

Overview and Scrutiny Committee Thursday, 28th August, 2008

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 7.30 pm

Democratic Services Officer: Simon Hill, Senior Democratic Services Officer, The Office of the Chief Executive
email: shill@eppingforestdc.gov.uk Tel: 01992 564249

Members:

Councillors R Morgan (Chairman), K Angold-Stephens (Vice-Chairman), M Colling, A Green, J Hart, D Jacobs, G Mohindra, Mrs P Richardson, B Rolfe, Mrs L Wagland and Mrs J H Whitehouse

PLEASE NOTE THAT THIS MEETING IS OPEN TO ALL MEMBERS TO ATTEND

WEBCASTING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

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If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

"I would like to remind everyone present that this meeting will be broadcast live to the Internet and will be capable of repeated viewing and copies of the recording could be made available for those that request it.

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery"

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

2. APOLOGIES FOR ABSENCE

3. SUBSTITUTE MEMBERS

(Assistant to the Chief Executive). To report the appointment of any substitute members for the meeting.

4. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive). 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. MINUTES (Pages 5 - 12)

Decisions required:

To confirm the minutes of the meetings of the Committee held on 10 July 2008.

6. CALL-IN : "CALL FOR SITES"- COUNCIL-OWNED SITES TO BE SUBMITTED FOR CONSIDERATION AS FUTURE RESIDENTIAL LAND. (Pages 13 - 40)

To consider a call-in of the Housing Portfolio Holder's Decision on the Council Owned

Sites to be submitted for consideration as future residential land in response to the Council's "Call for Sites". (HSG/010/2008-09). Call-in papers and report are attached.

7. GOVERNMENT CONSULTATION DOCUMENT - DATE OF EUROPEAN ELECTIONS (Pages 41 - 62)

(Chairman of the Constitution and Members Services Standing Panel / Lead Officer) to consider the attached report.

8. ELECTIONS - MAY 2008 - VIEWS OF THE CONSTITUTION AND MEMBERS SERVICES STANDING PANEL (Pages 63 - 74)

(Chairman of the Constitution and Members Services Standing Panel / Lead Officer) to consider the attached report.

9. PRE-MEETING PREPARATION (Pages 75 - 96)

(Deputy Chief Executive) to consider the attached report.

10. WORK PROGRAMME MONITORING (Pages 97 - 102)

(a) Updated Schedule

The Committee are asked to note the updated schedule.

(b) Reserve Programme

A reserve list of scrutiny topics is required to ensure that the work flow of OSC is continuous.

OSC will 'pull out' items from the list and allocate them accordingly once space becomes available in the work plan following the completion of existing reviews.

Members can put forward any further suggestions for inclusion in the reserve list either during the meeting or at a later date.

Existing review items will be dealt with first, and then time will be allocated to the items contained in the reserve work plan.

Any space within the work plan is filled on an ongoing basis.

11. CABINET REVIEW

RECOMMENDATION:

To consider any items to be raised by the Chairman at the Cabinet meeting on 1 September 2008.

(Assistant to the Chief Executive). Under the Overview and Scrutiny rules the Committee is required to scrutinise proposed decisions of the Executive. The Chairman is also required to report on such discussions to the Cabinet.

The Committee is asked to consider the 1 September 2008 Cabinet agenda

(previously circulated) to see whether there are any items that they wished to be raised at the Cabinet meeting.

12. EXCLUSION OF PUBLIC AND PRESS

Exclusion: 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 following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Paragraph Number	Information
Nil	Nil	Nil	

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement: 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 and 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.

EPHING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES

Committee: Overview and Scrutiny Committee **Date:** Thursday, 10 July 2008

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.30 pm

Members Present: Councillors R Morgan (Chairman), K Chana, M Colling, Ms J Hedges, D Jacobs, G Mohindra, Mrs C Pond, Mrs P Richardson, B Rolfe, Mrs L Wagland and Mrs J H Whitehouse

Other Councillors: Councillors Mrs R Brookes, M Cohen, Mrs D Collins, Mrs R Gadsby, Mrs H Harding, J Markham, Mrs M McEwen, S Murray, Mrs M Sartin, P Spencer, D Stallan, C Whitbread and J M Whitehouse

Apologies: Councillors K Angold-Stephens, A Green and J Hart

Officers Present: D Macnab (Deputy Chief Executive), S G Hill (Senior Democratic Services Officer), P Tredgett (Information Assistant), A Hendry (Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

By Invitation: Ms L VanClay

14. SUBSTITUTE MEMBERS

It was reported that Councillor Mrs Pond was substituting for Councillor Angold-Stephens, Councillor Mrs Hedges for Councillor Green and Councillor Chana for Councillor Hart.

15. DECLARATIONS OF INTEREST

No declarations of interest were reported pursuant to the Councils Code of Conduct.

16. MINUTES

RESOLVED:

That the minutes of the meeting held on 5 June 2008 be taken as read and signed by the Chairman as a correct record.

17. PROVISION OF YOUTH SERVICES WITHIN THE DISTRICT

The Committee welcomed Lonica Vanclay the County officer responsible for youth provision in the District. She explained how the provision of youth services in the district was structured. Essex County Council (ECC) provides a large proportion of the services within the District. They also work along side a number of voluntary organisations and agencies. Currently ECC focus mainly on targeted work programmes and are doing less on open provisions. They are focusing on specific areas of need and on specific groups of younger people. The other voluntary groups and agencies provide more general needs for the youth of the District.

There are two teams in the District, one based in the south and one based in the rural north. They consist of behavioural support teachers, a full time youth worker

and some part time youth workers. They have a 'targeted youth team' based in Harlow that work with teenage parents, run a 'prison no-way' scheme and also operate a mobile bus that focuses on specific projects. They also work with 'Connexions' to provide advice and support.

As for what goes on in the District in terms of Youth provision. Ms Vanclay explained that a couple of nights a week, open centres are operated in Ongar, Loughton and Limes Farm. Also, a couple of nights a week there is a 'Way 2000' in Waltham Abbey. The mobile bus visits Theydon Bois, North Weald and the Nazeing, Roydon areas. There are also specific targeted activities such as the Duke of Edinburgh Awards and currently there are about 16 people on that scheme.

ECC are currently reviewing plans to extend services. They are looking where there are particular needs in the district. Although their staffing resources are fixed at present, they are looking at ways to effectively respond to local needs with their current resources. They are working in partnership between EFDC, Tottenham Hotspur and the Police to provide a good quality of service, which no one agency on its own can provide.

Another important provision that they provide is provision for young people in the summer holidays. As always there are budget issues about the provision available. The ECC is developing plans to provide additional activities during the holidays.

As for the Loughton Youth Centre next to Murray Hall, there have been issues with Anti Social Behaviour with some of the youths there. Because of the design of the building, it gets very hot in the summer which exasperates the problems and becomes a hot house in all senses. Adding to this is the fact that they do not have access to the garden. They now close the centre in the summer period, but do some partnership work with the Academy, so at the moment young people are going up to the Academy to undertake a more structured programme of activities there. This happens a couple of nights a week. Some of the youths in the centre have complex needs and one of the benefits of having the youth workers based in the task teams on site is that they are able to make contact with the youths and do some focussed work with them.

Tonight the members of the Loughton Centre are holding a 'granny party' for their elderly neighbours. This came out of a suggestion from the young people when asked for ideas on what they could do to get on with their neighbours.

Ms Vanclay then took questions from the meeting.

Councillor Mrs Whitehouse was concerned that Murray Hall was not fit for purpose, and asked how the architect was helping with this. She also asked how many youth officers are there? Ms Vanclay replied that there were two full time youth officers and about eight part timers who cover the various sessions. In Harlow there are three full time youth workers plus a team manager. As for the building, once built the architects tend to go on to their next project. ECC are currently in talks with the Town Council and looking at various solutions. Mrs Whitehouse followed up her question by asking how many hours do the session workers do. She was told that they do 2 to 3 hours a week.

Councillor Mrs Pond commented that the youth services were much needed but she was disappointed to hear about Loughton. Will the various activities still go on although stopped temporarily? Ms Vanclay confirmed that it was only temporary. Mrs Pond then asked about value for money and if the best use was being made of Murray Hall; if there were to be more musical events and if there was anything going

on in Buckhurst Hill? Ms Vanclay replied they were working in partnership with various organisations to provide focussed targeted provision at the Hall. The full range of things that operate in Murray Hall continue, such as the nurses at lunchtime, 3 to 4 days a week. The teenage parents group is not operating there at present; it will be provided from September and will visit all the Children Centres in the District. The Duke of Edinburgh Award scheme also operates there, along with other groups that use the venue. Also a lot of multi agency meetings take place there during the day. But, as for more musical sessions this would come down to staffing and resource priorities.

Councillor Rolfe asked for more information on the Mobile Bus. Ms Vanclay said that inside they had a seating area so that the young people could sit down and talk with the staff or each other. There was always staff there to facilitate a discussion. It holds about 15 people who are welcome to come and get advice and support. Councillor Rolfe asked if the bus went to the villages instead of just the main centres of population. Ms Vanclay replied that they were in discussions about going to Abridge, but there is not enough staff to cover the bus so that it can go out more frequently.

Councillor Mrs Wagland was cheered up by the Spurs example in Limes Farm, and asked if there were there any new partnerships in store; she was also impressed with the extra generational solutions ('granny party') are there any more activities planned? Also Children with responsibilities, who are carers, what these kids need is to have respite from their responsibilities, and this could be managed with relatively little money. Ms Vanclay was not sure what support they currently have for young carers, there might not be very much in the district. She will find out. About the extra generational relations, she thought that Waltham Abbey was another area that this could be brought to and there is a team currently looking at this. And as for the initiative in Limes farm, 'CYPsiP' (Children and Young People Strategic Partnership) are looking at this at present. They are looking at getting physically active and training up parents on the healthy living agenda and reducing obesity. Partnerships are the way forward as ECC does not have the resources to move forward on its own.

Councillor Mrs Richardson asked if the Ongar Youth centre was independently run. She was told that it was. She then went on to ask about the mobile bus, would it not encourage the youths to treat all busses like a club house? Ms Vanclay said that the activities on the bus are about taking care of each other and their surroundings and about respect in general.

Councillor Spencer said that Buckhurst Hill had the Roding Centre, which is currently being refurbished; are there any plans to move back there? Ms Vanclay said not at present as they were very happy with their current bases in Loughton and Epping, and they are also constrained by resources.

Councillor Mrs Harding asked what other examples there were of multi agency work like Limes farm working together with ECC. Ms Vanclay said it was the only way forward; there were lots of positive things about it. There was a good basis for it in Epping Forest at the moment, the question is how we can support and sustain that. There was a good example in Waltham Abbey at present, drawing on charity resources. There was a need to get together with the College and other agencies drawing on the resources of charities where they can and using existing staff. It is the next area they have to look at, it is not something they can sustain at present.

Councillor Cohen asked how does the Epping Forest Youth Council feed into Youth Provision and what provisions are made for that to inform her approach. Ms Vanclay said she was delighted that they are developing well; they need to develop their own

agenda. At present they do not want to burden them too much. They are keen to work with the Youth Council and also with school councils and keen for them to lead us.

Councillor Markham asked what was provided at Loughton Youth Centre in terms of the programme. He was told there were open centre drop-in (different activities) on Tuesday and Thursdays, the Duke of Edinburgh Awards scheme on Wednesday nights, nothing regular on Monday nights, but they do have specific short term projects. Councillor Markham then asked where the academy was, what does it do and why can't the young people not use the garden. Ms Vanclay said it was a 5-a-side football academy down by the business estate area. And they could not use the garden because the Town Council said they could not.

Councillor Whitbread asked how many people used the Murray Hall Centre and do we know what facilities the youths wanted, as he suspected they did not want an old fashioned youth club. It would be interesting to see how they would shape services. Ms Vanclay replied that it was interesting that what they want is not always what we think they need. We need time and space to talk. The Centre often has about 20 to 25 youths there at a time. The building could only take that many comfortably. The Duke of Edinburgh Scheme has about 16 participants and the mobile bus holds about 10 to 15 people.

Councillor Mrs R Brookes as the ward member for the Murray Hall area wanted to say that she was very pleased that the party was going ahead. She hoped that it was not just a one off but part of an ongoing dialogue. There were two things that concerned her; one was the behaviour of the young people when actually inside the building. She knows that there had not been a lot of support recently from the local police. If there was anything she could do as member she would be happy to do that. And secondly, the role of positive male role models was touched upon. It was often the males causing the problems but there were only female youth workers. They need positive male role models. She would also support any voluntary agencies using the site.

The Chairman thanked Ms Vanclay for her professional and interesting presentation.

18. 2008/09 CABINET FORWARD PLAN

The Leader of the Council, Councillor Mrs Collins introduced the Cabinet's forward plan for the coming year ahead. A paper was tabled with the Cabinet Objectives for 2008/09. This plan was based on their Best Value Performance Plan and lists what they are hoping to do this year or, at least review if they are not going to deliver it. They have corporate priorities that cover the whole of the Council, especially with the new Local Area Agreement 2, which they are joining in with the LSP, the voluntary sector and the County Council. Some of Essex County Council money will come down to District level, this will not be new money, just existing money distributed in a different way.

The Council has now signed up to the Nottingham Agreement and will have to work on a sustainable strategy.

The North Weald Airfield is not in the East of England Plan and the Council will need to develop its own strategy for the future.

The Council will be looking to make its services more accessible to residents and will need to communicate with them more and to get them to communicate back.

It was hoped that Council Tax will be kept to 2.5% for the next three years, which will not be easy. In order to do that they will have to keep tight control of the Council's finances and only spend money on new and improved services only when they have identified savings.

Safer Cleaner Greener will be the Council's thrust for the next year. The Council will be working with SITA to improve the waste collections and will be looking at new ways to extend recycling in the District.

There is also the new 'responsible area officers' who will be working to keep the streets clean and tidy.

Under the Community Wellbeing banner the Council will be improving its CCTV coverage and will be appointing officers to cover this increased coverage. Officers and Portfolio Holders will also work to improve graffiti removal and will be working closely with the new Police Inspector for the District.

The Cabinet look forward to working with the Youth Council as well as the PCT to improve things in the District on health and inequalities matters.

The East of England Plan is now out and they will be engaging with partners in Harlow and East Hertfordshire to plan housing growth in Epping Forest and to cause as little harm to the Green Belt as possible.

The Council will continue with the plans for Debden Broadway as the consultation is nearly complete.

Council will facilitate as many affordable homes as possible, and make as many houses available to part rent, part buy. Council houses will be brought up to decent homes standards as soon as possible. The Housing Portfolio Holder will also be looking at parking on Housing Estates and the options for the delivery of the Careline Service.

The Highways Panel for West Essex was now set up and the Council will be liaising with TfL on car parking issues in the District (especially in Debden).

Corporate support will ensure that that the ICT works across all the Council directorates, will take another look at the 'one stop shop' again and will also review the Council's depot facilities.

Community Development at Limes Farm will be considered as well as play provision for teenagers and will look at the opportunities presented by the 2012 Olympics. There is bound to be large car parking problems and the Council will have to consider how to manage it all.

Councillor Whitbread commented that they had made the right decision last year about the budget and is now in a good financial position, but will still need to work hard to keep the Council Tax down.

Councillor Cohen said he would be looking to improve customer services and he had started a project to see how staff uses their telephones and answering facilities.

Councillor Mrs Whitehouse asked about the Epping Parking Review under the Civil Engineering and Maintenance Portfolio and its decision date of 27 June 08. Had this decision been made as yet? Councillor Mrs Collins said that no decision had been made and that the date was inaccurate

Councillor Mrs Whitehouse referred to the Planning and Economic Development and the Carbon Reduction Strategy and asked if the staff would be consulted on carbon reduction. The Deputy Chief Executive replied that he had set up an internal working group on this very subject.

