d) Appendix E - Financial Systems and Procedures

Paragraphs 2.5 and 2.10 dealt with the limits for the Head of Finance and Head of Housing respectively to write off unrecoverable debts. In line with the increases proposed in paragraph 13 above it is proposed to increase the limit from £500 to £1,000.

The Head of Finance reported that a further amendment to this Appendix was to specify under the responsibilities of the Head of Finance that the holder of that post would act as the "specified person" for the internal dispute resolution procedure for pensions. The specified person would be the first point of contact for the claimant. If they were not happy with their advise they could subsequently take their case to the Essex County Council as the Administrative Authority for Pensions for further consideration. There had only been two incidences of this, the details of this were outlined.

It was asked whether the provisions on relations with External Organisations had regard to the need for the Council to assess the financial position of any body it was considering entering into any arrangements with prior to doing so to determine their suitability for the work? It was clarified that the 'Key Lines of Enquiries' included a requirement specifying this

The Panel supported this amendment.

ACTION:

Report to be submitted to next Council meeting for endorsement.

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

Chairman to report to 5 April 2007 OSC on Council Meetings – Regulation of Question Time and Financial Regulations

71. FUTURE MEETINGS

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

Constitution and Member Services Standing Panel – June 2007			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(1) Review of May 2007 Elections	21 June, 2007	Submitted to this meeting	21 June, 2007 - OSC 12 July, 30 July – OSC - 30 August, 11 October OSC , 8 November 11 Dec OSC , 13 Dec 2007 12 February, OSC 6 March, 2008 28 April OSC –
(2) Review of Protocol on Outside Organisations	30 July 2007		
(3) Cabinet operations in Emergency Situations	30 July 2007		
(4) Review of Polling Stations	11 October 2007	New Statutory Requirement for 4 yearly review of polling stations with particular reference to disabled people.	
(5) Local Government White Paper: Changes to OS including Community Call for Action Electoral Cycle Local Strategic Partnerships	11 October 2007 – Provisional depending on government timetable.		
(6) Member Training Review	12 February 2008		
(7) Annual Review of Contract Standing Orders/Financial Delegation	28 April 2008	Financial Regulations to be considered on 8 April 2007	

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SCRUTINY



Report to Constitution and Members' Services Scrutiny Standing Panel **Date of Meeting: 21 June 2007**

Portfolio: Leader's Portfolio

Subject: Elections - May 2007

Officer contact for further information:

I Willett (01992 564243), G Lunnun (01992 564244) and W MacLeod (01992 564023)

Democratic Services Assistant: Z Folley (01992 564532)

Recommendation:

To consider this review of the elections held on 3 May 2007.

Introduction

1. 17 District Council seats were contested on 3 May 2007. One ward was uncontested. In addition, 7 Parish/Town Council wards were contested.
2. There was an average turnout in 2007 of 37%. The highest turnout was in respect of the Epping Hemnall Ward (43.02%) and the lowest related to the Waltham Abbey Honey Lane Ward (24.27%).
3. In May 2006 the average turnout in the wards contested was 41.48%.
4. The May 2007 elections featured some of the new provisions contained in the Electoral Administration Act 2006. In particular, changes to postal voting and the format of ballot papers.

Polling Stations

(a) Lower Nazeing Ward

5. In view of the cost of hiring (approximately £3,000) and health and safety considerations associated with the use of a portakabin, discussions were held with the owner of Fire Trade, Nazeing to use a building at the garden centre rather than a portakabin.
6. This did not prove possible and local members were consulted on the possibility of relocating the polling station for the Riverside Polling District to St Giles Hall where it would be combined with a polling station for the Nazeingbury Polling District.

