

Scrutiny Standing Panel Agenda



Constitution and Members Services Scrutiny Standing Panel Thursday, 24th June, 2010

Place: Committee Room 1, Civic Offices, High Street, Epping

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), K Chana (Vice-Chairman), R Cohen, Miss C Edwards, Ms J Hedges, J Markham, J Philip, Mrs M Sartin, D Stallan, Mrs J Sutcliffe and Mrs J H Whitehouse

**A BRIEFING FOR THE CHAIRMAN OF THE PANEL WILL BE HELD AT
7.00 PM PRIOR TO THE MEETING**

- 1. APOLOGIES FOR ABSENCE**
- 2. NOTES OF THE LAST MEETING (Pages 3 - 10)**

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

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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 (Pages 11 - 22)

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

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 bring forward suggestions/ideas on topics for inclusion in its work programme for next year.

(a) Standard Work Programme Item.

(b) Additional Reviews – Referred by the Overview and Scrutiny Committee at its meeting on 1 June 2010.

Two proposals are attached as follows:

(i) Annual Council Meeting – Appointment Procedures (Appendix 1)

(ii) Cabinet Members – Assistants (Appendix 2)

It is suggested that both items be referred to the September meeting.

6. E-PETITIONS (Pages 23 - 38)

(Assistant to the Chief Executive) To consider the attached report.

7. ELECTIONS - MAY 6 2010 (Pages 39 - 46)

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

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

9. FUTURE MEETINGS

The next programmed meeting of the Panel will be held on 23 September 2010 at 7.30 in Committee Room 1 and then on:

16 December; and
17 March 2011

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY
STANDING PANEL
HELD ON MONDAY, 29 MARCH 2010
IN COMMITTEE ROOM 2, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.30 - 8.55 PM**

Members Present: Mrs M McEwen (Chairman), Mrs P Brooks, Ms J Hedges, J Markham, R Morgan, Mrs M Sartin, D Stallan, Mrs J H Whitehouse and B Rolfe

Other members present:

Apologies for Absence: J Philip and J Knapman

Officers Present I Willett (Assistant to the Chief Executive), A Hall (Director of Housing), B Moldon (Principal Accountant) and M Jenkins (Democratic Services Assistant)

47. NOTES OF THE LAST MEETING

It was noted that the draft notes for the last meeting of the Panel held on 22 March 2010 were not yet ready for circulation. They would be circulated for approval at the 24 June 2010 meeting of the Panel along with the notes for this meeting.

RESOLVED:

That the Panel notes for the 22 March and 29 March 2010 meetings be approved at the 24 June 2010 meeting of the Panel.

48. ELECTION OF ACTING VICE CHAIRMAN

The Chairman requested nominations from the Sub-Committee for the role of Acting Vice Chairman.

RESOLVED:

That Councillor D Stallan be elected Acting Vice Chairman for the duration of the meeting.

49. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that Councillor B Rolfe was substituting for Councillor J Philip.

50. DECLARATION OF INTERESTS

(a) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in the following item of the agenda by virtue of being the Housing Portfolio Holder and having been the Chairman of the Housing Appeals and Review Panel. The Councillor determined that his interest was not prejudicial and that he would stay in the meeting of the consideration of the item:

- Item 6 Review of the Scope of the Housing Appeals and Review Panel

(b) Pursuant to the Council's Code of Member Conduct, Councillors B Rolfe, Mrs J Hedges and Mrs J Whitehouse declared personal interests in the following item of the agenda by virtue of being members or reserve members of the Housing Appeals and Review Panel. The Councillors concerned had determined that their interests were not prejudicial and that they would stay in the meeting for the consideration of the item:

- Item 6 Review of the Scope of the Housing Appeals and Review Panel

51. TERMS OF REFERENCE / WORK PROGRAMME

The Terms of reference were noted. The Panel was advised that its Work Programme for 2009/10 was almost complete. It was suggested that an extra item for discussion in the 2010/11 cycle would be the supply of water to meetings in Committee Rooms 1 and 2 instead of supplying coffee as requested at the meeting.

52. REVIEW OF THE SCOPE OF THE HOUSING APPEALS AND REVIEW PANEL

The Panel received a report from Mr A Hall, Director of Housing, regarding a review of the Scope of the Housing Appeals and Review Panel.

Following the formal business of a meeting of the Housing Appeals and Review Panel (HARP) in August 2009, members of the Panel had an informal discussion with the Director of Housing and the Assistant Director (Democratic Services) regarding the scope of the housing appeals and reviews undertaken by the Panel. Concern was expressed about the cost and the member and officer time involved with housing appeals about relatively minor matters.

The HARP was established in 1991, in order to carry out reviews of key decisions affecting housing clients which also allowed clients to attend the meeting.

Between 1991 and 31 December 2009:

- the HARP had considered 249 cases, an average of around 13 each year;
- the lowest and highest number of cases were in 1994/5/6 (4 cases) and 2004/05 (27 cases) respectively; and
- around 30% of all appeals/reviews were allowed, around 70% of all appeals/reviews were dismissed.

The policy since 1991 had been that any client of the Housing Directorate could appeal against any decision made by an officer from the Housing Directorate on any housing matter. The only exceptions were as follows:

- (a) to ensure that statutory timescales for homelessness review are met, except for those cases listed at (b) below, reviews of homelessness decisions are not first considered by an Assistant Director;
- (b) because of the potential number of cases, and the need to undertake some reviews very quickly, the following statutory homelessness

reviews were only undertaken by an Assistant Director, and not by the HARP:

- whether or not single applicants were “homeless” or had a “priority need.”
- whether or not an allocation of either temporary or permanent accommodation was suitable for the applicant and his/her family.
- whether or not a homeless applicant should be referred to another local authority, due to their local connection with that local authority.

The Director of Housing proposed that only cases within an agreed list of cases should be considered by the HARP in future. It was noted that, by taking such an approach, the following types of cases would no longer be heard by the HARP:

- The banding of housing applicants in accordance with the Housing Allocations Scheme
- Allocation of Council garages
- Applications for vehicular crossovers
- Write-off of former rent arrears
- General housing management issues
- Write-off of former rent arrears
- General housing management issues
- Covenants and leases of former Council or leasehold properties.

Based on the 231 cases heard by the HARP since its inception, and the 29 cases heard by the HARP in the last 2 years, the approach suggested would reduce the workload of officers and members by an estimated 45%, resulting in the average number of cases heard by the HARP each year being reduced from around 13 cases to around 7 cases with an associated estimated reduction of 240 “man hours.”

Ten members of the HARP were consulted on the report, and five responses (50%) were received. Of the five members that responded:

- 2 members (40%) fully supported the proposals within the draft report.
- 3 members (60%) generally supported the proposals except for reasons given on their response form.

The proposals were also supported by the Epping Forest Tenants’ and Leaseholders’ Federation and by the Housing Scrutiny Standing Panel.

At the meeting, it was agreed to recommend that, in addition to the list of cases proposed by the Director of Housing to be covered by the HARP in future, the HARP should also consider appeals against housing allocation bandings.

Concern was expressed about the number of appeals that were convened, with the appellants failing to appear. Therefore, it was agreed to recommend that, with the exception of reviews of homelessness decisions, all other appeals should be heard in the absence of appellants, if they failed to appear without giving notice of their absence.