Councillor Jacobs raised the East of England Plan and that he was not any wiser about any developments to be incorporated into 'greater Harlow'. Councillor Mrs Collins said they were still in consultation with Harlow, but with the current housing problems it may cause the developments to be delayed. Harlow did not want to build in the SW of the district, and are working with other districts.

Councillor Mrs Pond asked if the green travel plan would go to the Finance and Performance Management Scrutiny Panel. She was told that it would.

Councillor Murray wanted to make the general point that the Cabinet was right about the level of the Council tax and that they should keep to that strategy, they may need to find external funding if needed. Councillor Mrs Collins agreed with him, they had to be prudent and careful as they were not going to get any more government funding.

Councillor Jon Whitehouse commented on the budget and the affordability or otherwise as discussed at the budget meeting, that showed that lower Council Tax was affordable this year. There will be a need to look at the other areas where the credit crunch will take effect, like revenues and benefits and benefit take up and to make sure that our residents continue to get the services they need. He went on to comment on Corporate Support. Can the Portfolio Holder also take into consideration the use of emails as sometimes we can wait an age for a reply if the person is away and they forget to put on an 'out of office' reply. And finally what are the options on the future of the North Weald Airfield, just how much of a blank sheet is that. Councillor Mrs Collins replied that they were helping in revenues and benefits as best they can, have set up a helpline for members of the public and are working with the Citizen Advice Bureau. As far as Council Tax it would have been short sighted to spend more money this year, we are now able to hold the line. As for North Weald Airfield we are looking at the review from a few years back and looking at the options available to us. Any decisions will come back to the appropriate committee.

RESOLVED:

That the Cabinet priorities and the Forward Work Programme for the year ahead were noted.

19. TERMS OF REFERENCE - TASK AND FINISH PANELS

The Committee received and approved the terms of reference from the newly formed Leisure Task and Finish and the Customer Transformation Task and Finish Panels.

RESOLVED:

That the terms of reference for the Leisure and the Customer Transformation Task and Finish Panels be endorsed.

20. TERMS OF REFERENCE - STANDING PANELS

The Committee considered and approved the terms of reference for the newly constituted Planning Services and the Safer Cleaner Greener Standing Panels.

RESOLVED:

That the terms of reference for the Planning Services and the Safer Cleaner Greener Standing Panels be endorsed.

21. WORK PROGRAMME MONITORING

The Committee noted the work programme for the Overview and Scrutiny Committee and for the Standing and Task and Finish Panels.

Overview and Scrutiny Committee Work Programme:

1. It was noted that reports for items 6 and 7 (North Weald Essex PCT – proposal for joint scrutiny review and the District Transport in Rural Areas) will come to the committee when they are available.

2. Councillor Stellan asked if it would be possible to ask the County Portfolio Holder to come and talk to the Committee about the rural bus service. It was agreed that this would be an appropriate request to make and would be added to the work programme.

ACTION: that the County Portfolio Holder be asked to attend a meeting of the Committee to talk to and answer questions about the rural bus service.

3. It was noted that under item 8 (Scrutiny of Epping Forest Local Strategic Partnership), it had an original deadline of summer 2008 to report back to the committee. However, it was reported that the LSP was currently going through some changes and will have a conference in October. It was thought to be more useful to ask them to attend the December 2008 meeting.

AGREED: to change the deadline to December 2008.

4. Councillor Mrs Whitehouse asked about Councillor Angold-Stephens request about the provision of Youth Services in the District. His submission had asked for a Task and Finish Panel and although Ms Vanclay gave a presentation today, there are some questions that have not been answered. She did hear that County were setting up a Task and Finish Panel on this subject could the district have an observer or get the minutes of that Panel. The Deputy Chief Executive replied that members would recall that we had a Youth Strategy Panel a few years back, which undertook a major review of the youth facilities in the district. Their report went to O&S and then to Cabinet. Currently we have an appropriate forum in the Children and Young People Strategic Partnership, chaired by Councillor Ann Haigh and that is our main form of influence on youth services in the District. If County are setting up some sort of scrutiny, then we will make sure our voice is heard there. Also coming up in September is the Joint Area Review of Young People Services at County level. We are down as consultees for that. So we are active in this area without having to set up another Task and Finish Panel.

5. Councillor Jon Whitehouse referred to the proposed LSP scrutiny; as this was a big area to cover, should the Committee schedule a pre-meeting before hand to discuss what we want them to focus on at their presentation to us and maybe discuss future actions arising from the presentation.

AGREED: to hold a pre-meeting before the LSP presentation for the Committee to organise their thoughts and what they would like to focus on.

6. Councillor Mrs Wagland asked about the scrutiny of Essex Police, she would like a survey of how well the Neighbourhood Action Panels were operating, as she

had heard worrying things about them. It was agreed that the police presentation be scheduled for January 2009.

AGREED: that the Essex Police Presentation be scheduled for January 2008.

7. Several Councillors asked for pre-meeting meetings before a speaker was due to address the Committee so that they could discuss the possible matters arising, also to ask for pre meeting questions from councillors to be fed to the speaker before they come to a meeting so that they can prepare answers. It was decided that officers would bring back options for the Committee to consider at their next meeting.

ACTION: officers to prepare a short paper on how the Committee could hold preparatory meetings for upcoming presentations to the Committee.

8. The Deputy Chief Executive reported to the meeting that the Audit Commission had asked the Council to look at Health and Inequalities, under the Community Wellbeing umbrella. This may be able to be programmed for either August or September. The Committee agreed that because of the holiday period they should try and get this to the September meeting.

AGREED: to add a Health and Inequalities presentation to the O&S work programme and try for a September 2008 date either by arranging a separate meeting or putting this on to the scheduled meeting date.

22. CABINET REVIEW

The Committee considered the Cabinet agenda for its meeting on 14 July 2008. No issues were raised for consideration by the Cabinet.

23. ESSEX WIDE SCRUTINY

The Senior Democratic Services Officer informed the committee about an upcoming Essex Wide Scrutiny Conference to be held on 8 October 2008 at Hylands House in Chelmsford. Further information will be put into the Members Bulletin.

CHAIRMAN

Report to Overview & Scrutiny Committee

Date of meeting: 28 August 2008

Portfolio: Housing.

Subject: Call-in of Council Owned sites to be submitted for Consideration as Future Residential Land in response to the Council's "Call for Sites"



Officer contact for further information: Adrian Hendry / Alan Hall

Committee Secretary: Adrian Hendry – Ext 4246

Recommendations/Decisions Required:

To consider the call – in of Housing Portfolio Holder's decision HSG/010/2008-09 regarding the recently issued 'call for sites' from land owners, seeking land that may have potential for development over at least the next fifteen years.

Report:

1. In accordance with rule 20 of the Overview and Scrutiny Rules 5 members have called in a Portfolio Holder's decision, taken on 5 August 2008 and published on 8 August 2008. This decision relates to the Portfolio Holder's decision regarding land that may have potential for development over at least the next fifteen years. As a major landowner, it is important that the Council reviews its land-holdings and identifies any sites that should be put forward for consideration.
2. The Chairman of the Overview and Scrutiny Committee determined that consideration of the call-in should be referred to this meeting of the Overview and Scrutiny Committee.
3. Attached to this report are:
 - (a) Copies of all documentation submitted to the Portfolio Holder 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) A copy of an extract of the Council's procedures for dealing with call-ins.

Consideration of the Call – in

4. In accordance with the Council's Protocol (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 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.

5. 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.

6. 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.

7. 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.

8. The Committee are asked to consider the decision taken by the Portfolio Holder and report accordingly.

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EPPING FOREST DISTRICT COUNCIL

Notification Of Call – In Of Cabinet Or Portfolio Holder Decision Under Rule 20 (8) (Page J13 of the Constitution) Of The Overview And Scrutiny Rules

This form must be signed and completed and the original returned to the proper officer in person no later than the 5th working day following publication of the decision

Decision to be called-in:	SUBMISSION ON 'CALL FOR SITES' ON HOUSING LAND IN DEBDEN
Decision reference:	HS9-010-2008/9
Portfolio:	HOUSING
Description of Decision:	SUBMISSION, ON BEHALF OF HOUSING PFH, 5 COUNCIL OWNED SITES IN DEBDEN FOR CONSIDERATION BY THE COUNCIL AS SUITABLE FOR FUTURE RESIDENTIAL LAND IN RESPONSE TO THE RECENT CALL FOR SITES.
Reason for Call – in	<p>1, LOUGHTON IS THE MOST DENSELY POPULATED PART OF THE DISTRICT WITH MAJOR TRAFFIC AND INFRASTRUCTURE PROBLEMS ALREADY. TO ASK OR IMPLY LOUGHTON MUST BEAR ALL THE INCREASED HOUSING FOR THE E of E PLAN IS INEPT AND WILL CAUSE LOCAL OUTRAGE</p> <p>2, WHEN THE LEC LAID OUT DEBDEN IT WAS DONE WITH GREAT CARE TO INTERSPACE 'GREEN LUNGS' BETWEEN INTENSIVE DEVELOPMENTS MUCH VALUED BY THE COMMUNITY</p> <p>3, THE PROPOSAL REMOVES A PLAYGROUND AGAINST ALL THE PRIORITIES THAT CHILDREN LEAD ACTIVE, HEALTHY LIVES.</p> <p>4 THE PROPOSAL TAKES AWAY PART OF THE LOUGHTON NATURE RESERVE - A TRAVESTY OF EFDC'S COMMITMENT TO THE ENVIRONMENT, ESPECIALLY AS TRAFFIC LIGHTS AT BOTH ENDS GET HEAVILY CONGESTED AT THE TIMES</p>

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

Members Name:	Signed:
Lead member:	<div style="border: 1px solid black; width: 100%; height: 100%;"></div>
DAVID WIXLEY	
GARLINE POND	
✓ MARK HAM	
STEPHEN MURRAY	
Office Use Only: Date Received:	
ROSE BROOKES	

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Decision by Portfolio Holder



Report reference: HSG-010-2008/09

Date of report: 5 August 2008

**Epping Forest
District Council**

Portfolio: Housing Author: Alan Hall (Ext 4004)

Democratic Services: Rebecca Harris

Subject: Council-owned Sites to be submitted for Consideration as Future Residential Land in Response to the Council's "Call for Sites".

Decision: That the Director of Housing submits, on behalf of the Housing Portfolio Holder, the following Council-owned sites (shown hatched on Appendices 1 – 5 attached to the report) for consideration by the Council as being suitable for future residential land, in response to the recent "Call for Sites":

- (a) Urban Open Space between Jessel Drive and Goldingham Avenue, Loughton (1.87 hectares);
- (b) Land between Westall Road and Rochford Green, Loughton (0.97 hectares);
- (c) Land between Rectory Lane and Newman's Lane, Loughton (1.28 hectares);
- (d) Former Allotments at Willingale Road, Loughton (0.74 hectares); and
- (e) Wooded Area between the Oakwood Hill Estate and Chigwell Lane, Loughton (5.39 hectares).

ADVISORY NOTICE:

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 have read and approve/~~do not approve~~ (delete as appropriate) the above decision:

Comments/further action required:

Signed: D Stallan

Date: 5 Aug 08

*Personal interest declared by Portfolio Holder/
conflict of interest declared by any other
consulted Cabinet Member:*
NONE

Dispensation granted by Standards Committee:
Yes/No or n/a

N/A

Office use only:

Call-in period begins: 8 Aug 08

Expiry of Call-in period: 14 Aug 08

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

Initialled as original copy by
Portfolio Holder:

Reason for decision:

The Council has recently issued a “call for sites” from land-owners, seeking that may have potential for development over at least the next fifteen years. As a major landowner, it is important that the Council reviews its land-holdings and identifies any sites that should be put forward for consideration.

It is considered that the proposed sites may be suitable for residential development in the future.

Options considered and rejected:

- (a) Not to put forward any Council-owned sites for consideration;
- (b) To put forward different Council-owned sites

<p>Initialed as original copy by Portfolio Holder:</p>

Introduction

1. The Council's planning officers are commencing work on the Council's Core Strategy – the key document of the new Local Development Framework (LDF). An immediate priority of the LDF is to make sufficient land allocations to meet;
 - (a) The housing and employment targets and infrastructure requirements of the East of England Plan (EEP), which was adopted last month and deals with the period up to 2021; and
 - (b) Provision for gypsies and travelers, in accordance with the Single Issue Review of the EEP.
2. The Core Strategy, however, should look at least 15 years beyond the date of its adoption, which would mean the period up to approximately the mid 2020s. The EEP is due for immediate comprehensive review, with the time-span extending probably to 2031. Planning officers therefore consider that the Core Strategy should take account of this later date, with implications for further provision of land for housing (including gypsies and travellers) and employment.
3. The Director of Planning and Economic Development has therefore issued a "call for sites" from land-owners, seeking opinions on sites that they think may have genuine potential for development over at least the next fifteen years. This request for information has been sent to town and parish councils, developers, agents, landowners, those who have submitted planning applications in recent years, as well as all those who made relevant representations to the Local Plan Alterations or to the Examination in Public of the EEP. A form has been provided for submissions.
4. Proposals put forward will be subject to sustainability appraisal (taking account of economic, environmental and social impacts of potential development), which will include issues such as liability to flood and proximity to areas of built or natural heritage importance. An assessment will also be made of the availability and deliverability of each site.

The Council as Landowner

5. As a major landowner in the District, it is important that the Council reviews its own land-holdings and identifies any sites that should be put forward for consideration. Accordingly, a group of officers from various directorates has met to consider potential sites.
6. It is considered appropriate that any Council-owned land that may be suitable for residential development in the future is put forward by the Housing Portfolio Holder, on behalf of the Council. The following sites have been identified as being possibly suitable for future residential development by officers. Should any of the sites be accepted for future development, the Council would need to determine at that time the proposed form, tenure and mix and would need to obtain detailed planning permission. Since the Council would have control of the site(s), it could also determine the amount of affordable housing to be provided, which could be in excess of the 40% usually sought from developers on large sites.
7. It should be noted that the first four sites were considered by the Housing Scrutiny Panel in March 2006, as part of a report by the Director of Housing on ways to increase the amount of affordable housing within the District. At that time, the Housing Scrutiny Panel decided not to put forward the sites to the Cabinet for potential residential development.
8. It is emphasised that the decision on whether or not any proposed sites are suitable for future residential development and should be included within the Council's future Local Development Plans will be made by members, on the recommendation of the Director of Planning and Economic Development. This will follow a detailed a sustainability appraisal, which will be undertaken for all sites put forward by landowners. The Council's own sites will be treated in exactly the same way as non-Council sites.

(a) Urban Open Space between Jessel Drive and Goldingham Avenue, Loughton

9. The Council owns a very large area (8.6 hectares) of land at this location, designated in the Local Plan as Urban Open Space. It has a relatively steep incline towards Colebrook Lane. A location plan is provided at Appendix 1. At one end of the site (shown hatched on the plan), the incline is less steep and would be suitable for residential development.

10. The hatched area comprises 1.87 hectares, and could possibly provide 75 – 95 properties. It is therefore proposed that the hatched area is put forward for consideration.

(b) Land between Westall Road and Rochford Green, Loughton

11. This is a large grassed area (that is not designated as Urban Open Space) comprising 0.97 hectares (shown hatched at Appendix 2). Part of the Council-owned land at this location, that is not shown hatched and is excluded from the proposal, provides a children’s play area, which would remain.

12. The hatched area could possibly provide 40 – 50 properties. It is therefore proposed that the hatched area is put forward for consideration.