7. Local members agreed and a letter was sent to every property in the Riverside Polling District regarding the change. Attention was drawn to the availability of postal votes for electors finding it difficult to get to the new polling station.
 8. On election day, polling station staff at St Giles Hall were asked to note any comments made by electors about the change of polling station. No comments were made to staff. Since the election, three adverse views have been received:
 - (a) it was environmentally unfriendly to drive rather than walk to the polling station;
 - (b) it was exhausting to walk to the polling station;
 - (c) it was wrong to make the change for disability access reasons (the last comment was based on a misunderstanding).
 9. One of the Ward Councillors has requested that consideration be given to an alternative venue within the Riverside Polling District and has suggested that the Crown Public House in Old Nazeing Road may be suitable. This will be investigated but members should bear in mind the need for there to be a separate entrance, disabled access and a separate room or an area which can be screened off easily from the bar area.
 10. The turnout for the Lower Nazeing Ward was 37.60% which when compared with overall turnout for all wards suggests that few, if any, electors did not vote as a result of the change of polling station.
- (b) Lower Sheering Ward**
11. In consultation with the local District Councillor, a polling station within the Lower Sheering Ward was provided after a break of several years during which time electors used the polling station in Sheering Village in the adjoining Hastingwood, Matching and Sheering Village Ward. The new polling station, the Railway Hotel Public House, was able to offer all the necessary facilities and appears to have been well received by electors. There was a 32.56% turnout for this ward.
 12. It is proposed, subject to availability, to use this venue in future and full-length screens will be acquired to completely separate the polling station from the adjoining bar area.
- (c) Epping Upland Ward**
13. Due to the Redwings site being redeveloped it was necessary to use the room in Broadlands, the house adjacent to the stables. This will not be available in the future and it seems unlikely that there will be any acceptable accommodation for a polling station on site following redevelopment. Officers will investigate alternative locations.
- (d) Epping Lindsey and Thornwood Common Ward**
14. The Conference Room in Epping Hall proved to be a good replacement polling station for the Adult Education building (now closed) in St Johns Road, Epping.
- (e) Chipping Ongar, Greensted and Marden Ash Ward**
15. Traditionally electors in the Greensted Polling District voted at St James Church Hall along with the electors from Marden Ash. Following the Chipping Ongar Polling District joining that ward, representations were made for electors in the Greensted

Polling District to vote at the Budworth Hall which is considered more easily accessible.

16. This change was made and the use of the Budworth Hall rather than the St James Church Hall for Greensted Polling District electors appears to have been well received. The turnout for the Chipping Ongar, Greensted and Marden Ash ward was 41.14%.

(f) Review

17. The Electoral Registration Act 2006, requires the Council to carry out the review of polling districts and polling places by January 2008 (then every 4 years). As part of that review there must be consultation with people who have particular expertise in relation to access to premises for people who have different forms of disability.
18. Officers will be undertaking this review during the summer months and members, access groups and others will be consulted as part of that process. The review forms part of the workplan for this Scrutiny Panel in the current year.

Postal Votes

19. The total number of postal votes issued was 3925 with approximately 70% returned.
20. The new software and scanners for checking personal identifiers (signature and date of birth) worked very well. Other authorities using different software were not so fortunate and there have been reports of some authorities needing to resort to manual checking of the personal identifiers.
21. There was no evidence of any postal vote fraud although a small number of postal votes were rejected because of a lack of comparison between signatures and/or dates of birth. In relation to those rejected due to a mismatch of dates of birth it was apparent that several electors put the date of signing the postal vote statement rather than their date of birth.

Spoilt Papers

22. There were very few ballot papers rejected except in the Waltham Abbey Paternoster ward of the Waltham Abbey Town Council election where 63 papers were rejected through being unmarked or wholly void for uncertainty. The reason for this is not apparent as the ballot paper was not unduly complicated requiring voting for no more than two of the four candidates. It is possible that electors decided not to mark their papers because their choice of political party was not standing.

Police Liaison

23. Early discussions were held with the police about security for the election and their response was very satisfactory. A dedicated policing team was in place on election day and this resulted in police teams touring key sites throughout the day. There was good support provided in overseeing the return of ballot boxes at the close of poll for storage overnight. On the morning of the count, police officers also attended to escort the delivery of the ballot boxes to the count centre at Waltham Abbey Town Hall. There was also a police presence throughout the hours of the count.

