

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Constitution and Members Services     **Date:** Monday, 12 January 2009  
Scrutiny Standing Panel

**Place:** Committee Room 1                                     **Time:** 7.30 - 10.25 pm

**Members Present:** Mrs M McEwen (Chairman), R Morgan (Vice-Chairman), Mrs P Brooks, J Markham, J Philip, B Rolfe, Mrs M Sartin, D Stallan and J M Whitehouse

**Other Councillors:** K Angold-Stephens, Mrs R Brookes and Mrs D Collins

**Apologies:** Ms J Hedges and Mrs J H Whitehouse

**Officers Present:** I Willett (Assistant to the Chief Executive), J Akerman (Chief Internal Auditor), J Dixon (Learning & Development Advisor), S G Hill (Senior Democratic Services Officer), N Robinson (Young Persons Officer) and M Jenkins (Democratic Services Assistant)

**Also in attendance** Youth Councillors C Gilbert and H Whitbread

---

### 35. NOTES OF THE LAST MEETING

#### RESOLVED:

That the notes of the last meeting of the Panel be agreed, subject to the following amendments to Minute 31:

- (a) the eighth paragraph being amended to clarify that, in order to aid the recognition of the Chairman at events where the Chair of Office was not being used, a special badge should be worn;
- (b) clarification of recommendations (3) and (4) to indicate the Panel was happy with the current civic programme, subject to any new ideas which each Chairman might suggest.

### 36. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that Councillor J Whitehouse was attending the meeting as a substitute for Councillor Mrs J Whitehouse.

### 37. DECLARATION OF INTERESTS

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

### 38. TERMS OF REFERENCE / WORK PROGRAMME

The Panel was informed that Item 13 of the Work Programme, "Mayors – Revised Arrangements for Petitions," would have to be dealt with by 13 March 2009. The consultation document was therefore being published in the Bulletin and if there were any responses from members these would be sent to the Government.

**Constitution and Members Services Scrutiny Standing Panel  
Monday, 12 January 2009**

**39. MINISTRY OF JUSTICE CONSULTATION - LOWERING OF THE VOTING AGE TO 16**

The Assistant to the Chief Executive, Mr I Willett, presented a report to the Panel, regarding the Youth Commission Consultation Document "Old Enough to Make a Mark," the consultation explored whether the voting age should be lowered to the age of 16. Consultation on the document was open until 20 January 2009.

Currently, a person must be 18 years of age or older, before they can vote. However, different minimum ages of responsibility were identified in legal terms. The Youth Commission document had drawn attention on engaging young people with the electoral process and the part played by citizenship education in schools which had been operating since 2002.

The Consultation Document contained eight questions concerning lowering the voting age and its possible implications. The Youth Councillors had considered the consultation document at the Full Youth Council on 6 January 2009, their answers were tabled at the Panel meeting. The Panel had invited two Youth Councillors to speak to the members, they were Claire Gilbert and Holly Whitbread.

The Youth Councillors felt that there was a keen interest in politics from young people. However, the media and public perception of them was often negative. The Youth Councillors were concerned that by not lowering the voting age, young people would not have a say over affairs that affected them. The Panel members were impressed by the Youth Council, however there was feeling that the Youth Council did not reflect how many teenagers felt about politics, they felt that young people, in many cases, were not necessarily mature enough to take political decisions. The members believed in citizenship initiatives in schools and said that more education on political issues in school would be good. Following the initial discussion with the Youth Councillors, there was further discussion among the members on the 8 questions from the consultation, they answered the questions as follows:

**1. Do you think the voting age should be lowered?**

**Panel Response** - The proposal assumes a level of maturity among the 16 to 18 year old age group which members were not convinced was the case. There was also concern that changing this aspect of the law on legal responsibility did nothing to resolve the contradictions in other areas.

**2. Do you think the voting age should remain at 18?**

**Panel Response** - See points raised re: question 1.

**3. Do you think the age of voting should be lowered to 16 in all elections?**

**Panel Response** - The Panel felt that there should be a consistent minimum voting age for all elections and that the age should be 18.

**4. Do you think the voting age should only be lowered in local elections?**

**Panel Response** - The Panel did not distinguish between different types of elections. There should be consistency of approach to all elections.

**5. Do you think lowering the voting age might encourage young people to take part in elections?**

**Constitution and Members Services Scrutiny Standing Panel  
Monday, 12 January 2009**

**Panel Response** - The Panel was unable to find any evidence that this was the case.

**6. If the voting age were to be lowered, what measures should the government take to ensure young people register and exercise their right to vote?**

**Panel Response** - More citizenship teaching in schools to forge awareness of the democratic process at an early stage. Councils and Returning Officers should contribute to this.