RECOMMENDED:

(1) That with effect from 2010/11 Municipal Year, the Terms of Reference for the Housing Appeals and Review Panel be amended to only allow appeals and reviews in relation to the following issues:

(a) all homelessness reviews, with the exception of the following types of reviews that are already only undertaken by officers;

(i) whether or not single applicants are “homeless” or have a “priority need;”

(ii) Whether or not an allocation of either temporary or permanent accommodation is suitable for the applicant and his/her family; and

(iii) whether or not a homeless applicant should be referred to another local authority, due to their local connection with that local authority;

(b) housing succession cases, where the successor is under-occupying Council accommodation, and has been required to transfer to smaller accommodation;

(c) exclusion of housing applicants from the Housing Register;

(d) non-provision of discretionary home improvement grants;

(e) refusal of requests for disabled adaptations to Council properties requested by the tenant;

(f) refusal to sell Council owned-land under 50 square metres to occupiers for garden use;

(g) refusal of requests from housing applicants for “priority moves” (i.e. those very urgent and rare cases, dealt with outside of the usual Allocations Scheme);

(h) disagreements with tenants and former tenants on the level or liability for current or former rent arrears; and

(i) the banding of an applicant, in accordance with the Housing Allocations Scheme in being at the time of the decision

(2) That the Terms of Reference of the Panel be amended to:

(a) require appeals to be determined (other than reviews of homelessness decisions) if appellants fail to appear at a Panel meeting without giving a reason;

(b) for reviews of homelessness decisions authorise the Panel to decide whether or not the hearing shall proceed in the absence of the applicant, or shall be adjourned to another date; and

(3) That all other appeals and reviews are determined by the relevant Assistant Director of Housing (or, in the case of some homelessness reviews listed at (1) (a) (i)-(iii), the Housing Options Manager), provided that the reviewing officer has had no material previous involvement with the case;

(4) That appeals and reviews eligible for determination by the Housing Appeals and Review Panel continue to be generally considered first by the relevant Assistant Director of Housing except (in accordance with current policy all homelessness reviews that do not involve the types of homelessness reviews listed at (1) (a) (i)-(iii), with such cases be considered only by the Housing Appeals and Review Panel; and

(5) That revised Terms of Reference for the Housing Appeals and Review Panel, incorporating the changes in (1) above, be submitted to the Council for approval and that appropriate changes be made to the Council's Constitution and Scheme of Officer Delegation accordingly.

53. TREASURY MANAGEMENT

The Panel received a report from Mr B Molden, regarding Treasury Management.

Local authorities' treasury management activities were prescribed by statute. The powers came from the Local Government Act 2003. A local authority in England and Wales may borrow or invest for any purpose relevant to its functions under any enactment. The Council was required to produce prudential indicators each year on the expected capital activity or introduce limits upon that activity and also reflect on the outcome of the Council's underlying capital appraisal system.

The Key Changes to the Code were as follows:

(a) Scrutiny – The Council would be expected to name a committee responsible for ensuring effective scrutiny of the Treasury Management Strategy and Policies.

(b) Approval Process – The annual strategy could be approved by a named relevant committee and did not have to be approved by Full Council.

(c) Training of Members – The Director of Finance and ICT should ensure that all members tasked with treasury management responsibilities.

(d) Reporting – In addition to the Annual strategy and year end operation report, a mid-year report would be required.

It was proposed that the roles and responsibilities of the Audit and Governance Committee be changed to add the scrutiny of the treasury management strategy and policies. The Audit and Governance Committee had been consulted about this proposal and was supportive of the idea.

Currently the Cabinet received the treasury outturn report during the September meeting. It was proposed that this should continue and the Cabinet should receive the mid-year report at the December meeting.

RECOMMENDED:

(1) That paragraph 11.4 of Article 11 (Audit and Governance Committee) be amended by the additional of the following new paragraph (to be designated "(m)":

"(m) To be responsible for the scrutiny of the Council's treasury Management Strategy, including consideration of mid-financial year and outturn reports."

(2) That the Treasury Management strategy continue to be approved by the Council;

(3) That the Treasury Management mid-financial year and outturn reports continue to be referred to the Cabinet following scrutiny by the Audit and Governance Committee; and

(4) That a report be submitted to the Council recommending that the Constitution be amended as indicated in recommendation (1) above.

54. FINANCIAL REGULATIONS - ACCEPTANCE OF E-INVOICES

The Panel received a report from Mr I Willett, Assistant to the Chief Executive, regarding Financial Regulations – Acceptance of E-Invoices.

Requests have been received from various organisations for the Council to accept electronically transmitted invoices, either by email or fax. Correspondence had indicated that some organisations intended to start charging a fee covering the cost of paper invoices and relevant postage, if the District Council continued to apply Financial Regulations precluding electronic invoices. Chief Officers were required to ensure that payment was not made unless a proper VAT invoice had been received, checked, coded and certified for payment.

All of the current controls applying to the processing of invoices remained. To cope with the proposed change the following would be undertaken:

- A specific email account would be set up which was accessible by delegated Finance and ICT staff only.
- Suppliers would be confirmed of the dedicated email account and PDF format e-invoices only would be accepted when they inquired about e-invoices.
- Finance staff would print the e-invoices, attach normal certification slip and forward the e-invoice to the relevant Directorate for the checks detailed in Financial Regulations.
- The e-invoice would be recorded on the Marketplace system

Members felt that this initiative should be trialled for specific suppliers for 6 months to 1 year. This should allow for a better analysis to take place of the proposed changes and the security requirements.

RECOMMENDED:

(1) That the proposal to amend Financial Regulation 3.24 as follows be deferred:

“3.24 To ensure that payments are not made on a faxed invoice, statement or other document other than a formal invoice. Formal invoices may include e-invoices received in PDF format via the dedicated e-mail address provided by the Chief Finance Officer in the Finance and ICT Directorate”;

(2) That the Director of Finance and ICT be requested to run a pilot scheme of six months' to one year's duration to assess the implications of an e-invoices system; and

(3) That, if a pilot is not considered to be a practical proposition, the matter be reviewed again in 2010/11.

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

It was noted that the reports regarding Review of the Scope of the Housing Appeals, Review Panel and Treasury Management and E Invoices would be put before the Overview and Scrutiny Committee on 15 April 2010.

56. FUTURE MEETINGS

The next programmed meeting of the Panel was on Thursday 24 June 2010 at 7.30p.m. in Committee Room 1.

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Agenda Item 5

TERMS OF REFERENCE - STANDING PANEL

Title: Constitution and Member Services
Status: Standing Panel
Terms of Reference: <ol style="list-style-type: none">1. To undertake reviews of constitutional, civic, electoral and governance matters and services for members on behalf of the Overview and Scrutiny Committee. 2. To report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.
Chairman: Cllr Mrs M McEwen

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**Constitution and Member Services Standing Panel 2010/11
(Chairman – Cllr Mrs M McEwen)**

Item	Report Deadline/Priority	Progress / Comments	Programme of Future Meetings
(1) Review of May 2010 Elections	24 June 2010		24 June 2010
(2) Planning/Landowner Roles – Details to be confirmed	24 June 2010		23 September 16 December; and 17 March 2011
(3) E Petitions	24 June 2010		
(4) Monitoring Officer (Draft Protocol)	23 September 2010		
(5) Cancellation of meetings because of inclement weather	23 September 2010		
(6) Annual Review of Financial Regulations including E Invoices	16 December 2010		
(7) Annual Review of Contract Standing Orders	16 December 2010		
(8) Member Training Review	17 March 2011		

(9) Annual Review of Officer Delegation	17 March 2011		
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**Request by Member for Scrutiny Review
2010/11 Work Programme**



Please complete the form below to request consideration of your issue by the
Overview and Scrutiny Committee