Complaints and Queries Received in the Elections Office

24. Very few complaints were made by electors, candidates or agents in the lead-up to the election or on Election Day. The vast majority of telephone calls made to the Elections Office were from electors complaining that they had not received poll cards. Most of those were from people in wards which were not up for election but having seen publicity about elections had assumed that they would be voting. However, it is apparent that some electors in Ongar did not receive poll cards and this matter is being taken up with the Royal Mail.
25. There were very few complaints from people unable to vote because they were not included on the Electoral Register.

Count

26. In May 2006, a centralised count was held at the Theydon Bois Village Hall. When members reviewed the 2006 elections held there was support for a centralised count in future years but it suggested that the village hall was not large enough and that the use of the side hall for the counting of certain wards was not ideal.
27. In 2007, postal vote signature and date of birth comparison was only possible using computers networked for the Xpress Elections Management System, i.e. in a restricted number of computers in the Civic Offices. This was a major consideration in deciding to hold the count on the day following the election rather than commencing at the close of poll. Postal votes delivered to polling stations during polling hours were verified prior to attending the Count Centre on the Friday morning. Verification at the Count Centre, being a remote location would not have been possible.
28. Waltham Abbey Town Hall was chosen as the Count Centre as being the only hall large enough in the district in which it was possible to undertake a count in one room. School Halls used in the past on the nights of elections were not available as they were required for school purposes.
29. The Waltham Abbey Town Hall proved to be a good venue although lacking a little in circulation space for candidates, election agents, counting agents etc. The layout of the hall provided for 70 counters which was considered to be the number required to achieve an efficient count in a reasonable time.
30. Members are reminded that those permitted to attend the count are:
 - (a) the Returning Officer and his staff;
 - (b) candidates and their guests;
 - (c) Election Agents;
 - (d) Counting Agents;
 - (e) Electoral Commission representatives; and
 - (f) accredited observers.
31. There was a total of 48 District Council candidates and 30 election agents (one or two candidates acting as their own agent). The number of counting agents who are permitted to attend the count on behalf of each candidate is calculated by dividing the

number of counting staff to be employed by the Returning Officer by the number of candidates contesting that election.

32. The Returning Officer has powers to permit persons to attend if he is satisfied this will not impede the efficient counting of votes. Media representatives have no right of entry to the count and it is up to the Returning Officer to decide whether or not to allow them to attend the count. By using the Waltham Abbey Town Hall, it was possible to provide a media centre in the bar area.
33. If the Town Hall is used again for the count centre it may be possible to reduce slightly the number of counters and to amend the layout in order to provide slightly more space for others permitted to attend.
34. This was the first election at which the Xpress count software was used to produce result sheets etc and this enabled up to the minute results to be displayed on two screens, one in the main hall and one in the bar area. This worked well although this particular part of the Xpress system is not widely used by other authorities and does not appear to have been reviewed by the company for some time. Officers have fed back to Xpress a number of suggestions which if implemented would improve the system. Problems were experienced in extracting verification of the votes cast from the system. On occasions some wards proceeded straight to the provisional result stage without prior consultation with agents on verified votes. This will be addressed as part of discussions with the software provider.
35. It is proposed to develop the count software for future elections and consideration will be given to the use of plasma televisions as well as screens to improve display. A venue with IT infrastructure is vital in this respect.
36. It is also proposed that 'bus stop' type signs be acquired which will show at any stage of the count which counting table is counting which ward.
37. Use of the Waltham Abbey Town Hall having a link to the Council's IT System also enabled the results to be placed on the Council's Website without delay. This IT link would require investment to enable the sufficient network capability to use the postal vote scanning equipment at the location should a count on the evening of the election be agreed.
38. Whilst some members have expressed a preference for the count to take place immediately following the close of poll it should be borne in mind that this would have resulted in the count being completed at approximately 5 a.m. on Friday 4 May 2007. It would not have been possible under the working time directive to use polling station staff as counters as this would have resulted in them working almost 24 hours non-stop.
39. Authorities who did undertake their counts immediately after the close of poll found it difficult to appoint the required number of counters as polling station staff were either not invited or did not volunteer due to the long hours to which they were already committed. Counters appeared reluctant to volunteer in the knowledge that they would be committing themselves to working between 10.00 p.m. and the early hours of Friday morning.

