



Epping Forest District Council

CONSTITUTION AND MEMBERS SERVICES SCRUTINY STANDING PANEL

Monday, 30th June, 2008

Place: Committee Room 1

Room: Council Chamber

Time: 7.30 pm

Democratic Services Officer I Willett - The Office of the Chief Executive
Tel: 01992 564243 Email: iwillett@eppingforestdc.gov.uk

Members:

Councillors Mrs M McEwen (Chairman), R Morgan (Vice-Chairman), Mrs P Brooks, J Demetriou, Ms J Hedges, J Markham, J Philip, B Rolfe, Mrs M Sartin, D Stallan and Mrs J H Whitehouse

1. APOLOGIES FOR ABSENCE

2. NOTES OF THE LAST MEETING - 28.4.08 (Pages 5 - 8)

Attached.

3. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

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

4. DECLARATION OF INTERESTS

(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. TERMS OF REFERENCE / WORK PROGRAMME 2007/8 AND 2008/9 (Pages 9 - 12)

(Chairman/Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Panel.

The OSC is about to formulate next years OS work plan incorporating a programme for this Panel. In view of this, the Panel may wish to consider the attached drfat work plan for 2008/9 and whether there are any other items should be added.

A copy of the 2007/8 work plan is attached for information .

6. REVIEW OF ELECTIONS 2008 (Pages 13 - 26)

To consider the attached report.

7. GOVERNMENT CONSULTATION DOCUMENT - MOVING THE DATE OF THE 2009 LOCAL ELECTIONS (Pages 27 - 48)

To consider the attached report.

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

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

9. FUTURE MEETINGS

Constitution and Members Services Scrutiny Standing Panel

Monday, 3

The next programmed meeting of the Panel will be held on 6 June 2006 at 7.30 pm in Committee Room 1 and then on:

- 7 August 2006
- 10 October 2006
- 04 December 2006
- 8 February 2007
- 2 April 2007

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**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY
STANDING PANEL
HELD ON MONDAY, 28 APRIL 2008
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.30 - 9.00 PM**

Members Present: , R Morgan (Vice-Chairman), D Jacobs, J Markham and T Richardson

Other members present:

Apologies for Absence: R Church, Mrs M McEwen, B Rolfe and D Stallan

Officers Present J Akerman (Chief Internal Auditor) and I Willett (Assistant to the Chief Executive)

23. CHAIRMAN FOR THE MEETING

RESOLVED:

That, in view of the absence of the Chairman of the Panel, Councillor R Morgan (Vice Chairman) would chair the meeting.

24. NOTES OF THE LAST MEETING

Agreed subject to the addition of Councillor J Markham to the list of members giving apologies.

25. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that no substitutes had been appointed for this meeting.

26. DECLARATION OF INTERESTS

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

27. TERMS OF REFERENCE / WORK PROGRAMME

The Panel noted the Terms of Reference agreed by the Overview and Scrutiny in respect of this Panel.

It was noted that, in relation to the work programme for the current Council year, the completion of business at this meeting would mean that the Council had achieved its entire work programme within the year.

28. REVIEW OF OFFICER DELEGATIONS 2007/8

The Panel considered a report from the Assistant to the Chief Executive detailing the results of the annual review of officer delegations. This review had been conducted by a cross-service working party of officers and had focussed on experience during the last year which necessitated changes. The Panel noted that this was the last

year in which the review of delegations would be conducted in this way as, with the change in the law under the Local Government and Public Involvement in Health Act 2007, the delegated authorities relating to Cabinet matters would in future be solely a matter for the Leader of the Council. It was noted that some delegations relating to non-Cabinet items would still be submitted to a Council meeting for adoption.

The Panel also received a report highlighting the most significant changes in the officer delegations, having noted that a large number of changes were required as a result of the recent service restructurings which had changed post to service directors and the various functions for which they were responsible.

The Panel agreed the proposals put forward by officers and accepted a change to the delegation relating to licensing (a function which was now divided between the Directors of Environment and Street Scene and Corporate Support Services) whereby the former would be delegated for both Appendices 1 and 2 and the latter solely for Appendix 2.