Proposers Name:	Date of Request
Councillor Mrs D. Collins Leader of the Council	26.5.10
Supporting Councillors (if any):	
Summary of Issue you wish to be scrutinised:	
<p>(a) Appointments</p> <p>My request relates to the Annual Council meeting. I wish to see a review by Overview & Scrutiny of the process for agreeing the various appointments which the Council must be made at each Annual meeting.</p> <p>This review should cover:</p> <p>.(i) briefing of group leaders and independent members regarding pro rata requirements before the elections;</p> <p>.(ii) how consultation between political groups might be improved;</p> <p>.(iii) whether the principle of pro rata allocations on outside organisations is still fit for purpose; and</p> <p>.(iv) how voting on appointments to outside organisations can be made easier, including ways of monitoring appointments made easier to avoid mistakes if pro rata is to be retained;</p> <p>.(v) how the paperwork can be made simpler;</p> <p>.(vi) whether there are other options for making these decisions which do not require full Council decision making; and</p> <p>(vii) how can the ceremonial aspects of the Annual Council meeting be improved.</p> <p>(b) Appointment of Vice Chairman of the Council</p> <p>. a review of the current protocol for the appointment of a new Vice Chairman of the Council each year, examining whether the current system of appointing on merit with candidates being nominated by members of more than one group is appropriate.</p>	

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NOTE: ENTRIES BELOW RELATE TO ISSUE CATEGORIES OF THE PICK PROCESS. PLEASE REFER TO THE EXPLANATORY NOTES TO THIS FORM FOR FURTHER INFORMATION

Public Interest Justification:

The Annual Council should be a flagship event for the Council and should present to the public an impression of an orderly transfer of authority at the start of the new Council year.

This is not always achieved.

Impact on the social, economic and environmental well-being of the area:
Nothing direct.

Council Performance in this area (if known: Red, Amber, Green):
A previous review of these matters (raised in the context of Council meetings generally) produced some proposals for improvement and a follow up on that work would be useful.

Keep in Context (are other reviews taking place in this area?)
No. The previous review of Council meetings is however relevant.

Office Use:	
Pick score:	Considered By OSCC:

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**Request by Member for Scrutiny Review
2010/11 Work Programme**



Please complete the form below to request consideration of your issue by the
Overview and Scrutiny Committee

Proposers Name: Councillor C. Whitbread	Date of Request 24.5.10
Supporting Councillors (if any):	
Summary of Issue you wish to be scrutinised:	
<p>I wish to propose that the Overview & Scrutiny Committee commission a study of the opportunities for setting up assistants to portfolio holders so as to assist with portfolio holder duties and aid succession planning.</p> <p>I would like the review to cover the following matters:</p> <ul style="list-style-type: none"> (a) any statutory restrictions on what an assistant can undertake on behalf of a Cabinet member or the Cabinet itself; (b) a list of duties and responsibilities which could given to assistants; (c) amendments to the constitution including terms of office, appointment etc; (d) whether assistants should be “paired with specific portfolio holders; (e) Whether a special responsibility allowance could be applicable to such appointments and could be reviewed by the Remuneration Panel on the basis of a designed job description. <p>The Leader of the Council previously experimented with a similar system which was operated informally but I feel that this would benefit from being in the constitution, as is the case with several other councils of which I am aware.</p>	
<p>NOTE: ENTRIES BELOW RELATE TO ISSUE CATEGORIES OF THE PICK PROCESS. PLEASE REFER TO THE EXPLANATORY NOTES TO THIS FORM FOR FURTHER INFORMATION</p>	

Public Interest Justification:

The main public interest justification is, in my view that Cabinet operations will benefit from wider knowledge of its procedures and responsibilities. In turn this will assist in succession planning as members of the council retire. Although this is essentially an internal procedure, the district will, it is hoped, see the benefits of an orderly Cabinet handover when membership changes.

Impact on the social, economic and environmental well-being of the area:

There is no direct impact on the well being of the District at present. However there is no procedure of identifying future talent within the elected membership.

An effective way of securing a pool of councillors who can step up to being Cabinet members should assist the overall governance of the Council to the benefit of decision making generally.

Another benefit will be to allow delegation of portfolio holder workload to ensure that Cabinet work is progressed more effectively.

Council Performance in this area (if known: Red, Amber, Green):

This has been tried by the Leader of the Council previously on an informal basis.

Keep in Context (are other reviews taking place in this area?)

Not at present

Office Use:

Pick score:

Considered By OSCC:

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Report to Constitution and Member Services Standing Scrutiny Panel

Date of meeting: 24 June 2010

Portfolio: Leader

Subject: Statutory Guidance on Duty to Respond to Petitions

Responsible Officer: Chris Overend (01992 564247)

Democratic Services Officer: Mark Jenkins (01992 564607)

Recommendations:

- (1) To note the main provisions of the Local Democracy, Economic Development and Construction Act 2009 and subsequent statutory guidance in respect of the duty to respond to petitions; and**
- (2) That a report be made to Council recommending the adoption of draft Petitions scheme set out at Appendix 2 subject to consequential amendments required as a result of changes made at the Panel meeting and the rescinding of the current scheme;**
- (3) That during the period up to 15 December 2010 or the formal introduction of the Council's e-Petitions system (whichever is sooner) the Council continue only to accept Paper based petitions;**
- (4) That members determine:**
 - (a) the percentage threshold for a petition to trigger a debate at full Council;**
 - (b) the threshold for a petition to require a 'Senior Officer' to attend a meeting to give evidence on a matter and the scope of the meaning of 'Senior Officer';**
 - (c) the timing and method of periodic reviews of these thresholds by the Council; and**
 - (d) the arrangements for the involvement of partner bodies in the new scheme;**
- (5) That petitions containing more than 20 signatures and less than the preferred Council debate threshold be considered and dealt with by the relevant portfolio holder who may:**
 - (a) take action if he or she has delegated powers to act alone;**
 - (b) refer the matter to the Cabinet or a Committee of the Cabinet for decision.**
- (6) That the Assistant to the Chief Executive commence work on the implementation of an e-Petitions scheme and provide a further report to the Panel on the proposed implementation prior to 15 December 2010;**

(7) That the Assistant to the Chief Executive report further on proposed consequential amendments to both the Council Procedure Rules and the Overview and Scrutiny Procedure Rules to enable the debates and review envisaged by the legislation;

(8) That the Assistant to the Chief Executive ensure that appropriate publicity is sought for the introduction of the scheme and at the appropriate time the e-Petition facility on the Council's website.

1. INTRODUCTION

1.1 The Local Democracy, Economic Development and Construction Act 2009 (2009 Act) contains requirements setting out how local authorities should respond to and deal with the receipt of petitions. Statutory guidance on the duty to respond was published in March 2010.

1.2 The new duty for local authorities to respond to petitions comes into force on 15 June 2010, with the e-petitions requirements coming into effect on 15 December 2010. This report sets out the main provisions as identified in the Act and subsequent guidance. It also identifies the issues Members need to consider when determining how the Council's current petitions scheme should be enhanced to reflect the new requirements.

2. HANDLING PETITIONS – SUMMARY OF REQUIREMENTS IN 2009 ACT

2.1 The 2009 Act requires all principal local authorities in England to establish a scheme for handling petitions made to the authority.

2.2 The scheme:

(a) must be approved by a meeting of the full Council before it comes into force;

(b) must be published on the principal local authority's website and by any other method appropriate for bringing it to the attention of those who live, work or study in its area;

(c) can be revised at any time but the revised scheme must be approved and publicised in the same way; and

(d) the authority must comply with its petition scheme.

