

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY
STANDING PANEL
HELD ON MONDAY, 29 JUNE 2009
IN COMMITTEE ROOM 1
AT 7.30 - 9.35 PM**

Members Present: Mrs M McEwen (Chairman), J Philip (Vice-Chairman), Ms J Hedges, J Markham, G Mohindra, R Morgan, Mrs M Sartin (Environment Portfolio Holder), D Stallan (Housing Portfolio Holder) and Mrs J H Whitehouse

Other members present:

Apologies for Absence: Mrs P Brooks and J Knapman

Officers Present I Willett (Assistant to the Chief Executive), N Richardson (Assistant Director (Development Control)), S G Hill (Senior Democratic Services Officer), W MacLeod (Elections Officer) and M Jenkins (Democratic Services Assistant)

1. NOTES OF THE LAST MEETING

That the notes of the last meeting of the Panel, held on 6 April 2009, be agreed subject to Councillor R Morgan be entered as having been present at the meeting.

2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

There were no substitute members at the meeting.

3. DECLARATION OF INTERESTS

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

4. TERMS OF REFERENCE / WORK PROGRAMME

The Panel was advised of the following:

- Item 3 Planning Applications – Comments by Parish Councils, awaiting completion later at this meeting;
- Item 9 Review of Internal Audit Report – External Partner Organisations, was due for review by the Panel in September 2009; and
- Item 10 Local Democracy – Review of Petitions Procedure and Electronic Systems was due at the Panel in September 2009 depending on Government legislation.

5. OVERVIEW AND SCRUTINY REVIEW

At the last meeting of the Panel, the Members had discussed part of the Overview and Scrutiny Review. The Panel's discussion of the review was continued from where the last meeting had ended.

(a) Reports of Chairmen of Panels – Streamlining Procedures

Members requested fuller details of forthcoming items at Overview and Scrutiny meetings. Officers advised that this would be done through the Bulletin.

The review suggested scrutiny panels extend their pro-activity by visiting and holding meetings at external locations. It was suggested that enquiring of other councils about their scrutiny processes would assist the District Council. It was felt that Overview and Scrutiny was officer led and needed more Member input. Members were interested in investigating other scrutiny methods practised by local authorities. They asked officers to collate a list of Council websites to help them study other scrutiny systems.

AGREED:

That S Hill, Senior Democratic Services Officer, collate a list of Council websites to be put before the Panel.

(b) Reports

Members felt that officer reports to Panels had mistakes on them and there was an inconsistency in the style of notes taken. Officers advised that errors on Panel reports were sometimes due to officer workloads and time constraints in preparing reports. Notes could be briefer, perhaps starting with a two line preamble and continuing with a bullet point note taking style. The Panel, which felt that Portfolio Holders sometimes attended scrutiny without adequate preparation, they should receive better information on the subjects that they were likely to be asked about.

RECOMMENDATION:

- (1) That a bullet point note style be used in all Scrutiny Panel notes.
- (2) That Portfolio Holders attending Scrutiny Panel meetings be fully briefed on the subject they are speaking on.

(c) Overview and Scrutiny – Improved Profile

Members felt that Overview and Scrutiny needed a distinct identity within and outside the Council because it had proved difficult to generate sufficient interest in its work outside the Council. Although the District Council's Public Relations Team attended OSC meetings it was difficult to generate sufficient media interest. Wider notice could be given of forthcoming speakers although it was acknowledged that the local press might not provide adequate space for publishing OSC business. Members requested information on the publicity activities of other councils.

AGREED:

That officers collate information on Council publicity activities.

6. OFFICER DELEGATION - PLANNING APPLICATIONS: COMMENTS BY TOWN AND PARISH COUNCILS

The Assistant to the Chief Executive, Mr I Willett, presented a report to the Panel regarding Officer Delegation – Planning Applications: Comments by Town and Parish Councils.

This matter had been considered by the Panel on 6 April 2009, there had, since then, been a request by the Council for a further opportunity for discussion to clarify the issue.

Councillor J Knapman had requested that the Panel consider the following proposal:

“Delegated powers should not be used if the Director of Planning and Economic Development intends to refuse a planning application where a local council has indicated a measure of support in its response and that such cases should stand referred to the relevant Area Plans Sub-Committee.”

The reason for this proposal was that local councils stated “no objection” to applications which had appeared to be interpreted by Planning Officers as taking a neutral stance on these applications. This gave authority to make a delegated decision for granting or refusing consent. Officer delegation provided for such comments to be taken into account in deciding whether reference to a Sub-Committee should take place.