The Panel also reviewed proposals from the Director of Planning and Economic Development for changes to officer delegations in respect of planning applications relating to call-in by members of the Council, references to Committee and response to observations made by Town and Parish Councils and minor applications for consent on its own property. The Panel supported the approach of introducing a four-week time limit for call-ins from members of the Council so as to assist in proper report preparation for Area Plans Sub Committees and also agreed that minor applications affecting the Council's own properties should be delegated to officers in future without the necessity to bring them to Committee. In respect of observations received from Town and Parish Councils it was agreed that revised delegations should not require such observations to be referred automatically to Committee if the comments made were not pertinent to the planning merits of the particular case.

It was agreed that these changes to delegations might assist in achieving marginal improvements in the turnround time for planning applications and that they should be monitored over the coming year and reviewed again by the Council.

RESOLVED:

That a report be submitted to the Council in accordance with the delegated authority already granted by the Overview and Scrutiny Committee as follows:

(a) that the proposed revisions to officer delegation outlined in this report be approved and incorporated in the Council's Constitution;

(b) that, once the Council has approved the changes, the format of the schedule be altered to create two new schedules as follows:

(i) Executive Functions – for approval by the Leader of the Council in compliance with the Local Government and Public Involvement in Health Act 2007; and

(ii) Council/Regulatory Functions – for approval by the Council;

(c) that these arrangements be put in place for the next annual review of officer delegation;

(d) that, over the forthcoming year, each of the new formats set out in (2) above be restructured to provide a list of delegation for each Chief Officer based on statutory and non-statutory delegated powers; and

(e) that the revised officer delegations in respect of planning applications (Reference P4) be reviewed as part of the next annual review.

29. REVIEW OF CONTRACT STANDING ORDERS 2007/8

The Panel considered a report of the Assistant to the Chief Executive summarising the findings of an officer review of Contract Standing Orders which also made recommendations as to changes thought necessary. The report outlined the significance of those changes and drew attention to the fact that a number of minor drafting changes had been necessary as a result of the recent restructuring of services.

The attention of the Panel was drawn particularly to a revised Contract Standing Order C33 (Land Transactions). The Panel noted that currently Contract Standing orders provided for disposals of land to be dealt with in exactly the same manner as any other contract, namely sealed bid tenders with a return deadline with secure custody and opening arrangements. The report drew attention to concerns which had been expressed as a result of a large land disposal at Langston Road, Loughton which had where it was felt that a different tendering regime might have resulted in a greater capital receipt for the Council. The new Contract Standing Order therefore included a wider range of disposal methods which could be used subject to the Council's professional advisers recommending to either the Cabinet or a Portfolio Holder based on the prevailing market conditions.

It was noted that the suggestion was that officers should be able to deal with land disposals where the pre-valuation estimate was up to £50,000, in the range £50,000-£250,000, that Portfolio Holders should be able to consider and determine the appropriate disposal methods but that any pre-valuation estimate of over £250,000 should be a matter for Cabinet report and decision.

The Panel supported the proposed revisions to Contract Standing Order C33 and the remaining changes proposed.

RESOLVED:

That in accordance with the authority granted by the Overview and Scrutiny Committee, a report be submitted to the Council recommending that the proposed revisions to Contract Standing Orders as set out in the Appendix to the report submitted to this meeting be approved and incorporated in the Council's Constitution.

30. REVIEW OF FINANCIAL REGULATIONS - 2007/8

The Panel considered a report of the Assistant to the Chief Executive concerning the latest review of financial regulations. The Panel noted that these regulations largely governed the activities of officers from the point of view of good financial management and corporate governance and that the number of changes being proposed as a result of this review was relatively restricted.

The Panel noted that reference had been included in the new regulations to the Audit and Governance Committee which had been established in the last year and also to the Council's new external funding policy which had been cross-referenced in Appendix F to the document.

The Panel gave particular attention to proposals to amend Appendix E to Financial Regulations concerning the writing-off of bad debts. The Panel noted that the current limit for decision under delegated authority by the Director of Finance and ICT was for individual debts of up to £1,000. The officer review had highlighted the fact that this meant a very large number of write-offs had to be submitted to the appropriate Portfolio Holders for decision. Account had also been taken of practices in other authorities where, in general terms, there seemed to be a higher threshold for officer decisions. In view of these two factors, the Panel were asked to consider increasing the limit for write-offs by the Director of Finance and ICT to £2,500.

The Panel supported this proposal and in view of the practices operated in other authorities asked that the operation of this new delegation should be monitored over the next year and brought back for consideration at the next review.