2.3 The requirements for these petitions are:

(a) anyone who lives, works or studies in the local authority area, including under 18's, can sign or organise a petition and trigger a response;

(b) a facility for making electronic petitions is provided by the local authority;

(c) petitions must be acknowledged within a time period specified by the local authority;

(d) among the many possible steps that the principal local authority may choose to take in response to a petition, the following must be included amongst the options listed in the scheme:

- taking the action requested in the petition
- considering the petition at a meeting of the authority

- holding an inquiry
- holding a public meeting
- commissioning research
- a written response to the petition organiser setting out the authority's views on the request in the petition
- referring the petition to an Overview and Scrutiny Committee

(e) petitions with a significant level of support trigger a debate of the full Council. Councils will determine this threshold locally but it must be no higher than 5% of the local population;

(f) petitions with a requisite level of support trigger a senior local government officer to give evidence at a meeting of the authority's Overview and Scrutiny Committee;

(g) petition organisers can prompt a review of the local authority's response if the response is felt to be inadequate.

2.4 The requirements listed above are the minimum set by the 2009 Act. Local authorities are being encouraged to consider designing a scheme which is wider than these requirements, for example, responding to petitions from those who do not live, work or study in the local area or e-petitions which are not made through the authority's own e-petition facility.

3. DESIGNING A PETITION SCHEME

3.1 Principal local authorities, when designing their petition scheme, are expected to:

- take into account local circumstances to ensure that the scheme is appropriate to their areas; for example, *the same thresholds set in a densely populated urban area may not be suitable for a rural authority, the same thresholds may not be appropriate for a ward-specific issue in comparison to one affecting a county;*
- ensure that the scheme is accessible to all, *for example, the e-petitions facility is compliant with web accessibility standards;*
- ensure that the process is easy for citizens to use; *for example, no previous knowledge of council procedure is needed to submit a petition, the scheme is written in Plain English, people know what they have to do to receive a response.*

3.2 In applying the 'no more than 5%' principle and determining whether a smaller percentage might be appropriate, there are a number of factors to consider. The population includes a large number of children and babies – unlikely to be signatories to a petition. It would, perhaps, be misleading to include these as part of the total when determining the percentage. At what age does an individual become a valid petitioner? Some issues are very local (e.g. the future of a village hall) and some might have district-wide implications (refuse collection arrangements, for instance). There are some issues which it could be said impact on individuals other than the District's residents e.g. road traffic measures, charges at leisure centres, tourist attractions.

4. DETERMINING RELEVANT MATTERS AND ACCEPTING PETITIONS

- 4.1 As community leaders and place-shapers, local authorities should have a key interest in issues which, although wider than the remit covered by their specific functions, affect the local area. Petitions are a valuable opportunity for local authorities to demonstrate strong leadership on issues of concern to the community.
- 4.2 It is essential for the Council to understand the action the petitioners seek. A scheme must seek to ensure that each petition contains a clear and concise statement covering the subject of the petition. For those submitted electronically, there will be a system in place to enable a dialogue between lead petitioner and officers to agree the wording that will be placed on the website.
- 4.3 The Act requires top tier authorities (Counties and Unitary Authorities) to respond to petitions which relate to the economic, social or environmental well-being of the area – in effect this means they must deal with petitions which relate to the functions of partner authorities. There is no specific mention of such a duty on District Councils. However, including a reference to the functions of partner bodies in the petitions scheme would illustrate the fact that the District Council is acting as an advocate for the local community and working with partners to resolve the issue. Under the proposed scheme it would be for the Portfolio Holder (or Council) to determine how the Council would respond which might include referral to another body or working with partners to find a solution.
- 4.4 Members are therefore asked for their views on whom they would regard as the key partners for the purposes of the petitions scheme and how to include them in the implementation of the new scheme. As a minimum it is suggested that they be consulted on the draft. However, their involvement can, and perhaps should go further than that. For instance the model scheme put forward by the Consultation Institute suggests the formal adoption/approval of the scheme by partners and the appointment by those partners of 'responding officers' as the main contact on petitions.

5. REJECTING PETITIONS

- 5.1 Local authorities should approach the petitions they receive positively and not assume that the motivation is one which is vexatious, abusive or otherwise inappropriate. However, where they consider that a petition does fall in one or more of these categories they do not have to follow the set procedure. They must, however, acknowledge the petition and explain why they will not be taking action. Our scheme should provide for this eventuality.
- 5.2 A request in a petition which goes against Council policy can be rejected. However, it must be made clear in the response to the petitioners the grounds for this.
- 5.3 Petitions made under other enactments should be dealt with according to the procedures set out in those enactments. In addition, because established processes already exist, the following matters are excluded from the scope of the petitions duty:
- (a) any matter relating to a 'planning decision';
 - (b) any matter relating to an alcohol, gambling or sex establishment licensing decision; (referred to in our scheme as a 'licensing decision')
 - (c) any matter relating to an individual or entity in respect of which that individual or entity has a right of course to a review or right of appeal conferred by or under any enactment (for example Community Governance Reviews).
- 5.4 In addition our scheme proposes specific exclusions relating to members complaints

and complaints against employees, matters relating to current legal proceedings and petitions that seek to reintroduce a matter determined within the previous 12 months.

5.5 A local authority's response should be proportionate to the seriousness of the issue and the level of support contained in the petition. The Government encourages authorities to be innovative when considering their response to petitions, including considering any courses of action open to them that are specific to the subject of the petition.

5.6 It is also suggested in the guidance that the Authority should make arrangements for the periodic review of the scheme and its thresholds to ensure that they are still appropriate. The Panel are asked to consider how this might be achieved. One suggestion is that it could be built into the annual Constitutional sweep up by the Panel.

6. e-PETITIONS

6.1 The 2009 Act applies the same requirements to electronic petitions as to paper petitions, except for the following:

- Local authorities are only required to respond to e-petitions made through their e-petition facility;
- Local authorities must decide, when a request to host an e-petition is received, whether the petition is appropriate for publishing on their facility;
- Local authorities will decide what equates to a signature on a petition;
- Local authorities are required to provide a facility for people to submit petitions electronically. They can also choose to respond to e-petitions by other means and should indicate in their petition scheme how they will deal with these types of petitions.

6.2 In relating these requirements to the proposed scheme, officers have sought to balance practical issues and making the system easy to use. It is proposed that the Council only accept e-Petitions made through the Council's own system. To extend the scheme to other petitioning sites such as gopetition.com (where a current petition seeks the introduction of a freedom pass in Epping Forest District) would not be practical. The Council could not track them or respond to them validly in accordance with the Governments guidance. Likewise emailing a list of names on a petition provides no real proof of community support for an issue. Signatories to an e-Petition will required to validate their signature using CAPTCHA technology widely used and accepted on the internet.

6.3 In deciding whether to host an e-Petition, officers will use the parameters of the scheme set out in section 3 and 4 of the scheme.

6.4 Officers are currently working with the supplier of the Committee Management Systems (CoMS) to implement an e-Petitions scheme in time for the December 2010 deadline. In the interim, however, it is recommended that paper petition submissions be dealt with in accordance with the new scheme and then extend it to e-Petitions once the implementation is completed. A further report will be made to members on the implementation timescales. It is thought that there will be no implementation costs save those associated with the administration of the scheme.

7. PETITION THRESHOLDS

7.1 Where a petition receives the required level of support (to be determined by members) it can trigger a Council debate. The Governments Guidance stipulates that

the scheme should specify the number of signatories (based upon a maximum of 5% of the population figure held by the Office of National Statistics (ONS)) that would automatically trigger such a debate. The table below gives an indication of the thresholds:

1%=1200
2%=2400
3%=3600
4%=4800
5%=6000

- 7.2 Local authorities are free to determine their own 'trigger' level requiring a debate of the full Council, subject to the threshold being set at no higher than 5%. However, it is suggested that 5% might be too high. The model schemes put forward by the Government indicates a threshold of 1% (say 1,200 in the Epping Forest District). Members are asked to determine what the threshold should be for triggering the requirement for a Council debate.
- 7.3 Under the 2009 Act (Section 18) the Authority can specify the distinction between correspondence supported by one or more people (that could be dealt with in the routine office procedures) and what constitutes a petition. It is suggested that the current threshold of 20 signatures should be maintained. Correspondence supported by less than 20 people would stand referred to the relevant Service Director for reply. Anything signed by 20 or more (and under the threshold for Council debate) will be dealt with by Portfolio Holder who will still have the opportunity of referring the matter if considered appropriate.