Meeting with Election Agents

40. Election agents were invited to attend a debriefing on 22 May 2007 in order to express views on the running of the election and the count. Five attended.

41. Generally agents were content with the processes. Set out below are the issues raised and the responses given:

(a) Publication of Nominations before the Easter Bank Holiday

Agents queried why this had not been possible. The statutory timescale provided for publication no later than the Tuesday after Easter; the advice from the former Eastern Region Co-ordinator was that the timescale had been agreed to enable administrators to check nominations to ensure that errors were not made; authorities who published their details immediately after the close of nominations on noon on the Thursday before Easter obviously decided that they did not need this extra time for checking; the situation will not arise again for several years until Good Friday follows the closing day for nominations; at that time consideration will be given to publication before the Easter break.

(b) Display Screens at the Count

Agents thought these were good but would have been better if there had been one in the centre which would have been visible from all parts of the hall. As indicated above, consideration will be given to increasing the number of screens and/or providing displays on plasma television screens. This will involve additional costs.

(c) Congestion at the Count

Some candidates and agents at the count were drawn to particular counts, not necessarily their own and this resulted in the area around these counting tables becoming very congested. It is not possible to restrict candidates and agents to the tables in which they are directly involved; when drawing up a plan for the layout of the count it appeared that 70 counters could be accommodated easily but when arriving at the hall for the count it was apparent that the required layout of tables could only be achieved by restricting the amount of space for candidates, agents etc; if the Town Hall is used again there will be a slight reduction in the number of counters which will enable the tables to be nearer the centre in order to achieve more circulation space for candidates, agents etc.

(d) Screen Delay

There was a delay in providing information on the screens at the count resulting in candidates missing the start of their counts. Improved signage will be used in future which together with more screens should ensure that everyone present will be aware which ward is being counted at which table.

(e) Rejected Postal Votes

Agents queried what % of postal votes were rejected because the software rejected signatures and/or dates of birth. Very few were rejected; all those questioned by the software were adjudicated manually at which stage many were included; one issue is whether it is the control document for signature/date of birth comparison which is wrong or the statement submitted with the postal vote; the control documents cannot be examined and this could be an issue until the forms are reviewed in five years.

(f) Lower Nazeing

Agents asked what was the impact of postal voting of the change of polling station in the Lower Nazeing ward. The effect was marginal - approximately 10 voters requested postal votes.

(g) Cancellation of Postal Votes

The Returning Officer was asked whether existing postal voters were given the opportunity to cancel their postal votes when they were advised of the new arrangements this year. All received a letter which included a cancellation form.

(h) Postal Votes Delivered at the Close of Poll

11 postal votes were delivered to the Civic Offices at the close of poll.

(i) Count

Agents were worried that having the count on the day following the election made it very difficult for candidates who work fulltime; a count immediately after the close of poll was preferred. Agents were advised of the comments set out in paragraphs 38 and 39 above.

(j) Postal Voters

The current percentage of postal voters is 7% overall.

(k) Tellers

Despite the local agreement, some tellers insisted on asking for electors' numbers on their way into the polling station as this approach complies with Electoral Commission guidance. Agents asked why the advice to agents remains that tellers should only seek information from electors on their way out. The approach adopted locally is preferred following previous consultation and will continue even if not universally accepted.

(l) Election Material

Agents queried the use of the word 'promoted' instead of 'published' on election material; this had caused some confusion. It was explained that the use of the word 'promoted' is now in force but was not on 3 May 2007.

(m) Senior Counters

Senior Counters were working on the same side of the table as counting agents and agents queried whether this is normal. It was explained that they prefer to work this way rather than reach over the counters, it has not caused a problem in the past. Hopefully if more room is provided outside of the tables this will not be an issue in future.

(n) Verification

There were instances of ballot papers being sorted face down during verification. It was explained that papers should be face up at the count, an announcement had been made when attention was drawn to a table verifying papers face down.

42. At the conclusion of the meeting, agents were advised that the following matters would be considered -
- (a) improved layout of the count centre;
 - (b) improvements to the display screens and signage at the count;
 - (c) the possibility of a Thursday evening count and alternative count centres with the improved technology;
 - (d) earlier publication of nominations.