(c) Land between Rectory Lane and Newman’s Lane, Loughton

13. This is a large grassed area (that is not designated as Urban Open Space) comprising 1.28 hectares (shown hatched at Appendix 3). Located at the centre of the land is a children’s play area, managed and maintained by Loughton Town Council under a Management Agreement dated 21st January 2002. The Management Agreement can be terminated by three month’s notice. If the site is developed for residential accommodation, it is proposed that an alternative site would need to be provided for a replacement play area, possibly on the large area of Council-owned land on the opposite side of Rectory Lane, adjacent to Lawton Road.

14. The hatched area could possibly provide 50 – 65 properties. It is therefore proposed that the hatched area is put forward for consideration.

(d) Former Allotments at Willingale Road, Loughton

15. Adjacent to the existing allotments in Willingale Road, Loughton is an area of land comprising 0.74 hectares (shown hatched at Appendix 4) that formerly comprised allotments but is now unused scrub land. Although the freehold interest of the hatched land has been transferred to Loughton Town Council, an “option” has been included within the Title which enables the District Council to re-purchase the freehold interest of the land for £1, up to 2026, if the District Council wants to use the land “for housing purposes”. This is subject to the District Council consulting the Town Council and their comments being taken into account.

16. The hatched area could possibly provide 30–40 properties. It is therefore proposed that the hatched area is put forward for consideration.

(e) Wooded Area between the Oakwood Hill Estate and Chigwell Lane, Loughton

17. This site is a dense wooded area along Oakwood Hill comprising 5.39 hectares (shown hatched at Appendix 5). It is currently designated in the Local Plan as an “Other County Wildlife Site”, which is a local wildlife site of lesser significance, and having less protection, than Sites of Special Scientific Interest / Special Protection Areas or Special Areas of Conservation (one of which is adjacent to the hatched area).

18. The hatched area could possibly provide 215 – 270 properties. It is therefore proposed that the

**Initialed as original copy by
Portfolio Holder:**

hatched area is put forward for consideration.

Council-owned Sites Not Being Proposed for Future Residential Development

19. Consideration has been given to other Council-owned sites which, for various reasons, are not being put proposed for future residential development. A list of these sites is attached as Appendix 6.

Consultation Undertaken:

None

Resource implications:

Budget Provision: Nil

Personnel: Nil

Land: As set out in the report

Council Plan: Meeting Housing Need

Relevant statutory powers: Town and Country Planning Act

Background papers: Nil

Environmental/Human Rights Act/Crime and Disorder Act: Eventual development of the sites will inevitable result in less green and/or wooded areas.

Key Decision Reference (if required): N/A

Council-Owned Sites Not Being Proposed for Future Residential Development

Buckhurst Hill

Lindersfield – Open Space Area

Chigwell Row

Chigwell Row Recreation Area & Woodland

Epping

Bell Common
Theydon Grove – Open Space Area

Loughton

Englands Lane (Homemead) – Open Space Area
Roding Valley Recreation Area
Roding Valley Nature Reserve

North Weald

Roughtalleys Woodland
Merlin Way – Recreation use
Hampden Close – Open Space Area

Norton Heath

Norton Heath Woodland

Ongar

Longfields - Open Space Area
Former Ongar Comprehensive School – Playing Fields

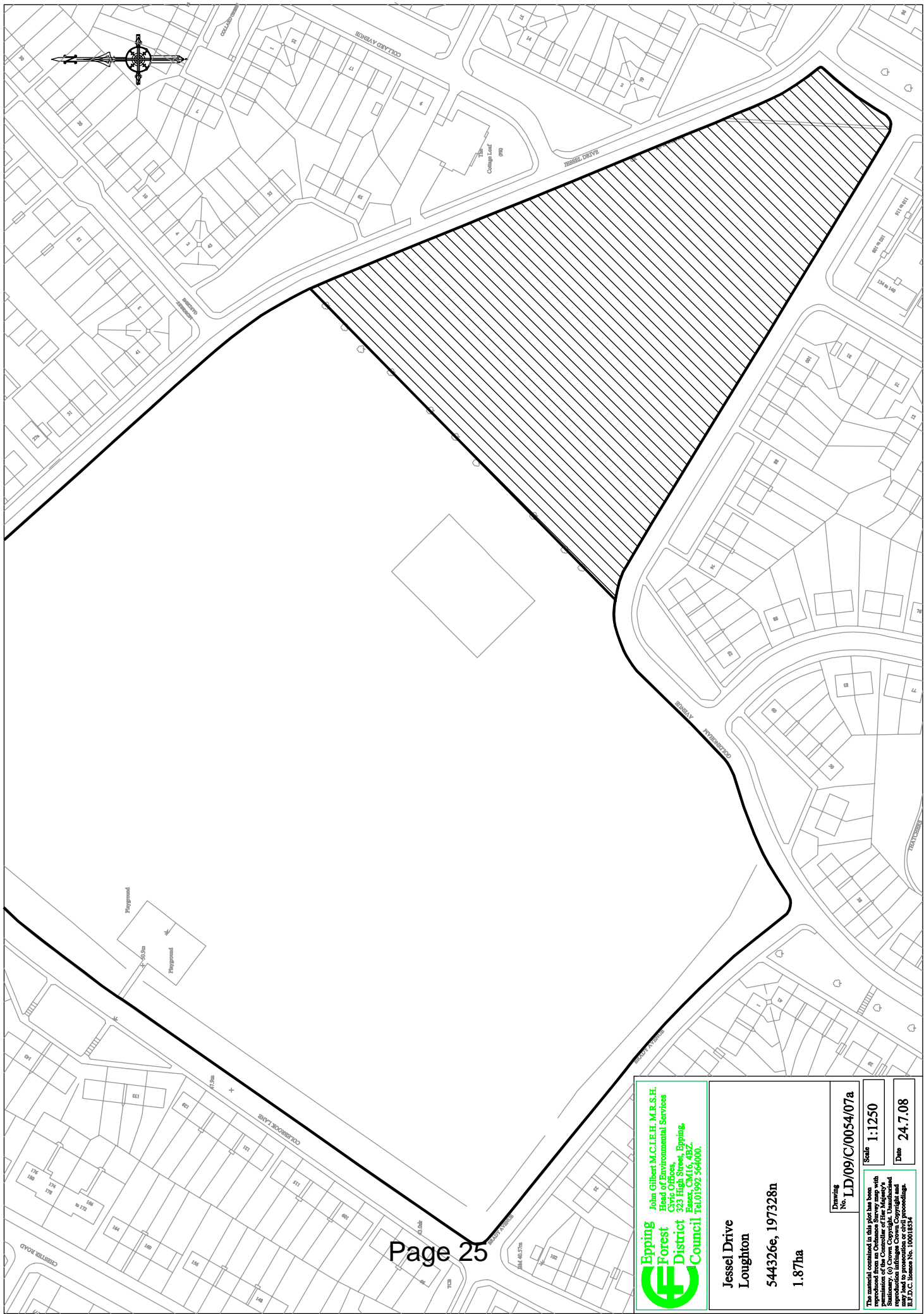
Sheering


Lower Sheering Road - Open Space Area

Waltham Abbey

Thaxted Road – Open Space Area
Walton Gardens – Open Space Area

Initialled as original copy by Portfolio Holder:




Epping Forest District Council
 John Gilbert M.C.I.E.H. M.B.S.H.
 Head of Environmental Services
 Civic Offices,
 323 High Street, Epping,
 Essex, CM16 4BS.
 Tel:01992 364000.

**Jessel Drive
 Loughton**
544326e, 197328n
1.87ha

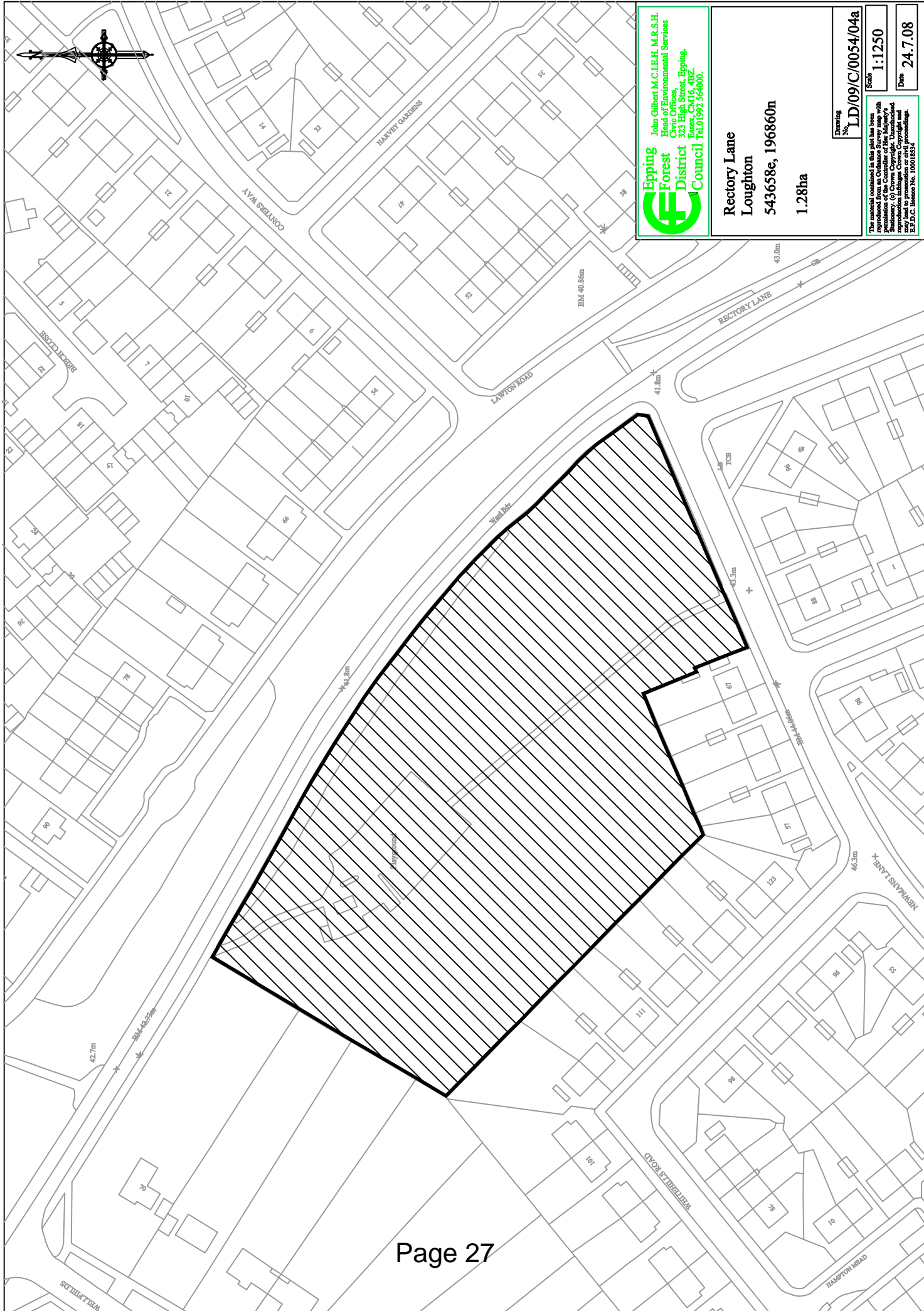
Drawing
 No. **LD/09/C/0054/07a**

Scale
1:1250

Date
24.7.08

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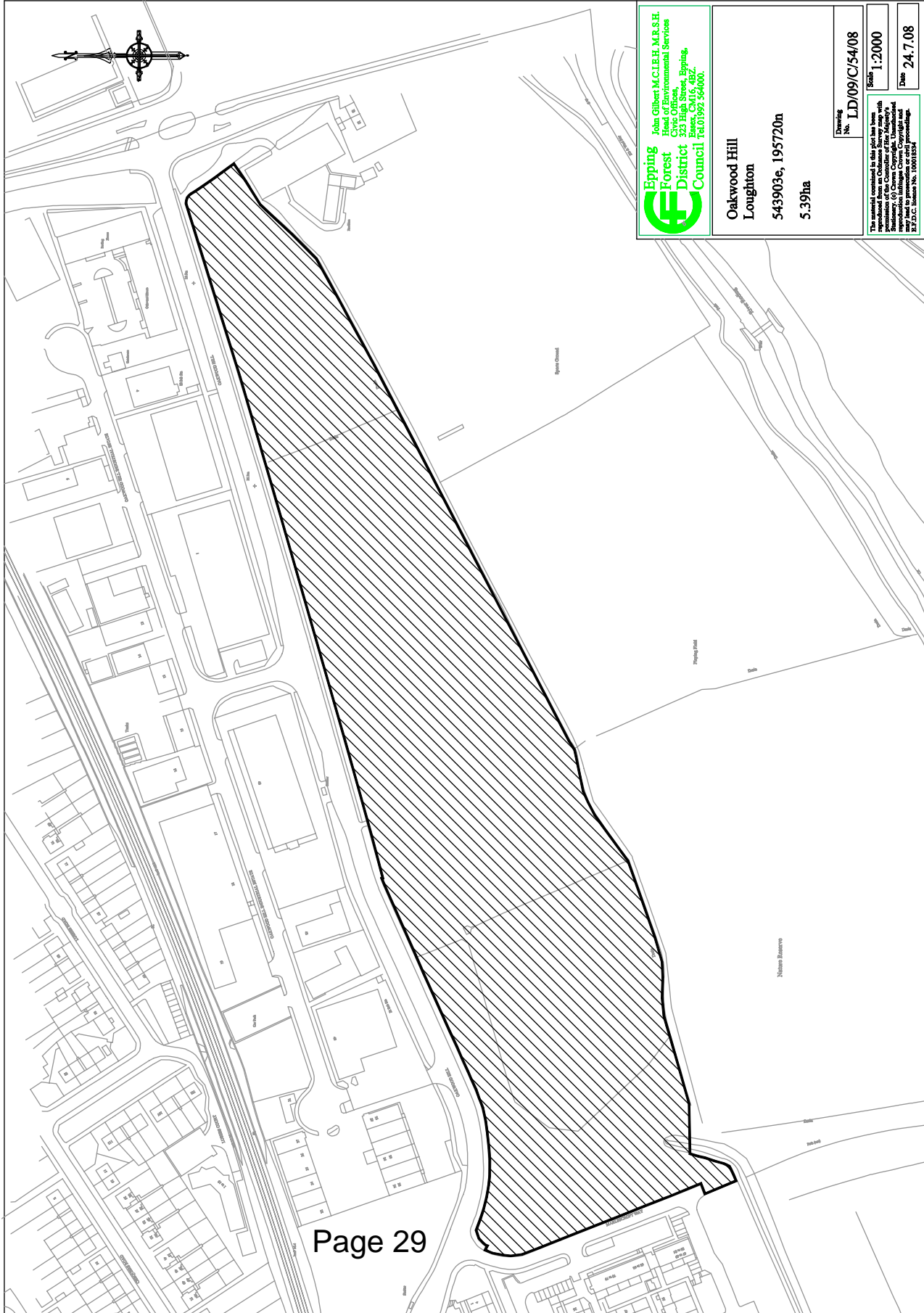
Fipping Forest District Council
 John Gilbert M.C.I.E.H. M.R.S.H.
 Head of Environmental Services
 323 High Street, Fipping,
 Essex, CM16 4BZ
 Tel: 01992 564000

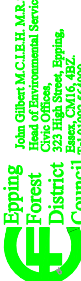
**Rectory Lane
 Loughton
 543658e, 196860n
 1.28ha**