8. FULL COUNCIL DEBATES

- 8.1 Once support for a petition reaches the agreed threshold, the Council would be required to debate the matter. Petitioners should be offered the option of presenting their petition to the Council at the beginning of the debate. Local authorities should consider what other contribution the petitioners might make to the discussion e.g. answering questions put by Members. The principle behind a petition is the increased transparency of the local decision-making process. Therefore, the petition organiser should be informed in writing as to when the debate will be held and with sufficient notice to enable their attendance.
- 8.2 The debate should conclude with a decision taken by the full Council. This could be a decision to take action as requested, not to take the action proposed (for reasons put forward in the debate), or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the executive is required to make the final decision, the full Council should decide whether to make recommendations to inform that decision. The local authority should also consider what other steps they should take to ensure their response is adequate. A debate alone may not be considered a sufficient response to a petition with this level of support
- 8.3 Within this framework, further work needs to be undertaken by officers to fully develop changes required to the Council procedure rules to guide such a debate. Further report will be made to members on proposed consequential Constitutional changes.

9. SENIOR OFFICERS GIVING EVIDENCE

- 9.1 The scheme must allow for petitions to require the attendance by a senior member of staff which responsibility for delivery of the service in question to attend a meeting of the Authority in order to address the concerns expressed in a petition (possibly the Overview and Scrutiny Committee). This builds on the existing powers of Overview and Scrutiny, allowing those in the local community to make use of petitions to

influence the way that scrutiny takes place. Local authorities must determine which of their officers are able to be called to account in this way and include their details in the petition scheme. For petitions to have a meaningful impact, petitioners must be able to call on the most senior officers to attend meetings and give evidence.

- 9.2 As a minimum, therefore, petition schemes should provide for the Head of Paid Service (ie the Chief Executive) and the most senior officer responsible for the delivery of services, to be required to provide information on their activities at public meetings of Overview and Scrutiny Committees. The final decision on which officer should attend, and the questions to be asked of them, rests with the Overview and Scrutiny Committee. The Committee may also consider it appropriate to call the relevant elected member with responsibility for the service area in question, in addition to the appropriate senior officer. Our proposed scheme suggests that Senior Officer means Chief Executive, Deputy Chief Executive, Service Director or Assistant Service Director and that the threshold be set at 500 signatures.
- 9.3 The scrutiny undertaken, prompted by petitions, must be appropriate and fair to the officers involved. They must not be exposed to inappropriate public scrutiny of their private lives, nor to harassment or bullying.
- 9.4 After the relevant person has appeared before the Overview and Scrutiny Committee, that committee must make a report or recommendations to the authority and send a copy of that report and/or recommendations to the petition organiser. If appropriate the report should also be published on the authority's website.

10. PETITION REVIEWS

- 10.1 If a petition organiser is not satisfied with the way an authority has dealt with a petition, they have the power to ask an Overview and Scrutiny Committee to review that authority's response to the petition. The Overview and Scrutiny Committee will decide whether the steps that the authority took in response to the petition were adequate. The Committee will bear in mind the list of potential steps which could be used to respond to the petition (see 2.3 above). An adequate response is likely to be proportionate to the issue set out in the petition and the level of support the petition received.
- 10.2 One failing of the proposals is that, in some cases, the Overview and Scrutiny Committee may have had some involvement earlier in the process in either the development of Policy or in initially responding to a petition. Thus members may feel they are fettered in dealing with a review. A mechanism needs to be developed to enable the appointing of a 'fresh' committee to deal with such review requests if they have had previous dealing with the issue. Further work needs to be done to formulate changes that will be required to the Overview and Scrutiny Procedure Rules. One suggestion is the ability to set up a Task and Finish Panel to undertake such a review.
- 10.3 If, following the completion of the review, the Overview and Scrutiny Committee is of the opinion that the authority is seriously neglecting its responsibility to listen to local people it can arrange for the full Council to carry out the review function i.e. it can arrange for the authority's response to the petition to be discussed by the Council.

11. NEW EFDC PETITION SCHEME AND PUBLICITY

- 11.1 The District Council's petition scheme is in need of review and revision generally but particularly bearing in mind the provisions of the new Act and recent guidance. A copy of the existing scheme is attached as Appendix 1. A draft of how a new scheme might look, taking account of the revisions required, is attached as Appendix 2.
- 11.2 Details of the scheme must be published on the Council website. The current scheme is set out in the Constitution and the Constitution itself is available on the website.

However, the Council should make arrangements to widely publicise the scheme. Once a new scheme has been determined it will be necessary to give it prominence on the website.

- 11.3 It is suggested that for e-petitions the Council should guarantee a formal acknowledgement within 5 working days of its submission. For all other petitions a longer period would be suitable, say 10 working days. Members are asked to determine the appropriate number of days in each instance.
- 11.4 Members are asked to determine whether the scheme should provide for the consideration of issues relating to the functions of partner bodies and cross-authority matters, as well as petitions relating to the District Council's own functions.

EXISTING PETITIONS PROCEDURE

1. Definition

For the purposes of this note, a petition is any written request to the Council signed by 20 or more persons. Any communication signed by less than 20 persons shall be dealt with in accordance with Paragraph 2 as correspondence.

2. Correspondence Signed by Less than 20 Persons

Correspondence with fewer than 20 signatures shall be dealt with by the appropriate Service as ordinary correspondence, unless the Head of Service concerned is of the opinion that the subject matter is sufficiently important or contentious to warrant referring the matter to the appropriate Portfolio Holder.

3. Routine Matters

It is also recognised that in some instances, petitions will be received by Services which relate to routine matters and which can be satisfactorily answered at officer level. However the Head of Service concerned may consult with the Portfolio Holder or relevant Chairman if there is any doubt about the correct procedure to be followed.

4. Planning Matters

Petitions relating solely to planning applications shall be acknowledged immediately by the Head of Planning and Economic Development to the Organiser or first named petitioner, and a copy sent to the Chairman of the District Development Control Committee or Area Plans Sub-Committee, to which the application will be reported. The contents of the petition shall be reported to the appropriate Committee or Sub-Committee at the time the planning application is considered.

5. Procedure for Petitions

In the case of petitions (i.e. correspondence signed by 20 or more persons), these shall be referred in the first instance to Committee and Members' Services who shall:

(a) acknowledge the petition to the organiser or first named signatory, and indicate a provisional timescale for a full reply asking him/her to inform the other petitioners accordingly;

(b) send copies to the appropriate Cabinet Portfolio Holder, to ward councillors, appropriate Overview and Scrutiny Committee Chairmen and any other relevant members agreed with Portfolio Holder;

(c) consult the appropriate Head of Service and the Cabinet Portfolio Holder about:

(i) the date by which a response is to be given;

(ii) whether there needs to be a meeting with petitioners and to set a date;

(d) Committee and Members' Services will then communicate with the lead petitioner regarding any meeting arrangements and advise ward members and other relevant Councillors;

(e) details of the petition will be included on the agenda for the next available Cabinet meeting but this requirement shall not delay action being taken on the petition.