**7. What more can be done to encourage new electors to vote?**

**Panel Response** - The Panel felt that more voters would take part in the democratic process if local authorities were less constrained by Central Government. Votes would then be perceived as making a difference.

**8. What other issues may arise if the voting age is lowered to 16?**

**Funding & Administration of Electoral Registration:**

**Panel Response** - The initial process of registering this age group for voting will occasion additional work and require new resources. The Government should recognise this need at the outset and ensure that the additional resources are ring fenced to this purpose and not lost in the total support grant.

**Administration of Elections:**

**Panel Response** - Turnout among 16 to 18 year olds may mirror low turnouts already being experienced among the 18- 25 year group. This may adversely affect overall voter turnout at elections.

**Education, Advice and Information for Young People:**

**Panel Response** - With this age group, Returning Officers and Registration Officers will need new ways of reaching voters. Material aimed at older age groups will probably not suffice and there need to be links with schools to achieve this.

**RECOMMENDATION:**

That the Chairman be authorised to approve the response of the Panel to the Ministry of Justice Consultation, and to forward this to the Youth Commission.

**40. REVIEW OF OVERVIEW & SCRUTINY**

The Panel discussed the Review of Overview and Scrutiny. District Councillors had been asked to submit their ideas on operational matters regarding the scrutiny system.

Responses from Councillor Mrs J Whitehouse and J Whitehouse were tabled at the meeting.

The following was recommended by the Panel from Councillors Mrs J Whitehouse and J Whitehouse's responses:

**RECOMMENDATIONS:**

**Constitution and Members Services Scrutiny Standing Panel  
Monday, 12 January 2009**

- (1) That procedures should be emplaced to decide which witnesses and outside speakers should come to the Overview and Scrutiny Committee; and
- (2) That improvements be made to the current system for asking questions of Portfolio Holders; and
- (3) That improvements be made to the current system of asking for presentations and questions at Overview and Scrutiny; and
- (4) That more information on Scrutiny Panels, be presented to Overview and Scrutiny; and
- (5) That better training for Chairmen and Members of Scrutiny Panels be formalised; and
- (6) That better engagement with the community be achieved through Panel members making their own reports based on meeting the general public; and
- (7) That the scope of scrutiny be currently maintained, whilst improving the system where appropriate; and
- (8) That more representations be made to the Panel from members of staff, to scrutiny; and
- (9) That improvements be made to the quality of reports to scrutiny and greater consistency be achieved in the quality of minutes; and
- (10) That scrutiny be concentrated on the District Council's performance, and not on consultation documents; and
- (11) That more preparation surrounding presentations be undertaken, giving members a clearer view of the objectives and follow ups.

**41. ANNUAL REVIEW OF CONTRACT STANDING ORDERS**

The Assistant to the Chief Executive Mr I Willett, presented a report to the Panel on the Review of Contract Standing Orders. Each year the Council reviewed its Contract Standing Orders with a view to reflecting changes in the law or operational matters regarding interpretation and good governance. The report submitted the results of the 2008/09 review.

**(a) Contract Standing Order CSO C1 (Authority for Contracts)**

There had been one occasion when officers using the Essex Procurement Hub System had not obtained the relevant member authority for the acceptance of quotations or tenders. A new paragraph was suggested stipulating that Chief Officers ensure that whichever procurement method was selected, there was suitable authority from a Portfolio Holder or from the Cabinet, in accordance with value thresholds for contracts. This meant that Contract Standing Orders still applied in relation to member authority to accept tenders when the Hub had been used.

**(b) CSO C1 – (District Council Works Organisations)**

**Constitution and Members Services Scrutiny Standing Panel**  
**Monday, 12 January 2009**

A further amendment was required to emphasise that where Chief Officers were using the Council's own Works organisation, it was not necessary to obtain competitive quotations and tenders. However it was considered that procuring the service in another way could be considered if there was a value for money reason.

**(c) CSO C15 – (Publication of Tender Information and Local Businesses)**

There had been occasions when tenderers had not fully appreciated that, by submitting tender documents, they were potentially placing the information in the public domain. The amendment stipulated that tender documents would point out that tender details could be published in public agendas or in the minutes from Council meetings and be subject to Freedom of Information Act requests.

A second addition reflected the decisions of the Council from October 2008 to assist, wherever possible, local businesses. It was proposed that a statement to encourage main contractors to do everything possible to pay invoices promptly should be included in tender documents.