Drawing No. **LD/09/C/0054/04a**
 Scale **1:1250**
 Date **24.7.08**

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 Tel: 01992 564000

Oakwood Hill
Loughton
543903e, 195720n
5.39ha

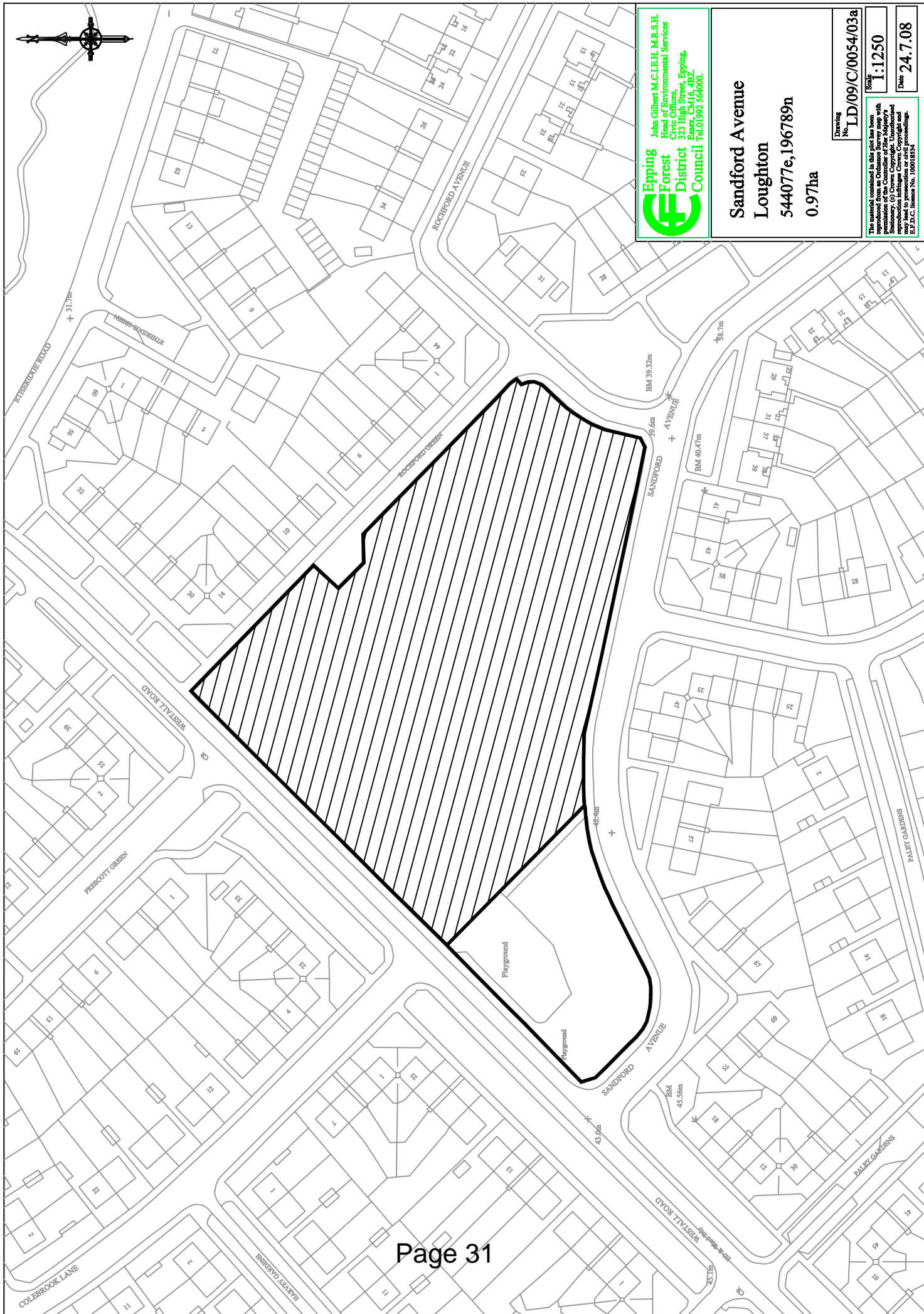
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Sandford Avenue
Loughton
544077e, 196789n
0.97ha

Drawing No. **LD/09/C/0054/03a**

Scale **1:1250**

Date **24.7.08**

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Willingale Road
Loughton
 544515e, 197094n
 0.74ha

LD/09/C/0054/09

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 Date 24.7.08

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**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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Report to the Overview and Scrutiny Committee

Date of meeting: 28 August 2008

**Report of: Constitution and Member Services
Standing Scrutiny Panel**

**Subject: Government Consultation Document - Moving
the Date of the Local Elections to the Same Date as European Elections**

Contact for further information: I Willett (Ext 4243)

Democratic Services Officer: I Willett (Ext 4243)



Recommendations:

- (1) That this Council supports the Government's proposals as outlined in the consultation document for deferring the date of the 2009 County Council elections until 4 June 2009, the same day as the election to the European Parliament subject to the following conditions:**
 - (a) clarification of the requirement for 2 separate poll cards;**
 - (b) advice to Returning Officers on ways in which the ballots for the two elections should be kept separate including distinctively coloured ballot papers;**
 - (c) advice to Returning Officers on how to avoid confusion among voters concerning the two kinds of ballots which was seen at the 2007 elections to the Scottish Parliament;**
 - (d) the importance of prior publicity aimed at voters; and**
 - (e) clear advice on the position of foreign nationals resident in the U.K.**
- (2) That the Government consultation document on weekend voting be considered by the Scrutiny Panel.**

Report:

- ...
1. The Government has published a consultation document on the desirability of synchronising the County and European elections in 2009. Under the Government's plan, both elections would be held on 4 June 2009, which would necessitate the County Council elections being deferred from 7 May 2009.
 2. Consultation is necessary because it would be necessary to facilitate the change by making new regulations.
 3. We have received the arguments for this proposal which are set out in paragraphs 8-14 of the document. Some reservations about the idea are set out in paragraphs

19-25. Reference to the practical issues involved are also highlighted in the document. This approach was followed in 2004 when District and Parish elections were deferred and held on the same day as the European elections on 10 June 2004. Concurrent elections are a regular occurrence in this District and although leading to more complexity, offer economies of scale which are favoured by Government.

4. As a result of the views of Councillors being sought, one member of Council has responded to an earlier item in the Council Bulletin, namely Councillor S Murray. He has commented as follows:

“I am very much against this as I feel both sets of elections are different and should not be confused in any way in the minds of the electorate.

Local elections should remain just that - local and not be held on the same day as national elections.

The main motivation is to try and bolster turn out for the European elections – this should not be done in my view at the expense of distinct and separate local elections.

Please pass on my views to the Panel”.

5. We were not unanimous in our response to these proposals. Three members were opposed to the two elections being held together. They felt that the County Council election would be overshadowed by the European. Indeed they expressed the view that these elections, if held separately, should be much further apart to avoid voter apathy.
6. The majority of the Panel supported the idea but with reservations about the practical issues involved. We have listed those points in recommendation (1) above. Councillors on both sides of the debate were concerned about the experience in the last elections to the Scottish Parliament. The Scottish Parliamentary election, like the European, is completely different to the local government poll. Both use the "list" system of multiple choices for voters. Unfamiliarity with this and confusion over how to vote has resulted in a major inquiry into the Scottish election.
7. We hope that publicity, guidance to Returning Officers and the organisation of voting will make a clear distinction between the two ballots to avoid these problems re-occurring.
8. The deadline for comments was 11 August 2008. We have advised the Government that the Council will not be able to respond until after this meeting.
9. We were advised that further Government consultation would be launched in the near future. This relates to moving elections to weekend. We plan to consider this proposal at our September meeting.
10. We recommend as set out at the commencement of this report.

Moving the date of English Local Government elections
to the date of the European Parliament elections in 2009
Consultation



Moving the date of English Local Government elections to the date of the European Parliament elections in 2009 **Consultation**

May 2008

Department for Communities and Local Government: London

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Foreword

In 2004, when the last European Parliamentary elections were held, we moved the date of the local elections from 6 May so that they were held on the same day as the European elections on 10 June. We are now seeking your views about moving the date of the English local elections from Thursday 7 May 2009, so that they take place at the same time as the European Parliamentary elections on Thursday 4 June 2009.

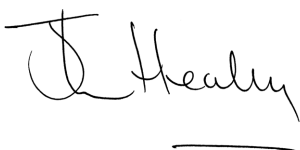
We took powers in the Local Government and Public Involvement in Health Act 2007, enacted last Autumn, which enable us, by order, to move the 2009 local elections – predominantly the county council elections, to coincide with the date of the European elections. We now need to decide whether or not to make such an order, and before doing so would welcome your views.

Any change cannot be made until we have consulted the Electoral Commission and such other persons as the Secretary of State considers appropriate. This consultation meets that statutory requirement.

Combining elections makes voting more convenient, avoiding asking electors to vote on two separate occasions in a short period of time. It may therefore encourage more people to take part in elections and improve the democratic process as a whole. In addition, having two elections on the same day, rather than two separate elections on different days, will result in savings for local authorities.

However, it might be argued that holding two different elections on the same day risks confusing voters and could be complex to administer.

This consultation seeks, in particular, views of councils and other stakeholders on where the balance of advantage lies – holding the local and European elections on the same day or on different days four weeks apart. The results of this consultation will help us reach a decision as to whether or not the 2009 local elections should be moved.



John Healey
Minister for Local Government
Communities and Local Government

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The Consultation

1. This consultation seeks views about moving the date of the local elections from 7 May 2009, so that they take place on the same day as the European Parliamentary elections on 4 June 2009.
2. Following the 2004 elections, when the local elections were held on the same day as the European Parliamentary elections, the Electoral Commission stated:

‘Before the next European Parliamentary elections in 2009 further consideration will need to be given to the potential impact of the combination of elections. The balance of arguments in favour and against – including the potential impact on turnout – will need to be weighed by Government and others.’
3. This consultation seeks to draw out these arguments and invites the views of the public and other stakeholders, including local authorities, on where the balance lies. Subject to the responses to this consultation, we will consider the issues and arguments as to whether to use the power in section 37A of the Representation of the People Act 1983 to make an order to move the date of the local elections from 7 May 2009 to 4 June 2009 so that these and the European Parliamentary elections all take place at the same time.
4. While we are specifically inviting the views of the consultees listed at Annex A, we welcome all comments. We will have regard to all representations before deciding whether to exercise the order-making power changing the local election date in 2009.

Local elections in 2009

5. In 2009 there will be elections to 34 principal authorities as set out at Annex B. There will also be a number of elections to parish councils in England scheduled for 7 May 2009. There are no elections to the Greater London Assembly in 2009. The power in section 37A of the Representation of the People Act 1983 enable the dates of all of these elections to be moved to the same date as the European Parliamentary elections in the years when they take place. Welsh Ministers enjoy a similar power in respect of Welsh local government elections under section 37B of the 1983 Act. However, there are no local government elections in Wales in 2009.

The legislation

6. In the past we have had to take specific powers in primary legislation to move the day of local elections in a particular year. However, under the Representation of the People Act 1983, as amended by the Local Government and Public Involvement in Health Act 2007, we now have the power to combine, by means of an order, local elections (including elections to the Greater London Authority (GLA)) and European Parliamentary elections. This power also allows us to amend other legislation to deal with certain practical consequences of moving the election date.
7. A fuller explanation of the legislation covering the power to move the date of local elections is at Annex C.

Benefits of elections being held on the same day

8. The Government has taken a number of steps since 1997 to improve participation in the democratic process. This is a continuing process; as stated in *Unlocking the talent of our communities*¹, we want to encourage a greater sense of 'active citizenship' and provide increased opportunities and influence for people to be involved in decision-making. We need a step change in civic participation and in local democracy just as we have had a step change in local performance. Making elections convenient for electors to vote in is an important part of increasing participation.
9. Combination of elections is not new. The combination in 2004 of the local, GLA and European Parliamentary elections was in line with other measures that focused on voter convenience and assisting the voter. We wanted to remove as many barriers as possible and ensure that voting was convenient and hassle free. That is why we thought it right to hold the 2004 elections on the same day, so that people did not have to vote twice in six weeks.
10. When local and European Parliamentary elections were combined in 2004, the turnout at the European elections was significantly higher than in previous years, up from 24 per cent in 1999 to 38.5 per cent. The Electoral Commission concluded in its follow-up report that combination of the elections was an important factor in the improved turnout.

¹ Communities and Local Government, March 2008.

11. In 2004, the European Parliamentary elections were held in the UK during the second week of June, on Thursday 10 June; in 2009 they are scheduled for the first week of June, Thursday 4 June. This has one very clear consequence for both electoral administrators and voters. If the date of the local elections is not changed to the date of the European elections, then as the timetable for the European Parliamentary elections runs for 25 working days prior to polling day, there would be an overlap in the timetable for that election with the closing stages of the local elections on 7 May.
12. There is a risk that this may cause confusion for electors who may receive poll cards for the European elections prior to voting in the local elections, and create complexities for administrators who will be required to publish the notice of the election and deal with nominations from candidates for the European elections, in the week leading up to polling day for the local elections.
13. While two separate ballots and two separate counts will be held on the same day the costs for electoral administrators will be reduced by holding elections on one day rather than having two elections within a four week period. There will also be savings for the political parties in election campaigns being held simultaneously rather than separately for the local and European Parliamentary elections.
14. We therefore believe that the benefits to holding the local and European Parliamentary elections on the same day are:
 - it will be more convenient for voters to have to visit the polling station once only, meaning that more voters are likely to participate in the election
 - it will result in the election periods for the local and European elections running together and avoid the start of the European election period overlapping with the end of the local election period
 - it will reduce costs incurred by local authorities, returning officers and political parties in distributing election material, contacting voters, canvassing and holding the polls themselves
 - those responsible for voter awareness campaigns, particularly local authorities, will be able to concentrate their efforts in increasing awareness of one single election day.

Practical issues

15. However, we also recognise that practical issues arise when elections take place on the same day for those arranging the elections. Returning officers will have to maintain two separate ballots and conduct two separate counts. We also need to consider the practicalities such as counting arrangements, returning officers' responsibilities, funding arrangements, committee cycles and information for voters. Consequential amendments are likely to be needed to provisions regarding the dates when annual meetings may be held, the terms of office of those elected, and the holding of by-elections. The change might also affect bodies such as joint authorities, which although not directly elected, are made up of local councillors.
16. So we are seeking views on the practical and consequential issues that might arise, and what action might be taken to address them well in advance of polling day.
17. In 2009 it is not only elections to the principal authorities listed at Annex B that are scheduled. In some areas there will also be parish council elections. We believe, subject to any comments made in response to this consultation, that the parish elections should move along with the elections at principal authority level. Under the Representation of the People Act 1983 we have a power to amend the current provision² that requires a parish election to be deferred by at least three weeks in any case where other local elections are combined with the European Parliamentary election.
18. We are therefore seeking views in relation to parish council elections on whether to leave them unchanged in May or, if we decide to move the date of the principal authority elections, to move them in step with the elections to those principal authorities.

Concerns over elections being held on the same day

19. The practical issues set out above about counting arrangements, returning officers' responsibilities etc, mean that holding elections on the same date can be a complex matter. We recognise that holding both elections on the same date may cause concern for electoral administrators. It is therefore important that if the elections are to be held together the necessary administrative and operational measures must be in place to make the successful delivery of the elections possible.
20. Since 2004 concerns have been expressed not only about the impact of

² Representation of the People Act 1985, Section 16

combining elections on the administration of elections (particularly with increased postal voting), but also about the potential for increased confusion among electors, especially where different electoral systems are being used.