RESOLVED:

That, in accordance with the delegated authority granted by the Overview and Scrutiny Committee, a report be submitted to the Council recommending that the proposed revisions to financial regulations as set out in the Appendix to the report submitted to this meeting be incorporated in the Council's Constitution.

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

It was agreed that no items required report from this meeting.

32. LAST MEETING OF THE PANEL

The Vice Chairman of the Panel thanked members and officers who had supported their work during the year for their attendance and contributions.

33. FUTURE MEETINGS

The Panel received a schedule showing the meeting dates for the next council year. The Panel noted that the next meeting was due to be held on 30 June 2008 at which a new work programme would be submitted.

Constitution and Member Services Standing Panel			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(1) Review of May 2007 Elections	21 June 2007	Completed on 21 June 2007	See 2008/9 calendar
(2) Review of Protocol on Outside Organisations	11 October 2007	Completed - on 11 October 2007	
(3) Cabinet operations in Emergency Situations	11 October 2007	Completed - on 11 October 2007	
(4) Review of Polling Stations	11 October 2007	Completed on 11 October 2007	
(5) Local Government White Paper: Changes to OS (including Community Call for Action) Electoral Cycle Local Strategic Partnerships Executive Functions		Completed Report on Whole Council Elections agreed at Council on 19 Feb 08. Reports on Executive to be considered by the Council on 22 April 08 Further reports on Overview and Scrutiny will be made when government regulations available as part of next year's work programme. Completed - on 11 October 2007	
(6) OS Review Seminar - 18 September 2007	11 October 2007	Completed - on 11 October 2007	
(7) Determination of Members' Planning Applications	11 October 2007	Completed - on 11 October 2007 Report to be submitted to Full Council in December 2007	
(8) Cabinet Committees	11 October 2007	Completed - on 11 October 2007 Report to be submitted to Full Council in December 2007	
(9) Communications and access to information both within this Council and between other Authorities.	20 November 2007	Completed by the Panel on 20 November 2007	
(10) Review of meeting cycle of Area Plans Sub Committees	20 November 2007	Completed Report submitted to the OSC which asked for a further report	
(11) Member Training Review	4 March 2008	Completed To be reported to the OSC meeting on 10.4.08	
(12) Annual Review of Contract Standing Orders/Financial Regulations and Officer Delegation	28 April 2008	Completed Review adopted at Annual Council meeting 2008	

Constitution and Member Services Standing Panel

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(1) Review of May 2008 Elections	30 June 2008		As indicated.
(2) Response to Government Consultation Document on the date for Local Elections in 2009.	30 June 2008	For consideration at this meeting For consideration at this Meeting	
(3) Review of Contract Standing Orders – Engagement of Consultants & Tendering Limits	8 September 2008		
(4) Review of Constitution – Local government etc Act 2007 (a) the Cabinet (b) other matters	3 November 2008	Timing of this review may be influenced by the publication date for relevant Government regulations.	
(5) Review of Civic Ceremonial Functions (including civic aspects of Annual Council meeting)	3 November 2008		
(6) Member Training Review	12 January 2009		
(7) Annual Review of Financial Regulations and Officer Delegation	12 January 2009		
(8) Annual Review of Contract Standing Orders	6 April 2008		

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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 Upland
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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APPENDIX 1