Members noted that the issue raised by Councillor J Knapman was already covered in clause P4 (I) of the Planning Protocol. Determination under delegated powers was not reliant upon whether the local council had used or not used the term “Support” or “No Objection” but whether there were overriding reasons for refusing the application in any event.

It was recommended that officers use discretion in holding expressions of support from local councils by providing guidance on planning issues to local councils through the Member Training Programme and council meetings. Reassurance on this issue would be passed to parish clerks via letter and at the Local Council Liaison Committee.

Mr N Richardson, Principal Planning Officer, felt that single storey rear extensions were causing concern with some local councils. This had resulted in some applications of this nature being referred to Area Plans Sub-Committees when granting of consent at officer level was the norm. He said that P4 (g) of the Planning Protocol covered this area. Members requested that N Richardson monitor single storey rear extension applications, that came before committee, until March 2010.

RECOMMENDATION:

(1) That no change be made to the terms of delegation to the Director of Planning and Economic Development regarding reference of planning applications to Area Plans Sub Committees;

(2) That new guidance be given to Parish Councils regarding how to frame their consultation responses and, in particular, the use of the terms ‘support’, ‘oppose’ ‘no objection’ and ‘no comment’ and that if necessary the matter be raised at a meeting of the Local Councils’ Liaison Committee;

(3) That the Director of Planning and Economic Development be asked to use his discretion on how Parish Council responses are handled and whether any

case should be referred to an Area Plans Sub Committee in the light of those responses;

(4) That the possibility of extending delegation to officers to approve routine applications in respect of single storey rear extensions to residential properties be deferred for consideration at the next review of delegation; and

(5) That, pursuant to (4) above, the Director of Planning and Economic Development monitor the number of such applications being referred to Area Plans Sub Committees and the decisions made.

7. REVIEW OF EUROPEAN, COUNTY, DISTRICT AND PARISH ELECTIONS

The Returning Officer, Mr I Willett, presented a report regarding the Elections in June 2009.

The following elections were held on 4 June 2009:

- (a) Seven County electoral divisions;
- (b) One District Council by-election for the District ward of Waltham Abbey Honey Lane;
- (c) One Parish Council by-election for the Parish ward of Buckhurst Hill (East); and
- (d) Election of seven members of the European Parliament for the eastern region of the UK.

Electoral Statistics

- Voter turnout in the district, at the various elections, reached 46%.
- 8,167 postal votes were issued.
- 70% of postal votes issued were returned.

Polling Stations

Although the majority of polling stations used were those which had been established for many years, there were some changes this year:

- **Field Station at Gunpowder Park, Waltham Abbey**

The polling station for the Sewardstone area had been Sewardstone Village Hall. Because of the building's poor state this had been changed to Lee Valley Caravan Park. However building alterations had led to the new polling station being at the Gunpowder Park.

- **Sheering**

In the 2008 election the Sheering polling station was situated in the local public house. However there were issues concerning adequate screening from the rest of the public house. There would be further discussions with the owners regarding screening arrangements.

- **Theydon Bois**

The polling station had been in Theydon Bois Village Hall. However in 2009 the hall was booked by a group and could not be used as a polling station. As a result the polling station was transferred to St. Mary's Church Hall, Theydon Bois.

- **Buckhurst Hill**

The polling station at Roding Valley Centre was moved to St. Stephen's Church Hall because of a transfer of ownership.

- **Bobbingworth**

Representations had been received concerning the provision of a polling station in Bobbingworth. Because of previous difficulties in finding a suitable site within Bobbingworth, voters had been directed to a joint polling station in Moreton. It was subsequently suggested that the local church in Bobbingworth be used as a polling station. However there were only 215 voters registered for Bobbingworth, it was felt that for such a relatively small number of voters it was not correct to spend additional money on a separate polling station.

Spoilt Ballot Papers

- Votes rejected in the European election totalled 280.

Complaints and Queries received in the Elections Office

- The majority of calls made to the Elections Office were from electors complaining of not having received a poll card or not being on the electoral register. These queries recurred at every election and most were explained by voters losing their poll cards and forgetting to update their register entries at the appropriate time.

Count – Theydon Bois Village Hall (5 and 7 June 2009)

- It had been decided to hold the count in Theydon Bois Village Hall because of its location, car parking space and IT links.