21. Most recently the Gould Report, which was produced by Ron Gould CM following an independent external review commissioned by the Electoral Commission on the 2007 Scottish elections, stated that that 'combined elections diminish the place of local government elections and may confuse the voters'.
22. In Scotland the electoral systems in use for the Scottish Parliamentary elections and the local government elections were different. This was the cause of the concerns raised by Gould that electors were confused by the different electoral systems that were operated. The electoral systems of the English local elections and European Parliamentary elections are different (first past the post in local elections and the List system for the Europeans).
23. Another concern which Gould highlighted following the May 2007 elections was that the constituency and regional votes for the Scottish Parliament were on the same paper (there was a separate ballot paper for the Scottish local government elections). To reduce the risk of voter confusion, the Government believes that any proposal to move the date of the local elections to the date of the European Parliamentary elections should not involve a combination of ballot papers; the two ballot papers should be dealt with separately. This is in accordance with Gould's proposal that the process of voting in elections on the same day should be separated. Rather than voting on one ballot paper for the two types of election the voter should vote on two separate ballot papers. Gould concluded that such an approach 'could see voter turnout maintained but voter confusion diminish'. We believe this is likely to be the case if the 2009 local and European elections are held on the same date. However, we welcome views on this matter.
24. The Association of Electoral Administrators have stated that planning for the conduct of an election is a much more complex matter now than was previously the case. This is largely because of the dependency of Returning Officers on commercial suppliers for a variety of services, in particular, ballot papers and postal voter packs.
25. Government is particularly interested in the views of electoral administrators about the practical issues which would need to be addressed for the 2009 elections to be conducted effectively if the decision is taken to hold the elections on the same date.

Weekend voting

26. In 'The Governance of Britain' Green Paper, which was published in July 2007 we undertook to consult on moving voting to the weekends for general and local elections. This consultation on moving the date of the 2009 local elections and the future consultation on weekend voting together support the Government's strategic aim that people should be able to exercise their right to vote with ease and without unnecessary barriers.
27. This consultation paper seeks views only on whether or not the date of local government elections in 2009 should be moved to the same day as the European Parliamentary elections. The consultation on weekend voting will seek views on whether or not voting on a Thursday presents unnecessary barriers to voters and if a change to weekend voting instead would improve access.

Views sought

28. We would welcome your views on the following questions:
 - **Do you believe that Government should seek to move the date of the local elections in 2009 from 7 May to 4 June, so that they are held on the same day as the European Parliamentary elections?**
 - **If we move the elections to principal authorities (as listed at Annex B) should we also move the date of parish council elections where they are scheduled to take place on 7 May 2009?**
 - **What practical issues do you foresee in combining effectively local (and where applicable, parish) elections with the European Parliamentary elections?**
 - **What action do you think should be taken to address these practical issues (whether by local authorities, Government or the Electoral Commission)?**

Timetable

29. The timetable to make the necessary changes to achieve the date change is dependent on securing Parliament's approval to the necessary secondary legislation.
30. If we are to make an order moving the date of the local elections in 2009, such an order must be made by 7 November 2008. If following the consideration of the results of this consultation we were to change the date of the local elections, we would lay an order moving the date of the elections before Parliament not later than early October 2008.

Confidentiality and data protection

31. Any responses to this consultation may be made public by Communities and Local Government. If you do not want all or part of your response or name made public, please state this clearly in the response. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your fax cover sheet will be taken to apply only to information in your response for which confidentiality has been specifically requested.
32. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.
33. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Responding to this consultation

34. All responses to this consultation should be sent, to arrive no later than **11 August 2008** to:

E-mail: 2009elections@communities.gsi.gov.uk

2009 Elections Consultation Team
 Communities and Local Government
 5/A1 Eland House
 Bressenden Place
 LONDON
 SW1E 5DU

This consultation paper is available online via the communities and Local Government website: www.communities.gov.uk/publications/localgovernment/2009electionsconsultation

Annex A

List of consultees

All Principal Authorities
The Electoral Commission
The Conservative Party
The Labour Party
Liberal Democrats
British National Party
The Green Party
The Liberal Party
Mebyon Kernow – The Party of Cornwall
Respect – The Unity Coalition
Socialist Party
UK Independence Party
Local Government Association
National Association of Local Councils
Association of Police Authorities
Association of Chief Police Officers
Association of Electoral Administrators
The Chief Fire Officer's Association
Confederation of British Industry
County Councils Network
England National Park Authorities Association
Electoral Reform Society
Equality and Human Rights Commission
Institute of Directors
National Association for Areas of Outstanding Natural Beauty
Operation Black Vote
Royal National Institute of the Blind
SCOPE
Society of Local Council Clerks
Society of Local Authority Chief Executives

Annex B

Elections to principal councils in 2009

Bedford Borough Council (new unitary authority)
Bristol City Council
Buckinghamshire County Council
Cambridgeshire County Council
Central Bedfordshire Council (new unitary authority)
Cornwall Council (new unitary authority)
Cumbria County Council
Derbyshire County Council
Devon County Council
Dorset County Council
East Sussex County Council
Essex County Council
Gloucestershire County Council
Hampshire County Council
Hertfordshire County Council
Isle of Wight Council
Kent County Council
Lancashire County Council
Leicestershire County Council
Lincolnshire County Council
Norfolk County Council
North Yorkshire County Council
Northamptonshire County Council
Nottinghamshire County Council
Oxfordshire County Council
Shropshire Council (new unitary authority)
Somerset County Council
Staffordshire County Council
Suffolk County Council
Surrey County Council
Warwickshire County Council
West Sussex County Council
Wiltshire Council (new unitary authority)
Worcestershire County Council

Annex C

Relevant Legislation

Local and Parish elections

- A.1. Sections 7 and 8 of the Local Government Act 1972 and section 37 of the Representation of the People Act 1983 govern the date of local elections. Under these provisions local elections (other than by-elections) take place on the 'ordinary day of election' which is usually the first Thursday in May. There are different cycles of elections for different authorities, with some councils electing all councillors every four years, some councils electing a third of the council in three out of every four years and some electing half of the council every two years. In 2009, local elections are planned for the new unitary authorities of Bedford, Central Bedfordshire, Cornwall, Shropshire and Wiltshire, the 27 remaining two-tier county councils, the unitary Isle Of Wight County Council, Bristol City Council and a number of parish councils.
- A.2. Parish councils also have elections on the ordinary day of election, on a four year cycle, with the next elections scheduled for the majority of councils in 2011. However there are a small number of parish councils which will hold their elections on the ordinary day of elections in 2009.

European Parliament elections

- A.3. The Secretary of State has the power under section 4 of the European Parliamentary Elections Act 2002 to specify the date of the European Parliament election. The timing for European Parliamentary elections is fixed by unanimous agreement by all Member States of the Union. The agreed period for the 2009 election is for an election between 4 and 7 June, allowing within this period local variations in the date according to local electoral practice. The UK has traditionally voted on Thursdays. Most continental European countries vote at the weekend (generally Sunday), with Ireland voting on Friday.

Moving the date

- A.4. Section 37A of the Representation of the People Act 1983, as inserted by section 60 of the Local Government and Public Involvement in Health Act 2007, gives the Secretary of State in England the power to move the date of local government and GLA elections with European Parliamentary elections in future years. The next year that European Parliamentary elections are scheduled is 2009. The Welsh Ministers enjoy a similar power in respect of Welsh local government elections under section 37B of the 1983 Act. However, there are no local government elections in Wales in 2009 so they will not be using their powers.

Annex D

The Consultation Criteria

1. The Government has adopted a code of practice on consultations. The criteria below apply to all UK national public consultations on the basis of a document in electronic or printed form. They will often be relevant to other sorts of consultation. Though they have no legal force, and cannot prevail over statutory or other mandatory external requirements (eg under European Community Law), they should otherwise generally be regarded as binding on UK departments and their agencies, unless ministers conclude that exceptional circumstances require a departure.
 - Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy
 - Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses
 - Ensure that your consultation is clear, concise and widely accessible
 - Give feedback regarding the responses received and how the consultation process influenced the policy
 - Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator
 - Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.
2. The full consultation code may be viewed at:
http://bre.berr.gov.uk/regulation/consultation/consultation_guidance/index.asp
3. Are you satisfied that this consultation has followed these criteria? If not, or if you have any other observations about ways of improving the consultation process please contact:

Albert Joyce,
Communities and Local Government Consultation Co-ordinator
Zone 6/H10
Eland House
Bressenden Place
London SW1E 5DU
or by email to albert.joyce@communities.gsi.gov.uk

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Report to Overview and Scrutiny Committee

Date of meeting: 28 August 2008

Portfolio: Leader's Portfolio

Subject: Elections – May 2008 – Views of the Constitution and Members' Services Scrutiny Standing Panel



Officer contact for further information: I Willett (01992 564243), G Lunnun (01992 564244), W MacLeod (01992 564023) and S Hill (01992 564249)

Democratic Services Assistant: M Jenkins (01992 564607)

Recommendation:

To note the report to the Panel reviewing the elections held on 1 May 2008 and the following matters raised by the Panel in addition to issues identified in the report.

Introduction

1. The Constitution and Members' Services Scrutiny Standing Panel considered the attached report at their meeting on 30 June 2008. The Panel raised some additional matters which are summarised below together with comments of the Returning Officer.

(a) Count – Layout

2. Some members expanded on the representations referred in paragraph 25 of the attached report regarding the revised layout of the Count Centre. They stated that by being restricted to standing at the end of each count table it had not been possible to scrutinise effectively all of the counters. Whilst appreciating the restrictions imposed due to the size of Waltham Abbey Town Hall and the need to accommodate the number of counters employed, it was suggested that improvements could be made by providing set places for candidates, counting and election agents. Reference was made to such an approach being adopted by other authorities.

Returning Officer's Comments

3. Further consideration will be given to future count layouts bearing in mind these comments and the requirement to give the candidates, counting agents and election agents reasonable facilities for overseeing the count proceedings consistent with the orderly conduct of the proceedings and the discharge of the Returning Officer's duties.

(b) Count – Venue

4. Some members indicated a preference for counts to be held at Theydon Bois Village Hall. They pointed out that the concerns expressed previously about the hall not being large enough for a centralised count without the use of the side hall are no longer such an issue now that the "bus stop" type signs make it clear where each ward is being counted.

Returning Officer's Comments

5. Consideration is being given to the suitability of other venues including Theydon Bois Village Hall bearing in mind the need for reasonable IT links.

(c) Count – Timing

6. Differing views were expressed about whether to count at the close of poll or on the following day. Those advocating a count immediately after the close of poll referred to the need for candidates and agents to take an extra day off work to attend a count on the following day and pointed out that some were not in a position to do so.

7. Reference was also made to another Essex district council passing a motion instructing their Returning Officer to hold the count immediately after the close of poll.

Returning Officer's Comments

8. The reasons for holding the count on the following day are set out in the attached report. The views expressed about counting immediately after the close of poll are understood and will be taken into consideration when determining arrangements for future elections. However, it should be borne in mind that in 2009 the County Council elections are likely to be combined with the European Parliamentary elections on 4 June 2009. Arrangements for the latter will take precedence and there will be little, if any, discretion to be exercised locally regarding the timing of the counts.

9. It is also possible that in 2010 Local Government elections will be combined with Parliamentary elections and, if so, the intention will be to count the latter immediately after the close of poll with the District/Parish counts being held over until the following day.

10. Full discretion to the Council's Returning Officer in relation to the timing of counts is unlikely to be available, therefore, until 2011.

11. Contact has been made with the other district council mentioned and they have confirmed that the decision to count immediately after the close of poll was taken by the Returning Officer following discussions with the Leader of the Council. They have confirmed the view that the decision is entirely a matter for the Returning Officer and a motion to Council in the terms suggested would not have been in order.

(d) Count – Grass Skirts

12. One member suggested that counts involving the use of "grass skirts" could be speeded up with the use of an Excel spreadsheet for totalling the numbers from each "grass skirt".

Returning Officer's Comments

13. Consideration will be given to this suggestion.

(e) Postal Votes

14. It was felt by some members that an in depth analysis should have been undertaken in order to compare the 153 incorrectly printed ballot papers returned by postal voters in the Epping Hemnall ward of the Epping Town Council with the 284 valid ballots returned.

15. It was also suggested that all District Councillors representing the Epping Hemnall ward should have been notified of the error in relation to the printing of these papers at the same time as notification was given to election agents and political parties so that they would have been in a position to respond to representations which they received.

Returning Officer's Comments

16. The powers available to the Returning Officer only extend to correcting an error. To have undertaken such an analysis as suggested would have exceeded the powers available

and could have led to a challenge by way of an electoral petition.

17. In the event of any similar error in the future, all relevant members will receive notification.

(f) Polling Station – Opening

18. A member advised that the polling station at St Stephen's Church in Buckhurst Hill did not open at 7 am.

Returning Officer's Comments

19. The Presiding Officer did experience some difficulty in opening the polling station on time but no elector was inconvenienced.

(g) Ballot Boxes/Booths

20. One member suggested that consideration should be given to acquiring larger ballot boxes and a larger writing area in the ballot booths to cater for the size of ballot paper required for the Theydon Bois Parish Council election.

Returning Officer's Comments

21. Consideration will be given to this suggestion and it may be possible to acquire a small number of larger boxes/booths. However, it is not feasible to consider replacing all of the current stock and the problem with the polling booths is likely to arise again with the European Parliamentary ballot paper next year.

(h) Poll Cards

22. One member reported that he had been advised that a significant number of electors in Theydon Bois had not received a poll card.

Returning Officer's Comments

23. Poll cards were delivered to electors in Theydon Bois by an experienced canvasser who has confirmed that he delivered all of the poll cards. It seems likely therefore that some electors misplaced or inadvertently disposed of their poll cards before election day.

(i) Election Agents Debriefing

24. Some members expressed concern at the poor response from election agents to the invitation to attend the debriefing held on 9 June 2008.

Returning Officer's Comments

25. Invitations were extended to all of the agents and they were also invited to submit written views in the event of being unable to attend the meeting. The importance of attending such debriefing sessions will be stressed to agents in future years.

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Report to Constitution and Members' Services Standing Scrutiny Panel



Date of meeting: 30 June 2008

Portfolio Holder: Leader

Subject: Elections – May 2008

Officer contact for further information: I Willett (01992 564243), G Lunnun (01992 564244) W MacLeod (01992 564023) and S Hill (01992 564249)

Recommendation:

To consider this review of the elections held on 1 May 2008.

Introduction

1. The following district wards were contested on 1 May 2008:

Buckhurst Hill East
Buckhurst Hill West
Chigwell Row
Chigwell Village
Grange Hill
Loughton Alderton
Loughton Broadway
Loughton Fairmead
Loughton Forest
Loughton Roding
Loughton St John's
Loughton St Mary's
Epping Hemnall
Epping Lindsey and Thornwood Common
High Ongar, Willingale and The Rodings
Moreton and Fyfield
Passingford
Theydon Bois
Waltham Abbey Honey Lane
Waltham Abbey North East
Waltham Abbey South West

2. In each ward, except for Loughton Forest, one councillor was due to be elected. In the Loughton Forest ward there was a need to elect two councillors as a result of a casual vacancy following a resignation earlier in the year.
3. In addition, 10 Parish Council wards and one Parish Council were contested. The number of councillors to be elected varied between one and 11.
4. Turnout varied between 51.27% in the Theydon Bois ward and 23.63% in the Waltham Abbey South West ward.

Nominations

5. The statutory timescale provided for the receipt of nominations by not later than noon on Friday 4 April 2008 and publication of the statements of persons nominated by not later than noon on Tuesday 8 April 2008. Last year full benefit of this timescale was taken. However, representations were received about the desirability of statements of persons nominated being published before the weekend between receipt of nominations and the statutory publication deadline. In response to those representations steps were taken to achieve publication of the statements of persons nominated on Friday 4 April 2008.

Polling Stations

6. Established polling stations were used with a few exceptions:
 - (a) due to building works at the Roding Centre, electors in the Polling District AB (Loughton Way) voted at St Stephen's Church as they had done in the past;
 - (b) in the High Ongar Parish (Polling District CB, CC, CD) a new hall was used situated in Mill Lane;
 - (c) voters in Polling Districts AT (Barfields) and BG (Whitehills) voted at the Murray Hall, Borders Lane, Loughton.
7. The St Mary's Parish Centre, High Road, Loughton continued to be used although due to building works there was no parking at the polling station and access was achieved by Brook Path.
8. Where changes were made to the usual arrangements, electors were advised by way of a note on their poll card.
9. No representations have been received raising issues about the lack of facilities at any polling station.