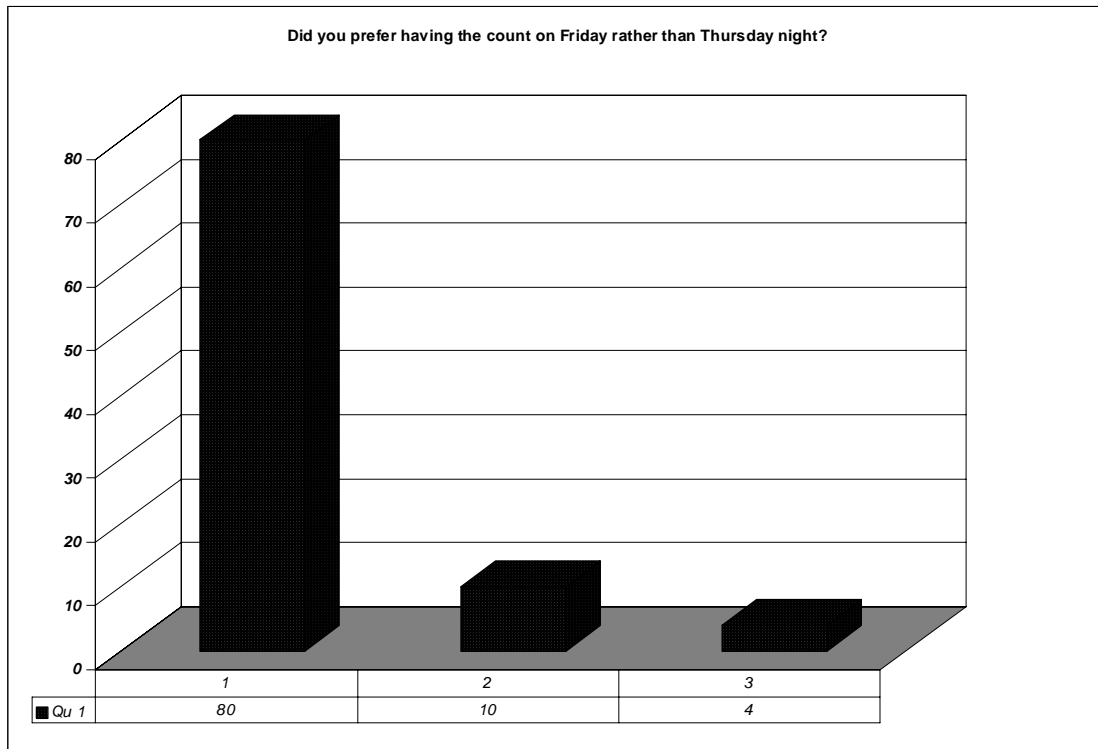
STAFF SURVEY – THURSDAY OR FRIDAY COUNTS?

		YES	NO
1	If you worked at the elections this year or last year, did you prefer having the count on the Friday rather than the Thursday night? If you answered “yes”, please tell us why in the space below.		
2	If we hold the count on a Thursday night straight after polling starting at 10pm, would you volunteer to help?		
	If you ONLY volunteer to count, that’s it, no more questions to answer, thank you very much. If you volunteer to help on polling day as well please answer questions 3 - 7		
3	Having worked all day on the polling station (15 hours), would you still volunteer for the count if it was held on the Thursday night?		
4	Having worked all day on the polling station, would you be more inclined to volunteer if the count is on the Friday?		
5	If the count was held on a Thursday and we were required to have separate staff for polling station duties and the count, which would you volunteer to do: Polling station Count		
6	If we keep the count on Friday, would you still be prepared to work on both days?		
7	Finally, to recap which of the following scenarios would prefer?		
	Polling 7am-10pm Thursday/count Friday		

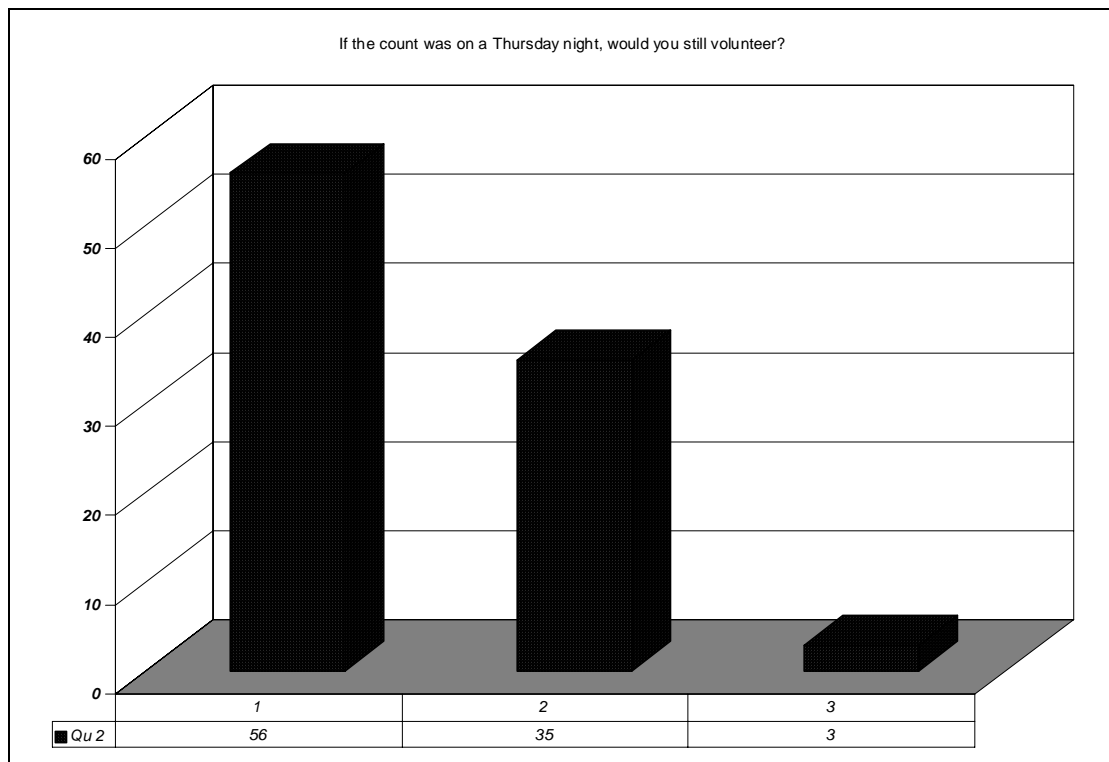
	Polling 7am-10pm Thursday/count Thursday night		
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Thank you for your help.