6. The Cabinet Portfolio Holder may then decide (if necessary after a meeting as outlined above):

(a) take action if he or she has delegated powers to act alone;

(b) to refer the matter to the Cabinet or a Sub-Committee of the Cabinet for decision.

7. All decisions made by the Portfolio Holder shall be recorded in writing and signed in the format prescribed in the Key Decision Regulations and notified to the public, the lead petitioner and all members of the Council.

8. In cases where a petition is received after a decision has been made by the Council on any matter, the following steps shall be taken by the Head of Service:

(a) a letter of acknowledgement shall be sent, including a statement of the action already taken by the Council;

(b) in consultation with the appropriate Portfolio Holder, Committee or Sub-Committee Chairman a decision will be taken as to whether the petition raises new evidence requiring further consideration by the Portfolio Holder or Committee concerned;

(c) if it is decided that no new matters are raised by the petition, the petitioners shall be advised accordingly;

(d) if new matters are raised, the procedure set out in paragraphs 5, 6, 7 will then be followed.

Draft Petition Scheme – Epping Forest District Council

1. Introduction

Epping Forest District Council recognises the importance of petitions as a means of engaging more meaningfully with local communities, enabling the public to let us know about their concerns and as a mechanism for generating service improvements.

This Protocol sets out how the public can submit a petition, how it will be dealt with and what the Council can do to respond to the issues raised.

2. How to submit a petition

We accept paper based petitions, e-petitions or a mix of paper and e-petitions.

Paper petitions can be sent to:

Assistant to the Chief Executive
Epping Forest District Council
Civic Offices
High Street
Epping, Essex
CM16 4BZ

Or **e-Petitions** can be created, signed and submitted online by following this link to our e-petitions system [\[link\]](#)

All petitions sent or presented to the council will receive an acknowledgement from the council within **XX** working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

3. Exceptions to Petitions

The following are examples of petitions that do not fall within the scope of this petitions scheme:

- (a) We do not accept emailed petitions as email systems are not secure. You must use either paper or our e-petitions system.
- (b) Petitions which are considered to be vexatious, abusive, anonymous or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.
- (c) We do not accept Petitions relating to a planning decision; (as the Planning application process deals with objections to applications), including about a development plan document or the community infrastructure levy.
- (d) We do not accept Petitions relating to a licensing decision; (as the Licensing scheme deals with objections to applications)
- (e) We do not accept Petitions relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal.
- (f) Any matter for which the Standards Committee has powers for determining complaints

received under the Local Assessment process.

- (g) Any complaint made against an employee of the District Council.
- (h) Any matter which is substantially the same as a petition submitted in the previous 12 months.
- (i) Where the subject matter is subject to ongoing legal proceedings.

Where a petition submitted relates to one of the categories set out above the Council will write to the lead petitioner and explain why the matter is not covered by the authority's Petitions Scheme. In appropriate circumstances, the Council may advise how the public views can be considered via alternative means.

4. What are the guidelines for submitting a petition?

Petitions submitted to the Council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take.
- the name and address and signature of any person supporting the petition.
- contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

5. Who can sign a petition?

Anyone who lives, works or studies in Epping Forest District can sign to support a petition including those under 18. The Council may ask for a valid email address and/or postcode if you sign an e-Petition on the Council's website. For paper petitions signatories must provide their signature, name and address.

6. What will the council do when it receives my petition?

If the Petition is submitted fully completed, an acknowledgement will be sent to the petition organiser within **XX** working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If the lead petitioner contacts the Council to start an e-Petition, then the Council and the Lead Petitioner will agree the period over which signatures will be collected and to agree the final wording of the petition. The petition will then be available to sign 'electronically' for the agreed period on the Council's website. On the expiration of that time, the Council will respond in accordance with Section 7 below.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed.

If the petition has enough signatures to trigger a council debate, or a **Senior Officer** giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place (see sections 8 and 9 below).

If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. We will advise you if this is the case and on the correct procedure to be followed.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive, the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible, we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us. [link to account settings]

7. How will the Council respond to petitions?

If your petition receives (XX)

Decision required: % trigger needs to be max 5%

1%=1200

2%=2400

3%=3600

4%=4800

5%=6000

Build in process of reviewing this figure periodically?

signatures or more it will also be scheduled for a council debate [link to section on Full Council Debates] and if this is the case we will let you know whether this will happen

Correspondence with fewer than 20 (needs to be determined) signatures shall normally be dealt with by the appropriate Service as ordinary correspondence, unless the Service Director concerned is of the opinion that the subject matter is sufficiently important or contentious to warrant referring the matter to the appropriate Portfolio Holder.

Petitions with less than XX same as Council threshold signatures will be considered and dealt with by the relevant portfolio holder who may:

- (a) take action if he or she has delegated powers to act alone;
- (b) refer the matter to the Cabinet or a Sub-Committee of the Cabinet for decision.

All decisions made by the Portfolio Holder will be recorded in writing and signed in the format prescribed in the Key Decision Regulations and notified to the public, the lead petitioner and all members of the Council.

In cases where a petition is received after a decision has been made by the Council on any matter, the following steps will be taken by the Service Director unless the petition meets the threshold for a Council debate:

- (a) a letter of acknowledgement shall be sent, including a statement of the action already

taken by the Council;

(b) in consultation with the appropriate Portfolio Holder, Committee or Sub-Committee Chairman a decision will be taken as to whether the petition raises new evidence requiring further consideration by the Portfolio Holder or Committee concerned;

(c) if it is decided that no new matters are raised by the petition, the petitioners shall be advised accordingly;

(d) if new matters are raised then the petition will be treated as new under this scheme.

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the Council's Overview and Scrutiny Committee¹ or to the Cabinet² or a Cabinet Committee
- writing to the petition organiser setting out our views about the request in the petition

In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

If your petition is about something over which the council has no direct control (for example healthcare or transport) we will consider making representations on behalf of the community to the relevant body. Should a petition calling for support call for something that goes against stated Council policy, the District Council may choose to say 'no' to the request.

The council works with a large number of local partners [\[link to list of LAA partners\]](#) and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you.

You can find more information on the services for which the council is responsible here [\[link\]](#).

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

8. Full council debates

If a petition contains more than **xx** signatures it will be debated by the full council unless it is a petition asking for a senior council officer to give evidence at a public meeting.

¹ Overview and scrutiny committees are committees of councillors who are responsible for scrutinising the work of the council – in other words, the overview and scrutiny committee has the power to hold the council's decision makers to account.

² The Cabinet is the part of the Council which is responsible for making most decisions. It is made up of 9 Councillors called Portfolio Holders including the Council's Leader. The Cabinet make decisions within current policy and budget set by the Council.

This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes **NB need to change Council procedure rules.**

The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example **by the Cabinet** or a relevant **Cabinet** committee.

Where the issue is one on which the council executive are required to make the final decision (**i.e within the financial and policy framework**), the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

9. Officer evidence

Your petition may ask for a **Senior Officer**³ to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a **Senior Officer** to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least **500** signatures, the relevant **Senior Officer** will give evidence at a public meeting of the Council's Overview and Scrutiny Committee or if appropriate one of its Panels.

You should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The Committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting **[insert details]** up to three working days before the meeting. You will be informed when and where this meeting will take place.

10. E-petitions

The council accepts only e-petitions which are created and submitted through our website **[link]**. E-petitions must follow the same guidelines as paper petitions

The petition organiser will need to provide us with their name, postal address and email address and contact details. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 6 months.