Addition to 40 (c) – This would include reference to the Council's own policy of paying invoices from local businesses within 20 days and requesting details of tenderers' policy in this regard, the latter to form part of the tender assessment.

**(d) CSO C34 – (Land and Property Transactions)**

Currently, the Director of Corporate Support Services was authorised to negotiate, agree terms and complete any lease, assignment, underletting, change of use or alterations to premises, provided that it represented a rental or premium not exceeding £25,000. This had proved very difficult to operate as most transactions were considerably greater than the £25,000 limit. It was proposed to amend the Contract Standing Order by making the limit of the delegated authority £25,000 per annum but subject to the following conditions:

- (i) an overall limit of £250,000 (or 10 years) for a single transaction, this being calculated over the length of the term; and
- (ii) consultation between the Director of Corporate Support Services and the relevant Portfolio Holder as to who should make the decision if the transaction involved a material change of use or conflicts with any other Council policy.

The current Contract Standing Order resulted in only a small number of relatively minor transactions being dealt with under delegation being those which were less than the present limit of £25,000. The result was that routine estates transactions had to be referred to the Portfolio Holder.

**RECOMMENDATIONS:**

- (1) That, Contract Standing Order CSO C1 be amended by the addition of a new sub-paragraph (13) as follows:

“(13) Chief Officers are required to ensure that, whichever procurement method is selected, they obtain the appropriate approval from a Portfolio Holder or the Cabinet in accordance with the value thresholds for contracts as set out in these Contract Standing Orders.”

- (2) That, CSO C1 be amended by the addition of a new sub-paragraph (14) as follows:

**Constitution and Members Services Scrutiny Standing Panel**  
**Monday, 12 January 2009**

“(14) The provisions of Contract Standing Orders relating to competitive quotations or tenders and use of the Essex Procurement Hub shall not apply to the procurement of goods or services from its own works organisations or equivalent unless in the opinion of the relevant Head of Service there are clear value for money reasons for doing otherwise.”

and that the subsequent paragraphs of this Standing Order be re-numbered accordingly;

(3) That, CSO C15 be amended by the addition of the following new sub-paragraphs to be numbered (1) and (7):

“(1) All specifications for the provision of goods and services by tender or quotation shall include a statement advising potential bidders that details of their tender may be published in the public agenda or minutes of the Council or may become available as a background paper or by means of Freedom of Information Act (FOI) request in response to which the Council would provide any information which is not covered by any of the Statutory Exemptions.”

“(7) Specifications for tenders and quotations shall include a statement regarding the Council’s policy of paying invoices from local businesses within 20 days of receipt and a requirement for the following:

(a) the submission of a statement of the policies of tenderers regarding payment of sub-contractors and suppliers and the timescales which apply to such payments; and

(b) a statement by the Council that the statement under (a) above will be taken into the Council’s assessment of all tenders and quotations.”

(4) That CSO C34 be amended by the addition of a new sub-paragraph (1) as follows:

“(1) Chief Officers are required to obtain, where possible, at least one quotation or tender from a business located in the Epping Forest District for any contract or official order being placed by the Authority, provided that in awarding the contract to a local business, the Council’s duty to achieve value for money and to comply with legal duties and any other requirements of contract standing orders is not compromised.”

(5) That, Contract Standing Order C32 be amended by paragraph (2) being substituted with the following revised wording:

“(2) The Director of Corporate Support Services may negotiate, agree terms and complete any lease, assignment, under letting, change of use or alterations to premises leased (irrespective of term) with a rental or premium not exceeding £25,000 per annum, subject to the exercise of this delegated authority being exercised:

(a) only up to a limit of £250,000 (or 10 years) for any single transaction;

(b) after consultation with the relevant Portfolio Holder in the case of any transaction which involves a material change of use or conflicts with any other council policy in order to determine whether a decision is to be made by the

**Constitution and Members Services Scrutiny Standing Panel  
Monday, 12 January 2009**

Director of Corporate Support services, by the Portfolio Holder or by the Cabinet.”

And that the effectiveness of these arrangements be reviewed after one year.

**42. ANNUAL REVIEW OF FINANCIAL REGULATIONS**

The Chief of Internal Audit, Mr J Akerman, presented a report to the Panel, regarding the annual review of Financial Regulations. The Council had resolved to carry an annual review of its financial regulations to ensure that they comply with current legal requirements and ensure good governance of the Council's financial operations. The review had identified only one matter which required attention, the decision from last year increasing the limit for the Director of Finance and ICT delegated authority to write-off debts below £2,500 without referring to the Portfolio Holder.