APPENDIX 2

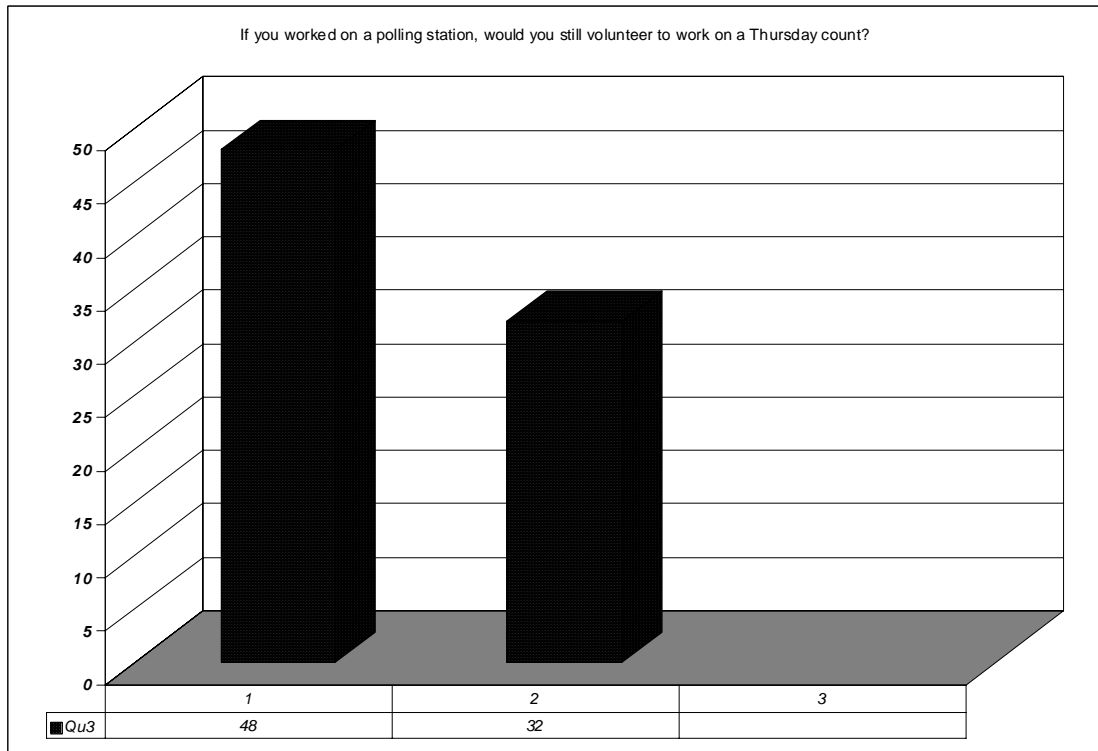


There was overwhelming support for holding the count on a Friday.