When you create an e-petition, it may take **xx** working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. Our reasons for not publishing a petition will be linked to the exceptions section above. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been

³ For the purpose of this Scheme Senior Officer means Chief Executive, Deputy Chief Executive, Service Director or Assistant Service Director. A schedule attached to this scheme contains a list of these officers who may be called to give evidence as a result of a petition.

accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to [\[insert details\]](#). In the same way as a paper petition, you will receive an acknowledgement within [xx](#) working days.

11. How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature here [\[insert link\]](#). When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition.

People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

12. What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Overview and Scrutiny Committee review the steps that the Council has taken in response to your petition ([NB requires amendment to OS procedure rules](#)). It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

The Committee will endeavour to consider your request at its next meeting, ([this provision may lead to the need to constitute a fresh OS Committee if they had previous dealing with the petition and felt conflicted by the review – OS rules would need to change to allow this to happen](#)) although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council or executive and arranging for the matter to be considered at a meeting of the full council. Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

Report to the Constitution and Member Services Standing Scrutiny Panel



Date of meeting: 24 June 2010

Portfolio Holder Leader (Returning Officer's Report)



Subject: Elections – May 2010

Officer contact for further information: Ian Willett (01992 56 4243), Graham Lunnun (01992 56 4244)
Wendy MacLeod (01992 56 4023) and Simon Hill (01992 56 4249)

Democratic Services Officer: Mark Jenkins (01992 56 4607)

Recommendation:

To consider this review of the elections held on 6 May 2010

Combined Elections

1. The Epping Forest Parliamentary Constituency Election was contested on 6 May 2010 together with the following District Wards:

Buckhurst Hill East
Buckhurst Hill West
Chigwell
Chipping Ongar, Greensted and Marden Ash (2 seats)
Epping Hemnall
Epping Lindsey and Thornwood Common
Grange Hill
Loughton Alderton
Loughton Broadway
Loughton Fairmead
Loughton Forest
Loughton Roding
Loughton St John's
Loughton St Mary's
Lower Nazeing
North Weald Bassett
Theydon Bois
Waltham Abbey Honey Lane
Waltham Abbey Paternoster

2. The Parliamentary election was contested by seven candidates representing:

- (a) English Democrats
- (b) The Labour Party
- (c) Liberal Democrats Party
- (d) Conservative Party

- (e) Green Party
- (f) British National Party
- (g) UK Independence Party

The turnout was 67% and Eleanor Laing was elected to represent the Constituency having received 54% of the votes cast.

3. An issue with a signature of an assenter on the nomination paper for an unsuccessful candidate has been referred to the Police and as the investigation is on-going no further comment can be made about this matter.

4. In each District Ward contested, except for Chipping Ongar, Greensted and Marden Ash, one councillor was due to be elected. In the Chipping Ongar, Greensted and Marden Ash Ward there was a need to elect two councillors as a result of a casual vacancy following a resignation earlier in the year. Turnout in the District Wards varied between 74.1% in the Theydon Bois Ward and 53.6% in the Waltham Abbey Paternoster Ward.

5. There are advantages in holding combined elections, eg. costs are shared. However, combining a Parliamentary election with local elections does create practical difficulties as the timetables are different. For instance for the elections on 6 May 2010 the publication of the persons nominated for the local elections was noon on 12 April whereas for the Parliamentary election it was 5 pm on 20 April. This latter date was also the deadline for new postal vote applications and for changes to existing postal or proxy votes making it a very busy day in the Elections Office.

6. One consequence of the difference in timescales was the need to decide whether to issue separate or combined poll cards. It was felt it would be confusing for electors in those parts of the District having District Council elections to receive two poll cards as well as adding substantially to the costs. A combined poll card was issued, therefore, with the disadvantage that they could not be delivered until 15 April – the date of the notice of the Parliamentary election. Poll cards for EU citizens in combined areas had additional wording to remind those electors they could only vote at the local elections – this did not produce any difficulties or enquiries.

7. In the event the comparatively late issue of poll cards did not appear to cause undue problems although some complaints were received about poll cards not being delivered by Royal Mail in parts of the Grange Hill Ward.

8. Legislation currently requires any parish/town council election or by-election which would normally have been held on the day of a Parliamentary election to be deferred until three weeks after the date of the Parliamentary election. The element of the cost of any parish/town council elections attributable to deferment is met from Government funds. The Council at its meeting on 20 April 2010 resolved to call on the Government of the day to review the legislation to enable parish/town elections to be held in parallel with Parliamentary elections in order to avoid a drain on the public purse. This letter has been sent to the Lord Chancellor but no reply has yet been received.

9. There were no parish/town council elections scheduled for this year and no by-elections called in the run up to 6 May. Feedback from authorities that held deferred parish/town council elections three weeks after 6 May is that very low turnouts were recorded.

Polling Stations

10. Established polling stations were used except at Theydon Bois where the Church Hall was booked instead of the normal venue at the Village Hall due to the need to set up the latter during the day for the verification of the Parliamentary and District Council ballot papers and the Parliamentary election count immediately after the close of poll.

11. No representations have been received raising issues about the lack of facilities at any polling station.

12. Station visitors were asked to complete an access questionnaire based on a model provided by Scope and the returns do not indicate the need for any modifications to be made to the buildings used or to the procedures for accommodating electors with particular needs.

Postal Votes

13. The total number of Parliamentary postal votes issued was 7,125 plus some packs which just contained the local election papers with approximately 85% returned. 26 were received in the post after polling day.

14. The issue and opening sessions for postal votes went smoothly. The software and scanners used for checking personal identifiers (signature and date of birth) again worked well.

15. There was no evidence of any postal vote fraud although 172 postal votes were rejected because of a lack of comparison between signatures and/or dates of birth.

Ballot Papers

16. The proofs of ballot papers were scrutinised carefully and all ballot papers were printed in the correct format.

Spoilt Papers

17. There were 134 ballot papers rejected in respect of the Epping Forest Constituency Election, 119 for being unmarked or wholly void for uncertainty and 15 where the elector had voted for more than one candidate.

18. The number of ballot papers rejected in respect of the District Council elections varied between five in the Lower Nazeing Ward and 55 in the Waltham Abbey Honey Lane Ward.

19. The reason for the number of rejected papers in the Waltham Abbey Honey Lane Ward is not apparent as the ballot papers were not unduly complicated, requiring voting for one candidate. It is possible that electors decided not to mark their papers when they realised their choice of political party was not standing in the Ward.

Police Liaison

20. Discussions were held with the Police about security for the elections and their response was again very good. A dedicated policing team was in place on Election day with regular visits made to all Polling Stations. There were no instances requiring immediate Police presence outside of the regular visits. There was good support provided at the Count Centre and Police officers escorted the delivery of ballot boxes from the Count Centre to the Civic Offices at the conclusion of the Parliamentary Election Count. From a policing prospective the elections gave little cause for concern. The Police presence during the day was well received by polling station staff.

Complaints and Queries Received in the Elections Office

21. The majority of telephone calls made to the Elections Office were from persons unable to vote due to not being included on the Electoral Register. In all cases this was due to a registration form not having been completed and submitted to the Registration Officer.

22. No formal complaints were received regarding an alleged breach of electoral law other than the issue with a nomination paper mentioned above.

Liaison with Brentwood Borough Council and Harlow District Council

23. As parts of the Brentwood and Ongar Constituency and the Harlow Constituency are in the Epping Forest District, it was necessary to liaise closely with the Returning Officers at Brentwood Borough Council and Harlow District Council who were responsible for running the elections in those parts of the Epping Forest District.

24. The exchange of information was made easier as Harlow changed their election management system in advance of the elections to that used by both this Council and Brentwood Borough Council.