Postal Votes

10. The total number of postal votes issued was 5408 with approximately 75 % returned.
11. The software and scanners for checking personal identifiers (signature and date of birth) again worked quite well.
12. 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.
13. In accordance with the election timetable, postal ballots for all wards were despatched to electors on 17 April 2008. 469 Epping Town Council ballot papers were despatched on that date to postal voters for the Epping Hemnall ward. On the following day (18 April 2008) telephone calls and representations were received concerning an error in the printing of the ballot paper. On examination, the ballot papers were shown as having transposed party logos against the two candidates. However, the party descriptions were correct.
14. The ballot papers were reprinted on 18 April 2008, with the party logos correctly positioned. This immediate response was only achieved as a result of the papers being printed in-house. 469 revised ballot papers were posted on 18 April 2008 to all of the postal voters in the ward. The envelope contained a note explaining the problem with the previous ballot paper and described what steps voters should take to

ensure that they had a valid Town Council postal vote. The local electoral agents and party organisations were informed of the difficulty by telephone or e-mail and advised of the action being taken to rectify matters.

15. 153 incorrectly printed ballot papers were returned by postal voters and were identified and rejected at the postal vote opening stage prior to the count. 284 valid ballots were returned and were included in the count.
16. This situation has shown the need for additional checks to be made of proofs and printed papers and revised procedures, including a second proofing stage, will be adopted in future years.
17. All of the ballot papers included in polling station packs were in the correct format.

Spoilt Papers

18. There were very few ballot papers rejected except in:
 - (a) the Loughton Roding ward where 23 papers were rejected as a result of being unmarked or wholly void for uncertainty; and
 - (b) in the Buckhurst Hill West ward where 34 papers were rejected as being unmarked or wholly void for uncertainty.
19. The reason for the number of rejected papers in those wards is not apparent as the ballot papers were not unduly complicated, both requiring voting for only one candidate. However, in Buckhurst Hill West ward there were only two candidates and it is possible that electors decided not to mark their papers when they realised their choice of political party was not standing.

Police Liaison

20. Discussions were held with the police about security for the election and their response was very good. A dedicated policing team was in place on election day with visits being made to the majority of polling stations. There was good support provided in overseeing the return of ballot papers 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 a police presence throughout the hours of the count.

Complaints and queries received in the Elections Office

21. The majority of telephone calls made to the Elections Office were from electors complaining that they had not received poll cards. Most of these were from people in wards not up for election but having seen publicity about elections had assumed that they would be voting.
22. Only one formal complaint regarding an alleged breach of electoral law was received by the Returning Officer. This is in the hands of the Police. Other queries were resolved informally.

Count

23. Waltham Abbey Town Hall was again chosen as the count centre, being the only hall available and large enough in the district where it was possible to undertake a count in one room with reasonable IT links.
24. Taking account of comments made in relation to the 2007 count, a revised layout was adopted incorporating the use of eleven separate counting tables and "bus stop" type

signs which showed at any stage of the count which counting table was counting which ward.

25. The revised layout also provided slightly more space for candidates and agents although some representations have been made that it was still difficult to witness the activities of all counters. These comments will be taken into account in deciding on the layout for future elections.
26. Large TV display screens costing £250 to rent were used to display the results in the hall, which was an improvement on the previous year's use of screens and projectors. The company supplying the screens provided excellent support. There is capacity for introducing a third screen and this option will be considered for future elections. The results of wards appeared on the Council's website as soon as they were announced and full details were updated at 12 noon, 2.00 p.m. and 5.00 p.m. on 2 May 2008 so that results were available on the Internet without delay.
27. The administration of the count was considered a success. The count commenced at 10 am on 2 May and the first district ward result was announced at 10.40 am. All of the district wards were announced by 1 pm. Those wards in which there were also parish or town council elections took longer to count due to the need to check the parish ballot boxes to ensure that district ballot papers had not been placed in the wrong box. If this had not been necessary the whole process would have been concluded much more quickly.
28. In previous years the practice had been to call agents together to advise of the outcome of the verification stage. There is no requirement to do this and the Returning Officer became aware that many other authorities simply display the information at the count. This practice was adopted this year and enabled the second stage of each count to proceed without delay. The display of the information attracted interest and as no adverse comments have been made about this change of procedure it is intended to proceed in this way at future elections.
29. After a break for lunch the Parish Council counts were concluded late afternoon. For the majority of the Parish Council counts it was necessary to employ the "grass skirt" method of counting. For instance in Theydon Bois electors were able to vote for up to 11 out of 17 candidates.
30. Some comments have been made about the length of the count and comparisons have been made with the time taken by Brentwood Borough Council. In Epping Forest, 25,234 district ballots were counted in relation to 21 wards and 16,514 ballots were counted in relation to the Parish and Town Council elections. Brentwood counted 19,355 ballots for 12 borough wards. There were no contested parishes and no elections in three of their wards. Brentwood commenced their count at the close of poll and finished at 12.20 am on 2 May 2008. Brentwood employed a similar number of counters and senior counters to this Council. They used 12 teams of counters with each team only needing to verify and count one ward. Eleven teams were used in Epping Forest and except for one each team needed to verify and count two wards. It is apparent, therefore, that Epping Forest had to count more than double the number of ballot papers and had to take the extra steps outlined in paragraph 27 because of having a combined election in 11 wards. Taking this into account the time taken compares favourably with Brentwood.
31. Some members and agents have expressed a preference for the count to take place immediately following the close of poll but it should be borne in mind that this would have resulted in the count being completed between 5 am and 6 am on Friday 2 May 2008 taking account of the need for breaks in order to comply with the Working Time Directive and Health and Safety legislation. Even so it is unlikely that polling station staff could be employed as counters as this would result in them working almost 24 hours non-stop.

32. The question of counting immediately after the close of poll or on the following day is being debated at a national level. Sam Younger, Chairman of the Electoral Commission is expected to address this issue in the Commission's report reviewing the May 2008 elections. He has already acknowledged the difficulties with verifying postal votes handed in at polling stations as the various software solutions do not currently provide for verification at remote count locations. It is understood from the Electoral Commission that in 2008, 60% of councils counted on Friday 2 May 2008.
33. It is apparent that authorities undertaking their counts immediately after the close of poll find it more difficult to appoint the required number of counters.
34. Following the elections, the Electoral Services section undertook a survey of staff who had worked on the election to gauge opinion about the timing of the count. 115 surveys were sent out (example attached as Appendix 1) to all staff working on polling day and the count.
35. 81.7% of forms were returned (94 forms) and the results analysed. Staff were asked seven questions in total. The first two were for all types of volunteer to answer and questions 3-7 specifically for those who had worked on polling day as well as the count. Of the 94 forms received, 80 staff completed all seven questions.
36. Staff were also asked for any comments they had about holding the count on a Friday. Many took the opportunity to give us their thoughts. 54 people said that a Friday count was better because:
- they felt less tired and more refreshed after a night's sleep
 - this in turn meant fewer mistakes which could happen late at night
 - they could concentrate better the next day
 - 15 hours at a polling station was long enough
37. Other comments received included:
- concern about women travelling home alone in the early hours
 - finishing in the early hours would mean taking the Friday off work to recover
 - the extra two hours the polling station is open means the count doesn't start until much later than it used to
 - tiredness can cause accidents – someone was worried about the ability to drive home safely after such a long day
 - Friday counts are quicker and more productive because staff are more alert
 - Health and Safety Legislation, Risk Assessment and the Working Time Directive were all mentioned as reasons to hold the count on a Friday; a responsible employer would need to take these into consideration when deciding when to hold the count.
38. Attached as Appendix 2 are graphs showing the response rates for the survey with comments where necessary. In the graphs, 1 = Yes, 2 = No and 3 = Don't mind/didn't give a preference.

Elections in 2009

39. In 2009 there will be County Council and European Parliament elections. EU Ministers have agreed that the EU Parliamentary election will take place between 4 and 7 June 2009. For the UK this will probably mean the election being held on Thursday 4 June with the count on 7 June but with verification of ballot papers (a separate stage at such elections) to be agreed with Regional Returning Officers. A consultation document has been issued regarding the possibility of moving the date of local elections to the same date as the European elections. In 2004 when local and European Parliamentary elections were held on the same date the turnout at those

European elections was significantly higher than in previous years, up from 24% in 1999 to 38.5%.

40. It seems likely, therefore, that the County Council election in 2009 will be combined with the European election. If that is the case there will be limited discretion locally in relation to the timing of counts. Verification of the ballot papers for the European election is likely to take place immediately after the close of poll on 4 June and the count is likely to take place on Sunday 7 June 2009.

Poll Cards

41. Some representations were received after the election in relation to the disposal of poll cards. There was evidence of poll cards being found in black sacks in an adjoining borough. Understandably this led to some concern as the cards contain personal information.
42. Polling station staff are encouraged not to take poll cards from electors but if any are left behind in the polling station the instruction is to dispose of the cards in a secure manner. Many electors handed their poll cards to tellers when they left the polling station.
43. It is apparent that the poll cards found in the black sacks related to electors who had voted and were not "undelivered" in the first place.
44. In the light of this situation, previous guidance will be reiterated to polling station staff for future elections. Staff will be instructed that any unwanted cards left in the polling station are to be torn up and placed in the sundries sack which is returned to the Civic Offices. Parties and agents will be asked to instruct their tellers to hand any poll cards to polling station staff so that they can also be placed in the sundries sack.

Meeting with Election Agents

45. Election agents were invited to attend a debriefing on 9 June 2008 in order to express views on the running of the election and the count. Two attended together with one candidate.
46. An agent who was unable to attend the meeting responded verbally expressing satisfaction with all aspects of the election and count.
47. The following issues were raised and the suggestions will be considered in relation to future elections taking account of the comments set out in the above paragraphs:
 - (a) alternative processes should be investigated to secure a more speedy count;
 - (b) when the Returning Officer has discretion, consideration should be given to the count taking place immediately after the close of poll;
 - (c) alternative venues should be investigated for the count taking account of the need for good IT links;
 - (d) the display of the verification sheets at the count is helpful and should be continued;
 - (e) the display of the results on tv screens worked well and the speed with which the results were available on the internet was useful;
 - (f) the layout of the count was an improvement on past years but further attention needs to be given to preventing access to the area restricted to count staff so

as to avoid an intimidating environment for them;

- (g) further steps should be taken to ensure that electors in parish/town council elections are aware they can vote for up to a certain number of candidates and do not have to vote for that number;
- (h) in the event of a further similar problem to that encountered with the Epping Hemnall Town Council postal vote ballot papers, an alternative approach should be investigated to correct the position aimed at ensuring that all of the electors affected are more aware of what they need to do to register a vote that will be counted;
- (i) polling station staff should be reminded that in marking the register they should place the mark between the elector's number and name.

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Report to Overview and Scrutiny Committee

Date of meeting: 28 August 2008

Subject: Pre-meeting Preparation

Officer contact for further information: A Hendry, ext. 4246

Committee Secretary: Adrian Hendry, Ext.4246

SCRUTINY



Recommendations/Decisions Required:

- 1. That the Committee agree to publicise all future presentations to all members in order to obtain questions for the speaker;**
- 2. That the Committee pre plan the scope of any presentation at the meeting before the presentation;**
- 3. That the Committee meet before any meeting with a presentation to discuss the line to take for that presentation; and**
- 4. That the Committee address the questions raised in paragraph three of this report and direct officers accordingly.**

Introduction:

1. The Committee requested at its July meeting, for a short paper to be prepared on how the Committee could hold preparatory meetings for upcoming presentations. This report sets out a possible way that this Committee could prepare for future presentations.

Report:

2. Once a presentation has been calendared into the work programme, all members could be advised via the Council Bulletin, about a month in advance of the topic and the date of the presentation. They could be asked to submit advance questions to Democratic Services who will collate and forward them on to the speaker in good time for detailed answers to be prepared. Of course, it would be impossible to think of every question beforehand, as members will inevitably think of supplementary questions during the presentation. This is already done for selected scheduled presentations, but not all. It could be extended to cover all presentations given to the Overview and Scrutiny Committee in the future. This would ensure that all members of the Council, not just committee members, who had an interest in the topic under discussion, would have the chance to attend the meeting and question the speaker.

3. The Committee should also give some consideration as how widely they would like each presentation publicised. Should a wider publication of the speakers and their topics be made so that the meetings could attract a wider public audience? And if a wider audience were attracted, would the committee welcome questions and comments from members of the public?

4. For each speaker, the Committee should draw up an 'issue plan', to let them know what specific topics the Committee wished covered. This would be made available to the speaker prior to their attendance at a meeting so that they can come along fully prepared for the meeting. This would help prevent people 'going off track' and talking about issues that are outside the scope of what the committee wanted to review. This plan should be worked out at the meeting before the presentation was due, and it would be important to list all the

key areas the Committee wanted covered.

5. On the night of the meeting, the Committee could come in a half hour early for an informal meeting to discuss the forthcoming presentation and how they would like to deal with the topic being discussed. This pre meeting would be added on to the front of the Agenda. A committee room could be booked so that it is held in a more informal setting. The Committee would have a copy of any questions sent in before the meeting by members, which will give an idea of what topics are uppermost in the minds of members. Supplementary lines of questions could be identified in advance at this meeting.

6. Attached to this report is a paper on questioning techniques which members might find useful in using to question visitors to the committee.

Putting it into Practice: The Questioning Technique



The Centre for Public Scrutiny

The Centre for Public Scrutiny promotes the value of scrutiny in modern and effective government, not only to hold executives to account but also to create a constructive dialogue between the public and its elected representatives to improve the quality of public services. The CfPS want to enhance public understanding of what scrutiny means, why it matters and how it can be successful. The CfPS supports effective scrutiny by bringing people together, developing networks and disseminating research to share imaginative practice across the country.

Acknowledgements

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Mark Ewbank, Research Assistant at the Centre for Public Scrutiny, has compiled this paper.

Introduction

The scrutiny role requires the skill of providing a critical friend perspective of those under scrutiny and necessitates “constructive, robust and purposeful challenge to prompt reflection on policy development and decision-making.” (Good Scrutiny Guide, 2006) However, the line between being a critical friend and explicit criticism that generates unproductive conflict is thin. How can one therefore ensure that scrutiny remains calm, measured and balanced whilst demonstrating strong, objective and successful challenge, which provides legitimate checks in the name of public accountability?

This research paper seeks to clarify the role of questioning in the scrutiny process and attempts to highlight how one can provide a ‘critical friend’ challenge without either carrying out the role less rigorously or far too aggressively.

The first section of the report details a range of questioning techniques and examples that are widely regarded as positive practice. The second section contrasts the first by providing examples and the theory behind unhelpful questioning techniques. The final section of the report deals with some practical examples from local overview and scrutiny committees and central government select committees, which illustrate the typologies that have been summarised in the first and second sections.

Positive Practice: Questioning Individuals

Types of questions

In order to fully utilise the presence of a witness giving evidence or officer being held to account, one must first assess what type of information one is attempting to elicit. By agreeing a context from which to work, one can then assess what types of questions should be asked in order to maximise the information given.

It is clear that different types of questions extract different types of response; for instance, using three questions rolled into one, with each section pre-determining the rest of the questions, may seem antagonistic and aggressive behaviour. For example, regard the single question posed below;

Do you think that your department is having problems? Will the problems get better? Why has it taken so long for you to react to the problem?

Although scrutiny is meant to probe deeply and rigorously, it is not fruitful to confront the scrutinised in an aggressive and intensely inquisitorial style.

The following sections detail examples of positive questioning techniques that seek to maximise the information received from those under scrutiny yet allow the scrutineer to retain a critical and objective perspective.