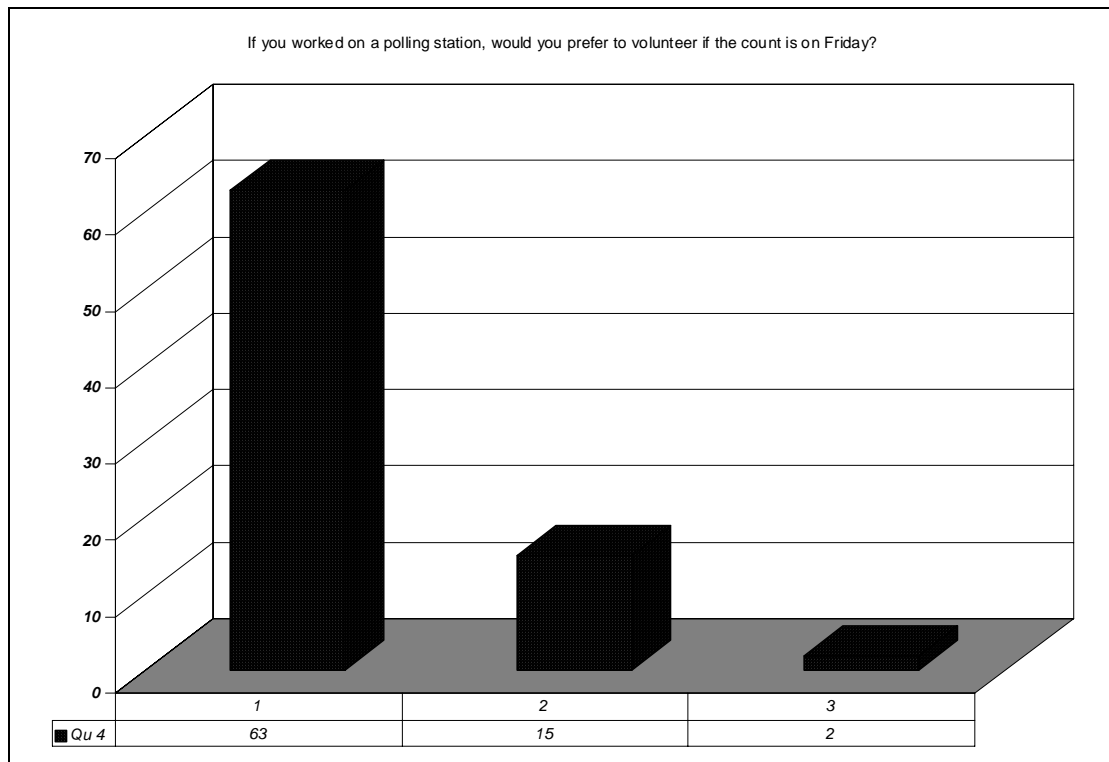


This graph shows that 35 people who counted on a Friday, would not volunteer to count on a Thursday night. That's nearly half of volunteers. All of the people who volunteered to count were given appointments and so it would prove difficult to fill all the places available if the count were held on a Thursday. Several people indicated that they answered "yes" to the question because they were worried that, if they answered "no", it would, in some way, affect their chances of being appointed in the future. If the decision was made

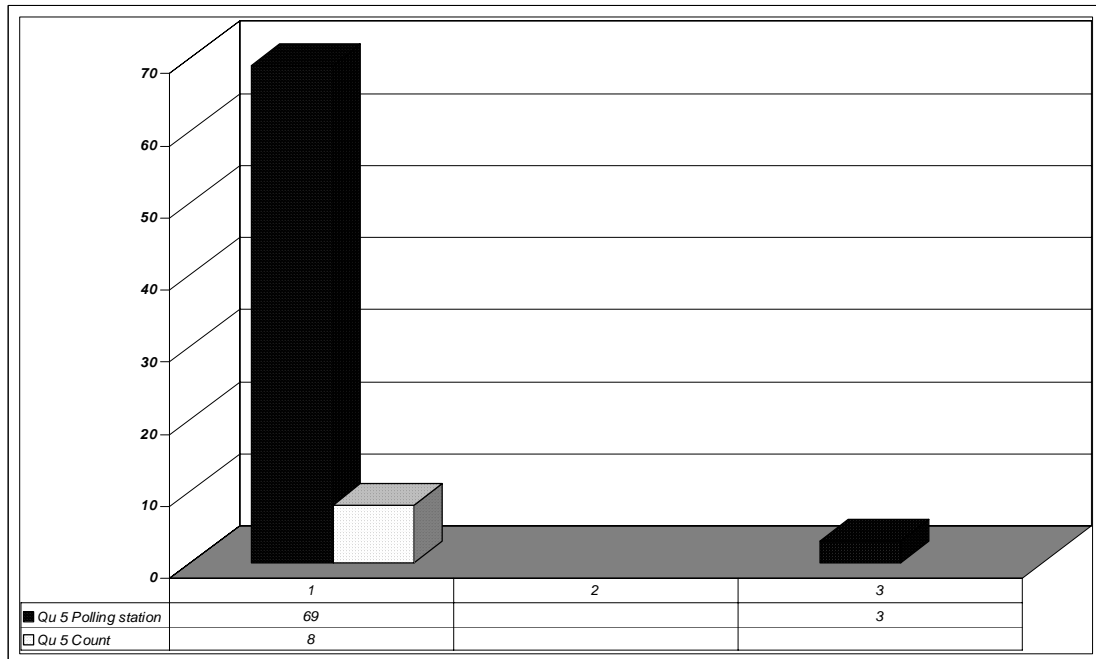
to count on a Thursday, it may be that even more people decide not to volunteer than the graph shows.