25. In relation to the issue of postal votes, each Returning Officer at the three Councils was responsible for issuing both local and Parliamentary postal votes in their constituencies. District Council election ballot papers for Epping Forest District residents in the Brentwood and Ongar and Harlow Constituencies were generated by us and forwarded to the relevant Returning Officer for issue together with their Parliamentary election ballot papers. This was all achieved within a very tight timescale without any particular issue. The paperwork used by Harlow, in particular the return B envelope, differed to that used by Epping Forest. This resulted in Harlow not realising that our documentation did not have their return address anywhere for their window envelope for electors to use as our B envelope has the Returning Officer's address pre-printed.

26. Arrangements were made to ensure adequate security in relation to the delivery to and collection from the other authorities of ballot papers. Assurances were also obtained from the other Returning Officers of the arrangements made to store Epping Forest District Council ballot papers overnight until collected on the Friday morning following the poll.

Count

27. It had always been the intention in the event of a combined poll to count the Epping Forest Constituency election immediately after the close of poll and to delay the District Council election counts until Friday 7 May 2010.

28. The provision included in the Constitutional Reform and Governance Act 2010 requiring Returning Officers to commence Parliamentary election counts within four hours of the close of poll was not therefore an issue. However, the requirement to verify both Parliamentary election ballot papers and District Council election ballot papers prior to undertaking the Parliamentary election count resulted in the time taken to conclude the Parliamentary count being considerably longer than originally anticipated.

29. There was a difference between the totals of Parliamentary ballot papers at the verification stage and the papers after counting. Despite taking some steps to ascertain the reason for this discrepancy the issue remained unresolved. The Returning Officer called Election Agents together to discuss this matter with them and as it was clear that the difference between the totals would not affect the result of the election, the agents agreed that there was no need to recount the papers in an attempt to reconcile the two totals. One candidate subsequently requested that further steps should be taken to ascertain the reason for the difference in the totals. However, there is a requirement that at the conclusion of the count the counted and rejected ballot papers must be sealed in separate packets and these can only be opened by order of a court following the lodging of an electoral petition. No petition was made within the 21 day period following the date of poll.

30. It should be emphasised that there is no question of votes having been lost. The correct total of ballots had been verified and the totals for candidates would have been resolved after re-commencing the count if this had been requested by the agents.

31. The District Council elections were commenced at 1 pm on Friday 7 May 2010 and were concluded without any issues. There was a need for a recount in one ward.

32. Despite the need to use both the large and small halls at Theydon Bois Village Hall, the

venue is still considered to be the best available. It is situated centrally and has good parking provision.

33. All the results were published on the Council's website within a few hours.

Meeting with Election Agents

34. Election Agents were invited to attend a debriefing on 7 June 2010 in order to express views on the running of the elections and the counts and three attended.

35. The following issues were raised. Officer comments are provided where appropriate.

(a) General:

The election was very well conducted by the electoral officers. All staff were helpful and cheerful both to the candidates and their supporters. All the various phases of the work were carried out efficiently and professionally.

(b) Specific Points:

(i) There were significantly increased turnouts in some wards and this resulted in some minor queues but the Polling Station staff coped well with the increased numbers and there were no serious problems.

(Officer comment : The problems with queues experienced in some parts of the country were not an issue and there is no evidence of any elector being unable to cast a vote due to a queue immediately before the close of the poll at 10 pm)

(ii) Staff taking part in manning the polling stations and dealing with the verification and the count had a very long day and an even longer night. There appeared to be no reasonable way of avoiding this situation. We would not want the declaration of the Constituency result to be delayed until the next afternoon.

(Officer comment: It is considered that the counts were conducted as speedily as possible and the time of the announcement of the result of the Parliamentary election compared favourably with announcements in other parts of the country. The only way in which the count could be speeded up would be to engage additional counters but there is no suitable venue in the District which is large enough to accommodate an increased number of staff. Whilst some Returning Officers aim to be the first to announce the result this has never been the practice at Epping Forest).

(iii) It was unfortunate that all the Constituency candidates were not invited to the platform for the declaration of the Parliamentary result. In spite of the lateness of the hour each candidate probably wished to make a short speech acknowledging the work done by the Returning Officer and to thank their supporters.

(Officer comment: It is regretted that the normal procedure of inviting candidates to the platform was not adopted and this will be at future Parliamentary elections. Whilst only the successful candidate made a speech other candidates could have done so if they had stepped forward. Election agents were advised beforehand that if their candidates wished to make a speech it should be no longer than five minutes. However, a more positive invitation should have given after the result had been announced).

(iv) A related point occurs with District elections. Some simple method is required to identify the winner to the general assembly - the winner often being unknown to most of those present. Perhaps the successful candidate could join the Returning Officer on the platform when the announcement is made.

(Officer comment: This needs careful consideration. Successful candidates are not always

present. By inviting the successful candidate to join the Returning Officer on the platform it might be considered an opportunity to make a speech which if allowed would increase the time of the count considerably bearing in mind there will be approximately 19 successful candidates each time. Other Returning Officers have been asked if they invite the successful candidates to join them on the platform. At the time of completing this report, 10 replies had been received and all of those responses indicated that the Returning Officers follow our approach. Several referred to the delay which would arise in waiting for successful candidates to come forward bearing in mind the difficulty in getting agents to gather to be advised of the draft result).

(v) The signage used and announcements made during the District count were clear and very helpful.

(vi) The provision of the TV broadcast during the Parliamentary count was much appreciated.

(vii) The break between the Verifications and the Parliamentary count was not realistic and perhaps unnecessary.

(Officer comment: Bearing in mind that the majority of staff had been working since before 7 am a short break of 15 minutes is considered entirely reasonable. Also it was necessary to have a break and clear the hall so that those who were entitled to be at the District Council elections verification but not the Parliamentary count could leave and security staff could check that only those entitled to be present remained).

(viii) It would be helpful if Presiding Officers at the Polling Stations were clearly identified in some way. A standard, re-usable badge is suggested. Some tellers have suggested that they were approached for advice as it was not apparent who was in charge of the polling station.

(Officer comment: Badges were provided and officers visiting polling stations cannot recall seeing a Presiding Officer not wearing a badge. However, Presiding Officers will be reminded in future of the need to wear their badges).

(vix) Tellers much appreciated the action of some Presiding Officers who allowed them to have shelter from the cold and bad weather. Can not consideration be given to an alternative venue to a current one where it is not possible to provide shelter for tellers.

(Officer comment: Tellers are accommodated where possible but at some stations where there is no lobby or a separate room it is necessary for them to remain outside of the building. In some locations where the lobby area is narrow it is a matter for the Presiding Officer to determine whether tellers can be accommodated without hindering entry to /exit from the polling station. The primary consideration in selecting polling stations is accessibility for electors and accommodation for tellers is secondary).

(x) As the owners of buildings used as polling stations are paid for the use why cannot the Returning Officer insist on what is required. For instance in schools it should be possible to use a room or hall and a separate room or corridor for tellers.

(Officer comment: In most wards there is no other suitable building which can be used as a polling station and a compromise has to be achieved in relation as to what part of a building is used. In relation to schools there is a need to respect the needs of the school and, in particular, security if the school is open on polling day. As indicated above the needs of tellers are secondary).

(xi) The size of the tree forming part of the Conservative logo on the ballot papers appeared small in comparison with other logos.

(Officer comment: The size of the area specified for logos incorporating the word "Conservative" dictates the size of the tree).

(xii) The candidates' expenses return forms are too complicated and the requirements change each year.

(Officer comment: Returning Officers have no control over the returns but if specific issues can be identified these matters will be drawn to the attention of the Electoral Commission.

Members' Views

36. Members are invited to express views on the running of the elections held on 6 May 2010 which will be taken into account for future elections.

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