1.1 Free narratives and open questions

One of the key motivations for the scrutiny function is calling into question an activity, action or situation and quite crucially not necessarily the person with whom one questioning, which is why it is more beneficial for the scrutineer to not have pre-conceptions about those who are being held to account.

Effective scrutiny occurs when it is evident that all parties are concerned with seeking the truth of a situation rather than trying to win a debate. The clearest way to begin to elicit information and ‘seek the truth’ is through asking open questions and allowing the scrutinised to inform the scrutineer about a situation in their own words.

What are your thoughts regarding the provision of youth facilities?

By asking an open question and allowing the respondent to give a free narrative of the situation from their perspective, it allows the scrutinised to give an account of how they are exercising their responsibilities in the public interest. Remaining silent, without interrupting or highlighting certain points, allows the respondent free rein to explain their standpoint. The scrutineer may find this process useful, as there is an opportunity to listen and process the response and take note of gaps, hesitations and contradictions that could be crucial to the investigation.

1.2 Probing

One of the most important questioning techniques for those undertaking scrutiny is the probing method. Incorporating review and clarification questions, probing questions are used to elicit further information from a respondent and “to deepen the response to a question, to increase the richness of the data being obtained, and to give cues to the interviewee about the level of response that is desired.”¹ The importance of accurate and effective probing is highlighted in the example below.

“Any others?”/“Anything else?” versus “What others?”/ “What else?”

The distinction between using the phrase “what others? / what else?” and “any others? / anything else?” when probing respondents is subtle but profound. In the commercial research sector, training is often provided to qualitative interviewers to highlight the distinction between the phrases and how significant the differing research results are.

The difference is that we are psychologically conditioned to respond negatively to one set of the phrases and therefore limit the amount of information provided by a respondent. By asking a question followed with a probe of “*any others?* or *anything else?*” one is unintentionally ending a line of questioning because the respondent is typically programmed to respond with a simple “no.” Examples:

A)

Scrutineer: What do you think was the problem with the initiative?
Respondent: It was the lack of resources and the lack of interest shown by external organisations.
Scrutineer: Anything else?
Respondent: No

¹ Berry, R,S (1999) “**Collecting data by in-depth interviewing**” Paper presented at the British Educational Research Association Annual Conference, University of Sussex at Brighton, September 2 - 5 1999

B)

Scrutineer: What do you think was the problem with the initiative?
Respondent: It was the lack of resources and the lack of interest shown by external organisations.
Scrutineer: What else?
Respondent: It was also the timescales involved.
Scrutineer: What else?
Respondent: I suppose one could even say that Mr A was to blame for problem.
Scrutineer: What else? etc.

C)

Taken from the oral evidence from the House of Commons Defence Select Committee inquiry into "UK Defence: commitments and resources" Tuesday 6 March 2007

Q139 Mr Hancock: That is not influenced by any other source?
ACM Sir Jock Stirrup: No.

These small lexical choices make a significant difference to the responses from those under scrutiny; therefore scrutineers should ensure that they understand which questions elicit the most informative response.

Types of probing

Berry (1999) identifies nine useful probing techniques for using when questioning a respondent.

→ **Challenging**

In order to gently push the respondent to think more about the issues that they have raised, it may be a useful tool for the scrutineer to encourage the respondent to prove the concepts behind their argument or point of view. This probing technique is used to demand further information to prove the validity of the informant's previous claims. Challenging questions push the respondent to 'tell you more' about the subject and question their own reasoning and thought processes. This method allows the scrutineer to 'dig deeper' into an issue and discover how arguments are formed. Example:

A)

Respondent: The initiative is the best in the county. Three officers currently run the programme and it is clear that the project is a success.
Scrutineer: You said that the initiative was the "best in the county." How is that measured and who made that judgement?

B)

Respondent: There are many reasons why project X is better managed than project Z. In fact, project X has been better managed throughout the life span of both projects.
Scrutineer: Can you give me an example of why you think project X was successful compared to project Z?
Respondent: Well the success of the project must be due to the staff involved.
Scrutineer: What exactly does this mean?

→ **Encouraging**

Giving compliments in order to encourage a respondent to continue on the same track can also be included within 'probing' as it can control the response of the witness/scrutinised. Example:

Scrutineer: Can I ask what you achieved compared to the target?
Respondent: We are currently on 80% and the target in 2006 was 60%
Scrutineer: That is a significant improvement! [Pause for response]

Respondent: Well the target has gone up this year to 85%, which means that we are currently behind target.

→ **Acknowledging**

By repeating information given by a respondent, it can demonstrate that the scrutineer has been paying close attention to the information being presented. Repeating information can also trigger the respondent to clarify the subject, further his or her answer or backtrack to correct details. Example:

Respondent: I don't think that the department had any problems at the time.

Scrutineer: You don't think that the department had any problems at the time?

→ **Procuring details**

Procuring questions are useful follow-ups to open questions, in order to summarise the information that has just been provided and test understanding of what has been raised up to that point. Review questions are most effectively used at the *complete* end of a response to an open question, in order to highlight important, relevant or key points of the scrutinised' response and guide the questioning accordingly. These questions guide the respondent on to an appropriate track. Example:

A)

Scrutineer: What did you do on that occasion?

Respondent: I read the document and subsequently commented on the information.

Scrutineer: Did you do anything else?

B)

Respondent: The project has been running for two years and it will be complete in two months time. It has covered two wards in particular and has reduced anti-social behaviour by fifteen percent.

Scrutineer: Is there anything else you can tell me about this project?

→ **Puzzling**

The 'faking puzzling' probe is not as malevolent as it sounds. This technique involves the scrutineer pretending to be confused about something in order to indicate to the respondent that some elaboration is needed. Example:

Respondent: ...so the member of staff transferred XX amount of the hospice funds to his own personal account.

Scrutineer: Is there anything wrong with that?

→ **Linking**

Linking up the respondent's comments with information that the scrutineer requires is an effective way to politely guide and control the exchange. Example:

Respondent: The project is currently running to plan and under budget. The responsibility of Officer A is to control the development of project Z. More importantly, it is another team who are responsible for the implementation of project Z and they have recently completed a feasibility study into increasing capacity to deliver the results three years early.

Scrutineer: Regarding the responsibility of Officer A, what is the remit of her role?

→ **Direct questions**

Using direct questions to allow the respondent a free narrative is also an effective probing technique that allows the scrutineer to get a wider picture of the

evidence. Simple questions beginning with ‘what’ or ‘how’ are typical direct open questions. Example:

Respondent: The inspections by our officer are the same as those carried out by our neighbouring authority. They actually use the same paperwork. One section of the inspection involves X and another involves Y.

Scrutineer: How do authorities outside our area test for the same problems?

→ **Showing understanding / time for elaboration**

Showing understanding and positive acknowledgement to a respondent’s answer allows the response to continue until a scrutineer ceases acknowledging the responses. Simple techniques such as using ‘I see’ imply that the response is incomplete and needs further elaborations. Example:

Respondent: I went to the stakeholder meeting and I received a very positive response about the work. It was difficult to explain about us because we are quite unique.

Scrutineer: I see

Respondent: So I found it useful to take our publications along to distribute.

Scrutineer: I see

Respondent: My colleagues at the meeting found the information useful but were wary about the proposals put forward.

→ **Contradicting**

Another useful probing technique is using a contradiction; this entails intentionally giving a direct opposite to the respondent’s response in order to provoke further information / explanations. Example:

Respondent: After I had seen the weak performance information I had realised that one of the indicators had significantly deteriorated. It was only a matter of time before a related department had contacted me to say that there was a significant problem regarding resources.

Scrutineer: Isn’t it good performance information?

Positive Practice: Questioning Groups

It is often the case that elected members ask a question to a number of people at the same time in order to source information. By questioning a group of people, one seeks to incorporate a large amount of views and information but not necessarily in-depth from each individual. It is essential to remember that asking questions of groups is inherently difficult as retaining the attention and concentration of those present can be a challenge. The two key skills in conducting a successful group scrutiny session are steering and maintaining the group; these are explored below.

2.1 Steering the group

→ **Reducing punishment**

Asking questions in a group situation is a fine balancing act and how the conversational dialogue plays will influence other people’s participation. For example, if you are a demanding chair with strong and tough responses to answers, you may isolate other individuals from coming forward and providing information. Example:

Scrutineer: (directed at the group) Why was the project not completed on time?

Respondent: I'll take this question if I may. I think that it was chiefly A, B and C that caused the main problems. We tried to solve the problem many months prior to event but it was a fruitless task.

Scrutineer: I think that is a poor answer. Why did this fail? Why did you not provide a solution earlier? Why are you still in charge? This is unbelievable!

In the above situation, other potential respondents would not be forthcoming in answering the chair's subsequent questions and if information were still sought from the group, it would be detrimental to the scrutiny investigation.

However, it is of utmost importance that the chair still feels as though he/she can still challenge the respondent; otherwise scrutiny would not live up to its role. As a result, correct timing is essential to combine effective challenge with the maximisation of participation; for example, *asking non-threatening informational questions* at the beginning of a session to maximise involvement and responses, whilst following up these questions with more powerful and challenging responses.

→ **Increasing rewards**

Similarly, positive reinforcement is required to engage group members and motivate other members of the group to respond. This may be as simple as showing interest in a subject and offering thanks, to praising and commending responses. This method is also useful to signal to the group about the direction of topic and what type of information is welcomed. Example:

Respondent (1): I think that we have scored well on that variable because we have excess capacity in our team to deal with all the enquiries that we receive. However, this excess capacity should not necessarily be used in this way. I propose that we need to reconfigure the staffing arrangements to reflect the upcoming spending review.

Scrutineer: Thanks, that is a great point and I think that we should, as a council, be looking at reconfiguring staffing in order to maximise efficiency.

Respondent (2): I think that our team over in the finance department should also look at service sharing agreements, which could increase efficiency.

Scrutineer: Thanks, has anyone else got any insight or views regarding efficiency and staffing?

2.1 Maintaining the group

→ **Engaging, involving and sustaining**

One of the difficulties of questioning people in a group environment is engaging the continuous attention of all respondents. Often respondents may lapse into disinterest or become left out of the questioning. There are ways that the scrutineer can resolve the disengagement such as when only one person seems to be answering all of the questions posited; one can seek other's opinions. Example:

Scrutineer: What are the key prerequisites for the successful implementation of project Z?

Respondent (1): I believe that there are three key significant points that can be used to explain how this can be successful. One is A, another B and finally C.

Scrutineer: Who else has an opinion on this?

Positing tentative conclusions can also encourage respondents to make comments about the debate and stimulate active agreement or disagreement. Example:

Scrutineer: I think that from what you have said, the problem is the responsibility of Mr A at the department of Z. It is clear from the responses that the project has not been successful because checks did not occur and monitoring was not actioned.

New respondent: Picking up on that point, checks did actually occur and monitoring was included in the process. The previous response was from Mrs P who wasn't present at the last stakeholder meeting.

Of course, a scrutineer can also be more pro-active and address respondents individually or selecting people from a sub-group of people. Scanning the room and making eye contact with respondents in order to encourage responses, can indicate those who look confused, agitated and those who look as though they have been disengaged. By pinpointing specific respondents from within the group, it keeps the respondents prepared that they will be next in line for questioning; this usually also ensures that responses are thought through and organised. Example:

Scrutineer: Who has responsibility in that department?

(A few respondents motion with their hand)

Scrutineer: Mr K, why is the department failing to meet its targets on this issue?

Respondent: I think that it is because we have failed to see the bigger picture and fallen behind targets for more than four issues. It is also a cyclical issue.

Scrutineer: Mr J, do you agree with Mr K?

Respondent: Quite frankly, no.

Another technique for maintaining engagement is repeating comments made by respondents and 'bouncing' the question back out to the group. This technique effectively allows the group to have a dialogue and debate that could be useful to the scrutineer, however, it may be more appropriate for informative purposes rather than for holding to account and often the chair may need to step in to ensure that the group are staying focused on the relevant issues. Example:

Scrutineer: *(to group)* What things do you think are the *main* problems facing the youth centre in the next five years?

Respondent (1): I believe there are significant issues involving A and B. I think that C and D are not very important. We need to ask what are the key plans for the future?

Scrutineer: *(to group)* What are the key plans for the future?

Respondent (2): The key plans for the future involve resolving funding issues, staffing issues and increasing ICT services. If these things are resolved then we can ask the question; where next?

Scrutineer: *(to group)* So, where next?

3.0 Avoiding unhelpful practice

For every positive and constructive questioning technique there is also a negative and obstructive practice. Often used to trick, trap and lead a respondent through a metaphorical maze, unhelpful questions are one way of hindering the scrutiny process. Although scrutiny is meant to be rigorous, challenging and seek the truth, it would be unfair to deliberately trap and deceive those being held to account. Firstly, one is likely to put off respondents from attending subsequent overview and scrutiny hearings and secondly, one would only hinder the process of collecting valid and accurate information.

Some examples of unhelpful practice are shown below.

→ **Double bind questions**

Double bind questions are particularly unhelpful because they are impossible for respondents to answer without incriminating themselves of some action. By framing the question as a closed question, the other person is only able to agree or disagree. Example;

Scrutineer: Have you stopped lying about the figures?

Answering in the affirmative to this question ('yes') assumes that the respondent has previously lied about the figures, whereas answering in the negative ('no') assumes that respondent is still lying about the figures. The only way to answer this would be to treat the question as an open question or respond with another question:

Respondent: What makes you think I might lie?

or

Respondent: I have never lied about the figures and never will.

→ **Biased questions**

Occasionally questions may have an inbuilt bias towards a particular perspective and if asked in a closed-question format, it leaves the respondent with either the task of tacitly accepting the bias (in which case incriminating oneself with the biases of the scrutineer) or failing to answer the question (which could look like evasion.) Example:

Scrutineer: What do you think about the problems that disabled people are causing?

In this situation, the respondent would have to make it clear that he/she disagrees with the question format and bias before attempting to construct a response.

→ **Leading questions**

There are three distinct types of leading questions that unfairly lead a respondent to a particular answer. These types of question are deliberately designed to make the respondents think in a certain way and be under the control of the scrutineer. In regards to scrutiny, leading questions are particularly unhelpful as information provided as a result of leading questions is likely to follow the scrutineers own biases and perceptions and responses are likely to be highly manipulated by the process. The following examples stand out as unhelpful practice:

Absolute questions

By asking closed-questions which given an extreme option, respondents are almost certain to respond using the least extreme answer as few people would like to be committed to an extreme position. Example:

Scrutineer: Would you say that the finances for department are the healthiest that they have ever been since the council was founded?

Respondent: No.

Assumptive questions

Leading questions often make strong assumptions in questions, similar to double-bind questions, which direct the respondent in the desired area. By assuming a fact within a question, the scrutineer unfairly indicates that this may be the case and may subsequently trick the respondent into accepting the question as a genuine fact. Example

Scrutineer: How much will council tax go up next year?

Even reverting to a weaker leading question, such as the example below, still forces the respondent to think exclusively about rising prices.

Scrutineer: Do you think that council tax will go up next year?

Associative questions

A scrutineer may also unhelpfully use associative leading questions that may directly affect the responses given by those under scrutiny. By stating one's own opinion and emotions, the scrutineer makes it clear what their perspective is and therefore the respondent is unduly influenced. Example:

Scrutineer: I think that the present administration is one of the worst administrations that we have ever seen. Their financial mismanagement has been the talking point at every watercooler from A to B. What do you think about the administration?

The interesting example below shows a weaker leading question;

Scrutineer: Would you prefer to live in the XX ward or in the YY ward, where there have not been any murders in the last week?

The question leads the respondent to think that there has been a murder in the XX ward in the last week, based on the evidence that there has not been a murder in the YY ward in the last week. However, just because there has been no murder in the YY ward in the last week does not necessarily imply that there has been a murder in the XX ward.