- The Regional Returning Officer had stipulated that verification of the European ballot needed to be notified to him by 1p.m. on 5 June 2009. This task was completed by 11.20a.m. The count then proceeded to the 7 County Council electoral divisions commencing at 12.15p.m. and was followed by the District and parish by-election counts.

- The counting of the local ballot as part of the European Parliamentary Election had been directed by the Regional Returning Officer to commence at 4p.m. on Sunday 7 June 2009, and to be completed before 9p.m. The count was completed at 7p.m. and the result sent to the Regional Returning Officer shortly afterwards.

Meeting with Election Agents

Election agents attended a debriefing on 15 June 2009. The general response from those that attended, and others who expressed views by telephone or by email, was favourable.

However the following issues were raised:

(i) Party Logo

- There was a query about the faint imprint of one party logo on the ballot paper.

(ii) Election Results Screen

- An objection had been raised regarding a graphic showing the Epping Forest District Council and Essex County Council logos on a background with the European Union flag.

(iii) Counting of Individual Ballot Boxes

- An agent had asked that it be made clearer which ballot boxes were being counted on particular tables.

(iv) Car Parking at Theydon Bois Village Hall

- An agent had commented that those persons arriving by car after the European verification on 5 June 2009 had found problems in finding a parking space.

(v) Publication of Election Results

- An agent had identified a delay in the publication of election results at parish offices and other information centres.

(vi) Candidate's Returns

- An agent expressed concern about the constant changes to the expenses return which had to be completed by candidates. However this process followed the model provided by the Government, which was regularly altered.

(vii) Counting Arrangements - Timetable

- One group had asked for better information on the timing of individual counts or provision of a contact telephone number at which timings for individual electoral divisions or ward counts were obtained.

(viii) Counting in the Small Hall

- Agents had commented that it would help those in attendance to know exactly which counts were being conducted in the small hall and also where and when the announcements were being given as to the results.

(ix) Parking at Polling Stations

- Reference had been made to the difficulties which could occur when double yellow lines were along the kerbside outside polling stations. This could be explored with the Head of Environment and Street Scene.

Illegal Posting of Election Notices

- A number of complaints were received on polling day regarding affixing party election posters to traffic signs, lamp posts etc. A large number of these signs were removed on election day and the Highways Authority had done likewise.

The powers available for dealing with flyposting were as follows:

- Town and Country Planning Act 1990
- Highways Act 1980
- Clean Neighbourhoods and Environment Act 2005

It was noted that in removing the signs quickly, not having given notice, prosecutions or recovery of costs were difficult to obtain. The Panel was advised that more than one political party was involved in this practice. The Returning Officer's report was designed to be a public statement outlining that a repetition of this behaviour would lead to due process being followed. Prosecutions and recovery of costs may result in respect of the parties concerned.

Party Seals on Ballot Boxes

- One political party at recent elections had exercised its right to affix its own seal on ballot boxes immediately on the closure of the poll. This was a only exercisable by candidates, appointed electoral agents or appointed polling agents. In the 2009 election there were occasions where party workers had sought to affix seals on ballot boxes in polling stations which they were not entitled to enter. The rules stipulated that the candidate for the ward in question, the candidate's agent in that ward or an appointed polling agent for that polling station were the only ones who can exercise the right to affix seals. In one instance a Presiding Officer had challenged a party worker which led to an unnecessary difficulty when identification was sought.

- The Returning Officer informed the Panel that he was making representations to the Electoral Commission that in the latter's next guidance manual on the conduct of elections, those intending to enter polling stations for the purpose of fixing their seals to ballot boxes should do so only after identification had been shown.

Future Elections

- In 2010, the scheduled date for District Council elections (one third) was 6 May 2010. It was likely that May 2010, or before, there would be a general election and planning had started on the arrangements.

- The Returning Officer had already undertaken to hold the Parliamentary county on the same night as voting closed. This meant that a further look would need to be taken as potential counting centres and to securing necessary staffing.

RESOLVED:

That the Review of European, County, District and Parish Elections be noted.

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

The reports regarding Officer Delegation and Election Review were being put before the Overview and Scrutiny Committee.

9. FUTURE MEETINGS

The next meeting of the Panel was scheduled for Monday 14 September 2009 at 7.30p.m. and then on the following:

Monday 2 November 2009 at 7.30p.m.;
Monday 11 January 2010 at 7.30p.m.; and
Monday 22 March 2010 at 7.30p.m.