The financial limit for the Director of Finance and ICT to write-off debts without approval was increased to £2,500, subject to a review after one year. Comparisons with other councils had shown that some operated a higher limit for officer delegation. One of the main reasons for making the change was to avoid large numbers of small debts being submitted on a regular basis to the Portfolio Holder for writing off.

Details of the sums written off before and after this change in delegation were included in the report. The Panel asked for the number of individual cases to be added to the report to the Overview and Scrutiny Committee in order to provide additional context.

**RECOMMENDATION:**

That, the limit for writing-off arrears and debts under delegated authority by the Director of Finance and ICT be retained at £2,500 on a permanent basis.

**43. MEMBER TRAINING PROGRAMME 2009/10**

Mr I Willett, Assistant to the Chief Executive presented a report to the Panel regarding the Member Training Programme 2009/10. Mr I Willett introduced Ms J Dixon, Learning and Development Advisor, to the Panel members. The following amendments were made to the programme:

**Member Training 2009/10**

**(a) Induction**

The Panel felt that an induction was no longer needed as there were no District Council elections scheduled for 2009/10. It should be replaced with sessions on general problems and queries from the members.

**(b) Planning**

(i) The Introduction to Planning was not needed in 2009/10 because there was no District election.

(ii) Two half day courses on S106 Agreements were reported.

(iii) Session on Gypsy and Traveller Briefing and Local Development Framework to be included.

**Constitution and Members Services Scrutiny Standing Panel**  
**Monday, 12 January 2009**

(iv) Other planning issues to be incorporated as necessary and if significant changes or policy issues have arisen.

**(c) Finance**

Members felt that CIPFA courses were no longer necessary. A replacement internal course on budget processes would be more appropriate.

**(d) ICT**

ICT Awareness and COMS should be combined in a single “drop in” session.

**(e) Service Awareness**

The Panel requested an Emergency Planning Session

The following items were parts of Councillor’s Personal Development and some could therefore be funded from recently approved funding from the Eastern Regional Assembly:

- (i) Personal skills (Consider for ERA Funding to 31.12.09)
- (ii) Chairmanship
- (iii) Presentation Skills
- (iv) Public Speaking (to include voice projection)
- (v) Effective/Speed Reading
- (vi) Questioning Skills (emphasis on O & S)
- (vii) Dealing with Aggression/Personal Safety

**(f) Equalities**

The Equalities Training was being repeated in 2008/09. Members felt it needed to be mandatory.

**(g) Code of Conduct and Planning Protocol**

No course on the Code of Conduct and Planning Protocol were requested for 2009/2010, unless there was demand for it from Parish and Town Councils. The training DVD on the District Council website was sufficient.

**(h) Media Skills**

There should be more courses for “front of camera” techniques.

**(i) Council Role in LAs Assisting Local Businesses**

Research courses to be given by organisations such as the: Chamber of Commerce or Essex County Council.

**(j) Housing Appeals/Staff Appeals/Complaints/Licensing**

Courses should be held according to need, they should be linked to hearings, changes in panel membership or changes in the rules.

**(k) Tours**



**Constitution and Members Services Scrutiny Standing Panel  
Monday, 12 January 2009**

Tours of the district and civic offices were requested.

**(l) Mandatory for 2009/10**

- (i) Equalities Training
- (ii) ICT (only if new training need identified or contract not signed by a member).
- (iii) Licensing/Complaints/Housing Appeals/Staff Appeals (if new membership or new training need identified)

**(m) OSC**

Training needs to be determined as part of the OSC Review

**(n) The East of England Regional Assembly (EERA)**

Ms J Dixon, Learning and Development Advisor, spoke to the Panel about the East of England Assembly – Support and Training. The Assembly had recently notified the Council of new funding for officer and member support and training up to 31 December 2009. The funding had been divided between members and officers and EERA was advised that the Council could utilise the funding for the following courses:

- (a) Presentation Skills (officers and members)
- (b) Public speaking (officers and members)
- (c) Speed reading (officers and members)
- (d) Leading Change Management (officers and members)
- (e) Surviving Change (officers)

**(o) Other Issues**

IDEA Member Development Charter Programme – deferred for the time being.

**(p) Budget**

The final budget for Member Training for 2009/10 had not yet been finalised, but was expected to be in the region of £13,000, excluding EERA funding.

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

Noted that there were no reports to be made.

**45. FUTURE MEETINGS**

The next programmed meeting of the Panel was being held on 6 April 2009 at 7.30p.m. in Committee Room 1.

**CHAIRMAN**