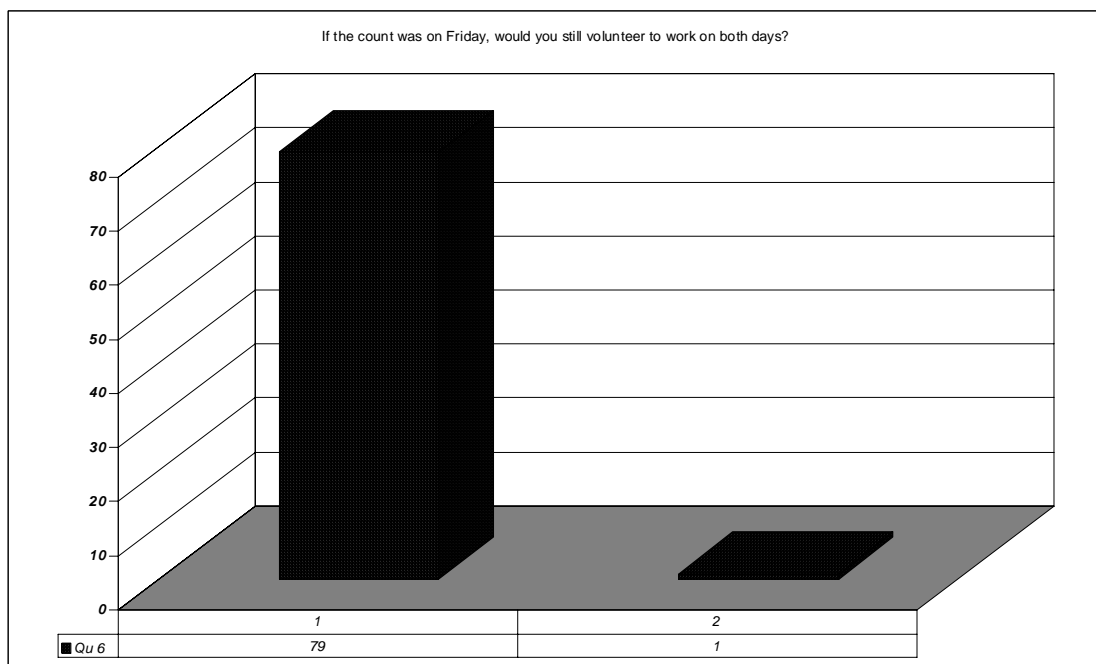
The graph reiterates question 2 but this was restricted to those who worked on polling day too. It would be extremely worrying to “lose” so many count volunteers just because of the timing of the count.