→ Terminating statements

A particularly unhelpful practice in questioning is using terminating statements to stop another person from answering. This questioning technique blocks any reply as the respondent's focus is directed more by the final statement than the question itself. This questioning technique creates a situation where the respondent, because they had not interrupted to answer, has tacitly agreed with the scrutineer's statement. Example:

Scrutineer: Is there a right of access for Mr L? I think that it is an impossible initiative to arrange, given the interminable objections from Officer R.

→ **Tag questions**

Tag questions are small additions added to the end of a statement in order to prompt a response. The verb used in the tag question is usually negated and the second element is a pronoun. The tag question is typically used to gain agreement or compliance and turns a claim into a question that is difficult to disagree with. Examples:

Scrutineer: It was inevitable, wasn't it?

or

Scrutineer: They will finish the project, won't they?

or

Scrutineer: That is your responsibility, isn't it?

This type of questioning is relatively unhelpful to scrutineers, because it controls the respondent's agreement on the basis of an assertion.

Case Study:

Worthing Borough Council

The Overview and Scrutiny Panel for Improvement and Scrutiny Reviews undertook a detailed inquiry into street cleaning in order to identify a number of recommendations for improvements to the street cleaning service. As part of its investigation, the panel had received a number of adverse comments about cleanliness from residents that suggested to the members that the town was not as clean as the public would like. Therefore the panel agreed it was important to scrutinise the related issues as part of a review.

Having established the background to the review and gathered evidence to supplement its findings, the Scrutiny Panel decided to question the cabinet members responsible for the environment, resources and the leader of the council prior to producing its full report, in order to discover what the authority was already doing to address the associated issues and gauge the cabinet member's views on the standards and levels of street cleaning in Worthing. Below is an assessment of some of the questions utilised by the panel to uncover information on the topic. Note that questions are sequential and A1, A2, A3 etc are part of the same original question. The scrutineers are anonymised for privacy but our thanks are extended to the members involved in this session.

Question A:

Open question followed with *acknowledgement probe* and *direct probe*

A1) What do you think about the current standard and level of street cleaning in Worthing?

Although this may seem simplistic to say so, this is a two-part and non-leading open question that allows the respondent complete freedom to respond how he/she would wish. This is an ideal and effective way to begin a questioning session as it allows the respondent to give as much information as he/she has about a topic. This question was then followed up with a review question after the respondent had finished;

A2) You say that you go down there, but what about standards in other areas?

This question (A2) uses the 'acknowledgement probe' (see pg 5) and seeks to let the respondent know that the scrutineer has been paying attention. The repetition of the respondent's statement may also hint that the scrutineer would like to know some further details about the visit to the area. The question posited above also uses the 'direct-question probe' (see pg 5) in the second part of the enquiry that is open-ended and allows for an open explanation about cleaning standards in other areas of the borough.

Question B:

Open question followed with *challenge probes* and *puzzling probe*

B1) How do you decide what are sufficient funds for street cleaning?

The question (B1) above seeks an open, free narrative answer regarding the thought processes that go in to deciding the level of 'sufficient funding' for street cleaning. The enquiry is not antagonistic or aggressive and merely seeks to ascertain a step-

by-step guide to the respondent's thoughts. Note that the question does not ask, "what are sufficient funds for street cleaning?" nor "what do you think is a sufficient fund for street cleaning?" By avoiding a direct question about funding, the approach is much less confrontational. Importantly, it is unlikely that the person under scrutiny would be able to specify a notional "sufficient fund" for street cleaning, which shows that the original question is a thoughtful, considered approach.

B2) How are you going to market this?

The follow-up probe to the first question is a 'challenging probe' that seeks to persuade the respondent to prove the concepts behind their argument or point of view. By asking 'how' a respondent will complete an action, it pushes the response to contain an action phrase; for example, "I will do... / we will publicise..." etc.

B3) Why are you spending all of the money on the town centre?

The follow-up query to the initial probe could be considered a 'puzzling' probe, which blatantly includes a false assertion. By declaring that the council is spending *all* of the money on the town centre it prompts the respondent to clarify this statement before reasoning *why* this is the case.

B4) How will you market that?

In a style similar to the inimitable Jeremy Paxman, the scrutineer repeats the earlier probe regarding marketing and yet moves the question from the present to the future tense. The tense shift moves the action from 'now' to 'later' and therefore would be more likely to encourage a direct response to the question. This second 'challenge probe' seeks to obtain an answer that had not been provided by the respondent.

B5) How will you market that?

Unfortunately the respondent had managed to evade a direct response to the challenge and the question is repeated once more. However, the repetition of the same phrase in the same tense finally initiated a response on the topic and proved to be an example of successful challenge.

Question C:

Open question followed with a *direct probe*

C1) What are we doing to make sure that these organisations are working together?

This question at the end of session is another open question that seeks to elicit relatively specific information from the respondents. The question is worded using the first person, which shows that the scrutineer is attempting to effectively bridge the gap between scrutineer and respondent. Using the first person is a helpful technique that can remind those under scrutiny that despite the executive / scrutiny split, everyone is part of the same authority and goals are alike.

C2) What is going to happen?

The session concludes with a direct challenge that seeks to prompt a 'plan of action.' This direct challenge is a popular way to prompt the respondent to give real details and plans of action for the future using the immediacy of the present tense.

To see more of Worthing Borough Council's effective overview and scrutiny, please visit: <http://www.worthing.gov.uk/A-ZofServices/ServicesN-Z/Scrutiny/>

Case Study:

Bedford Borough Council

The Community and Culture Policy Review and Development Committee at Bedford Borough Council met to discuss a range of issues that were under consideration. The topics on the agenda included a forward plan of key decisions, the Bedfordshire and Luton joint health scrutiny committee, the anti-poverty and social inclusion strategy, art gallery and museum audience development, the draft greenspace strategy and the Bedford River Festival. Further to these topics, the committee were also involved in performance management topics towards the end of the session.

Below is an assessment of some of the questions utilised by the panel to uncover information on the topic. Note that questions are sequential and A1, A2, A3 etc. are part of the same original question. The scrutineers are anonymised for privacy but our thanks are extended to the members involved in this session.

Question A:

Closed question followed with a closed direct probe

A1) I wanted to ask about one of the key issues regarding poverty and social inclusion; is Bedford Credit Union involved?

The question above is a courteously worded question that frames a closed-end query. Simple questions like these are helpful to the respondent as they can answer quite simply or expand further on the response. On this occasion the respondent answered the closed-question and then elaborated further on the topic and why it was the case. Interestingly, the scrutineer may have previously known that the Bedford Credit Union was not involved and was attempting to highlight their exclusion through a simple closed question.

A2) How often does the theme group meet?

Another example of a simple, but effective, closed question is demonstrated above in the direct probing query. The scrutineer may know the answer beforehand, but uses the question to raise the issue in front of fellow scrutineers. On this occasion, the respondent answers the closed question and again elaborates further on why it is the case.

Question B:

Positive acknowledgement and direct question followed with challenge probes

B1) I support what you are doing but I do not think that we should ignore the rural areas of XX and I wondered whether you would be involving them?

The above question is an effective way to manage the respondent. Whilst the scrutineer is keen to give praise to the respondent's work, it is followed by an inquiring direct question. By raising the issue of rural areas, the respondent does not lead the respondent, but seeks to obtain some additional information on the topic. The question also uses the first person, in order to reassure the respondent of similar objectives.

B2) How are you going to market these sessions?

The follow-up question mirrors similar probes from Worthing Borough Council and asks how the respondent will provide action using the present tense. The follow-up is a 'challenging probe' that seeks to persuade the respondent to prove the concepts behind their argument or point of view. It could be the case that the scrutineer may have had previous knowledge that the respondent was not going to market the sessions and therefore raised the issue in front of other scrutiny colleagues.

B3) Did you use the newspaper to advertise the event?

The specific closed-ended question probe essentially allows the respondent two replies, either 'yes' or 'no.' The scrutineer may have been highlighting that the event was unsuccessful *because of* the respondents actions, however it is more probable that the scrutineer was using his/her own method to judge whether the respondent was taking the right action. Significantly, the respondent answered the query similar to an open question and refused to be drawn-in by the simplicity of the closed-ended method; this way, the respondent avoids the inevitable follow-up question: "If not, why not?"

To see more of Bedford Borough Council's effective overview and scrutiny, please visit: <http://www.bedford.gov.uk/scrutiny>

Case Study: Salford City Council

The planning sub-group of the Environment, Housing and Planning Scrutiny Committee agreed to look at apartment developments within the city and carry out research to gain a better understanding of the housing market. This is being undertaken by speaking to a sample of property developers within the city, estate agents and representatives from other cities, to identify how they are dealing with the growth in this sector of the market.

Below is an assessment of a series of group questions (to a number of respondents) utilised by the panel to uncover information on the topic. Note that questions are sequential and A1, A2, A3 etc. are part of the same original question. The scrutineers are anonymised for privacy but our thanks are extended to the members involved in this session.

Question A:

Group open question followed by *procuring detail probes, challenging probes, acknowledgment probes and direct probes*

A1) Which apartments are the most popular developments in the city?

This question is an effective starting open-ended question that allows any respondent in the group to jump in and begin to respond. One of the respondents picked up on the question and began to answer the query.

A2) Can I ask what Developer A's view is please?

Once the initial respondent had finished speaking, the scrutineer made it clear that he/she would like to ascertain the views of another member of the group. This is an effective practice when addressing a group and directs the scrutiny topic onto relevant points from relevant people. This practice is also useful to keep the attention of the other respondents in the room, as the scrutineer is willing to pick respondents at random to answer a question. In these two initial questions, the scrutineer has managed to successfully steer the group and maintain interest.

A3) With the XX development, does the location of the apartments and the proximity to ZZ affect the development?

The follow-up question above is seeking to procure details from the responses that he/she has received so far. This question is useful as a summary of the points just raised and it tests understanding of the topic so far.

A4) And the location is secondary?

The scrutineer, in the above acknowledgement probe, repeats some information provided by the previous respondent. By repeating the information as a question, the scrutineer has then opened up this particular point to the entire group. This is a useful technique to control the topic being discussed in the group and again keeps the attention of those participating in the session.

A5) Mmm.

Although not specifically a question, the general tone of the above quote was agreement. By the scrutineer answering a respondent with an acknowledging agreement it prompts the respondent to either continue on the same track or another respondent to add a different perspective to the dialogue. Although it is a simple technique and often not pre-planned by the scrutineer, a simple acknowledgement can prove to be a helpful aide to those conducting questioning.

A6) Which apartments are the most popular developments in the city?

The scrutineer then subtly reverts back to the original question (A1) in its entirety and puts this out to the group. This 'bouncing' of the question back out to the group successfully allows the group to have a continued dialogue and debate that could be useful to the scrutineer. It also allowed for a fresh perspective from another member of the group who may have completely disagreed with the original response (and subsequent line of questioning.)

This type of group questioning at Salford City Council was very effective at the meeting and allowed for a great deal of evidence collection. To see more of Salford City Council's effective overview and scrutiny, please visit:

<http://www.salford.gov.uk/council/scrutiny>

Case Study:

House of Commons Public Administration Select Committee

The House of Commons Public Administration Select Committee is chaired by Dr Tony Wright MP and consists of eleven members of Parliament distributed on house party balance. This year the select committee undertook an inquiry looking at how public services can learn from the experiences of those that receive and use them. The following questions were taken from the session when the committee questioned Bernard Herdan, the author of a recent review of the Charter Mark, Professor Patrick Dunleavy of LSE and Philip Cullum of the National Consumer Council on how government bodies can learn from complaints and improve their complaint handling.

Question A: Leading the respondent

A1) Do you not think that something such as an ISO standard, which is internationally recognised and therefore easily understandable and transferable to different organisations, would be much more beneficial to the public sector?

This question posited by one of the members of the committee could be considered a leading question, which both asks a question and explains the answer within the same enquiry. For example, raising the ISO standard itself could be considered as leading the respondent (who may have thought about other international standards) but the scrutineer goes further by highlighting positive points about the system. Leading the respondent in this way effectively informs the respondent rather than questioning him/her.

Question B: Are they happy?

B1) Is it motivating for the staff to belong to an organisation that has a Charter Mark?

This closed-ended question has very little scope for reply, other than responding in the affirmative or negative. The question is also leading the respondent by the mere suggestion that the staff would be motivated (without providing a comparable antonym) by the Charter Mark. Expectedly, the respondent does answer with a 'yes' but also elaborates on the answer with more detailed information.

B2) Those 400,000 people in the 1,500 organisations with Charter Marks, they are happy people?

The follow-up question to the original question is far more effective and helpful to the scrutineer. The question includes information that had been previously used by the respondent (400,000 people and 1,500 organisations) and asks if they are happy people. Although one could still argue that the use of 'happy' in the question does lead the respondent, the question has backtracked to one of the respondent's previous answers to use in a later question.

B3) Does that mean they are happy in their work?

The respondent fails to respond adequately the first probing question and thus the second probe repeats the first challenge more effectively by phrasing the query as a separate question. At this point the respondent answers the question more comprehensively.

To see more examples of scrutiny from the House of Commons select committees, please follow the link:

http://www.parliament.uk/parliamentary_committees/parliamentary_committees16.cfm

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Overview and Scrutiny Work Programme – 2008/09 – August 2008

OVERVIEW and SCRUTINY COMMITTEE			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
Appointment of Standing and Task and Finish Panels Memberships		Completed on 5 June	05 June 2008 10 July 2008
Provision of Youth Services within the District	10 July 2008	Completed July 08 - Lonica Vancly (who is the local officer responsible for youth provision in the District) attended the July meeting to discuss this issue.	
Scrutiny of Cabinet Forward Plan	10 July 2008	Completed in July 2008	
O&S Six monthly Review	6 November 2008		
To review the strategic direction of Epping Forest College, its vision for the future and its relationship with the community.	29 September 2008		
Scrutiny of Epping Forest Local Strategic Partnership – Chairman and Member level EFDC representatives	December 2008	Representatives of the Partnership to report on an annual basis.	
To conduct a review of O&S in January 2009	January 2009	To conduct a complete review of the O&S process.	
Budget report	January 2009		

Items not yet allocated to a meeting			
North West Essex PCT – Proposal for Joint Scrutiny Review		An officer meeting has been arranged in September at Harlow.	28 August 29 September
District Transport in Rural Areas		Responses to this survey have been submitted.	06 November 11 December
To ask the County Portfolio holder to talk to the committee about the rural bus service.			29 January 2009 5 March 16 April

Standing Panels			
Constitution and Member Services Standing Panel			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
Government Consultation document – Date of European Elections		To go to the August 2008 Overview and Scrutiny Committee	08 September 03 November 12 January 2009 06 April
Elections – May 2008 views of the Constitution and Members Services Standing Panel		To go to the August 2008 Overview and Scrutiny Committee	
Housing Standing Panel			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
No reports due to be submitted to this OSC			03 July 2008 09 October 08 January 2009 26 March

Safer, Cleaner, Greener Standing Panel			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
No reports due to be submitted to this OSC			
			24 June 2008 2 September 21 October 9 December 24 February 2009 21 April

Finance and Performance Management Standing Panel			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
No reports due to be submitted to this OSC			
			17 June 2008 19 August 11 November 13 January 2009 10 February 31 March

Planning Services Standing Panel			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
		No reports due to be submitted to this OSC	19 June 2008 15 July 09 September 18 November 06 January 2009 12 February 13 April

Task and Finish Panels			
Leisure Services			
Item	Report Deadline / Priority	Progress / Comments	Next Meeting
No reports due to be submitted to this OSC			TBA

Customer Transformation Task and Finish Panel			
Item	Report Deadline / Priority	Progress / Comments	Next Meeting
No reports due to be submitted to this OSC			TBA