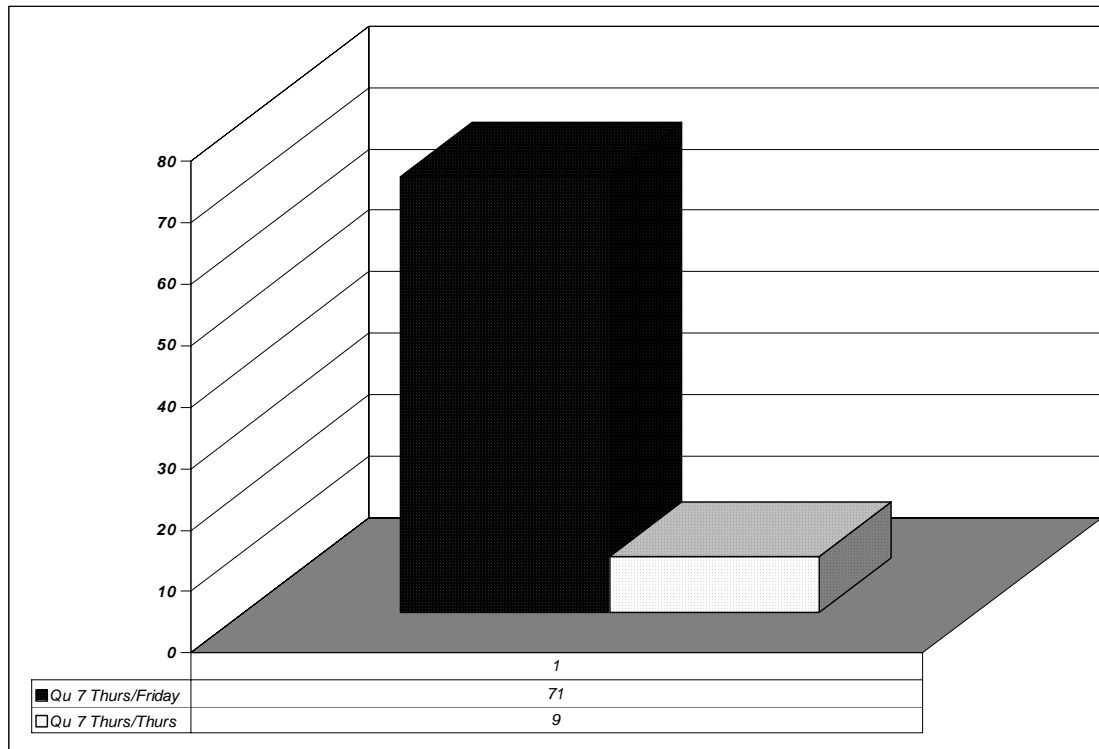
This graph is a better reflection of staff feeling. Those that said “no” had varying reasons – e.g. could not take extra time off work, preferred to do everything on the one day, two long days was too much so wouldn't volunteer for both again.



Staff were asked to decide if there were separate staff for polling duties and the count, which would they choose. It is very clear what their preference is although many said they would be upset if such a strategy was implemented as they like doing both parts of the process. Comments ranged from “poll clerk/presiding officer pays more so I would choose that”, “we can work during the day then go home to bed” to “my husband can look after the kids while I do the count”. 3 people indicated they didn't have a preference.



Only one person indicated they would not volunteer to work on both days if the count remained on the Friday giving an overwhelming endorsement from staff of the Returning Officer's policy.



The scenario of polling on Thursday and counting on Friday was the definite choice of the staff polled.

Report to the Constitution and Member Services Standing Scrutiny Panel

Date of meeting: 30 June 2008

**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) To consider the attached Government consultation document on deferring the date of the 2009 County Council elections from 7 May to 4 June 2009, the latter being the same date as the European election; and**
- (2) To make a recommendation to the Overview and Scrutiny Committee on a response on behalf of the Council.**

Report:

- ...
1. A copy of a Government consultation document on the desirability of synchronising the County and European elections in 2009 is attached. 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. The arguments for this proposal are set out in paragraphs 8-14. Some reservations expressed are set out in paragraphs 19-25. Reference to the practical issues involved are highlighted in the document. The approach now being canvassed 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). In organisational terms, concurrent elections are a regular occurrence and although leading to more complexity, offer economies of scale which are favoured by Government. Practical considerations are probably secondary to the issue of principle involved.
 4. 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. The questions the Council is asked to answer are set out in paragraph 28. The closing date for comments is 11 August 2008.
6. The Panel should note that the references to Parish/Town Council elections will not apply in this District in 2009 unless there are parish bye-elections.
7. The Panel will also note forthcoming consultation on weekend voting.

G:\C\O&S CONSTITUTIONAL AFFAIRS\GOVERNMENT CONSULTATION DOCUMENT - 30 JUNE 2008

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

Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 020 7944 4400
Website: www.communities.gov.uk

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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.

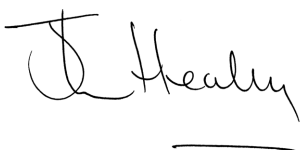
We took powers in the Local Government and Public Involvement in Health Act 2007, enacted last Autumn, which enable us, by order, to move the 2009 local elections – predominantly the county council elections, to coincide with the date of the European elections. We now need to decide whether or not to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