

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY
STANDING PANEL
HELD ON MONDAY, 7 JANUARY 2013
IN COMMITTEE ROOM 1
AT 7.05 - 8.40 PM**

Members Present: Mrs M Sartin (Chairman), A Watts (Vice-Chairman), R Cohen, Mrs M McEwen, R Morgan, J Philip, D Stallan and G Waller

Other members present:

Apologies for Absence: J Markham

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

29. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

There were no substitutions made at the meeting.

30. NOTES OF THE LAST MEETING

RESOLVED:

That the notes of the last meeting of the Panel held on 4 December 2012 be agreed.

31. DECLARATION OF INTERESTS

There were no declarations made pursuant to the Member's Code of Conduct.

32. TERMS OF REFERENCE / WORK PROGRAMME

(a) Terms of Reference

The Panel's terms of Reference were noted.

(b) Work Programme

The Panel received updates to the Work programme as follows:

(i) Item 7 Review of Petitions

This item would be discussed in next year's Work Programme.

(ii) Item 16 Housing Appeals and Review Board (HARP) – Review of Order of Presentations and Appeal Procedures

It was advised that these two issues would be discussed as one item.

(iii) Items 17, 18 and 19 Contract Standing Orders, Financial Regulations and Officer Delegation

These items would come forward from the officer working group.

Councillor D Stallan requested that Councillor Mrs A Grigg, as member of the HARP should be invited to the March meeting of the Panel for the discussions regarding the Housing Appeals and Review Board.

33. POLICE AND CRIME COMMISSIONER ELECTION - 15 NOVEMBER 2012

The Assistant Director of Democratic Services presented a report regarding the Police and Crime Commissioner Election of 15 November 2012.

Legislation in 2011 had abolished police authorities in England and Wales (other than London), replacing them with a directly elected Police and Crime Commissioner in each police force area. The first election for commissioners was held on 15 November 2012, the commissioner must issue a police and crime plan, set the budget and produce an annual report.

The election required the appointment of a Police Area Returning Officer (PARO) for each police area, the appointed PARO for the Essex Police area was the Chief Executive of Chelmsford City Council. The PARO was empowered to give directions to the Local Returning Officers (LROs).

The Voting System and Turnout

The election used the supplementary vote system, in Essex there were six candidates. It was found that, across Essex, no candidate had achieved 50%+ of the votes cast and it was necessary to undertake the second stage of the count. In the district, of an electorate comprising 98,862, there were 1,221 ballot papers counted which included 4,245 postal votes (10.34% turnout). The majority of polling stations in the district issued less than 100 ballot papers.

Poll Cards and Postal Votes

Poll cards were delivered within the time frame specified by the PARO. There was a complaint made to the Electoral Commission regarding delivery of poll cards to a block of flats in Waltham Abbey being left on the window sill in the lobby. A public apology was given. The total number of postal vote packets issued was 8,331 with 4,245 (50.95%) were returned.

It was a requirement that arrangements were made for a final sweep of Royal Mail Sorting Offices on polling day at a cost to the council of £718 for locating postal votes which resulted in two postal votes being received. Representations had been made previously about the value of these sweeps and these would be repeated. In the Council's post on the days immediately following polling day, a total of 35 postal vote packages were received. Some of these may have been in the Royal Mail system on polling day.

Polling Stations

No adverse comments had been received from electors or agents regarding polling station. It had been necessary on election day to call out the Council's direct labour to

provide heating and lighting at the Faversham Hall, Chigwell Row Polling Station. This was a Council owned property only used for election purposes. Although its future was uncertain, the Returning Officer would liaise with Housing Directorate colleagues to ensure that the facilities were tested prior to election day.

Ballot Papers and Spoilt Papers

The proof of the ballot paper was scrutinised carefully and all ballot papers were printed correctly. There were 219 and 702 rejected ballot papers at Stage 1 and Stage 2 of the count.

Count

Verification and counting of ballot papers took place at Theydon Bois Village Hall, the verification took place at the close of poll on 15 November 2012 and counting commenced at 10.30a.m. on 16 November. Both processes went smoothly. Members requested a webcast of the count in the future. It was advised that this was not currently possible as the appropriate connections were not available. Officers said this could be installed but needed costing.

Police Liaison

The police decided not to undertake visits to Polling Stations and nor would they be present at the counts.

Complaints and Queries Received in the Elections Office and at Polling Stations

There were few telephone calls made to the Elections office on 15 November by electors.

Finance

The Home Office was required to fund stand alone Police and Crime Commissioner elections. Total expenditure was expected to be around £170,000.

Feedback from Election Agents and Others

(a) Conservative Candidate

A sub-agent for the Conservative candidate attended one of the postal vote opening sessions and the count. She commented that different presiding officers had taken a varied approach on informing electors that they had a second choice. It was advised that officers could not change the wording on the ballot papers, under the supplementary vote system voters could vote once or twice.

(b) Oral Comments made at the Count

Some adverse comments were made about the final result being known to agents at the local count at Theydon Bois through tweets before the Local Returning Officer received official notification from Chelmsford. The PARO could place an embargo on the media and agents from communicating the result until all LROs were notified.

(c) Electoral Commission Accredited Observer

The Head of Electoral and Member Services, London Borough of Hackney, was an accredited Electoral Commission observer and attended the count at Theydon Bois. He subsequently commented that the dedicated team did a fantastic job, very professional and smooth, he would take away some learning points for future polls.

Broadly there were no key issues arising for the Local Returning Officer at the elections. It was noted that at the forthcoming Safer Cleaner Greener Scrutiny Standing Panel on 12 February 2013 the Police and Crime Commissioner would be in attendance to answer questions.

RECOMMENDED:

That the report regarding the Police and Crime Commissioner Election on 15 November 2012 be recommended to the Overview and Scrutiny Committee.

34. ANNUAL COUNCIL MEETING

The Panel received a report from the Senior Democratic Services Officer, regarding Appointments at Annual Council – Review.

At the February 2012 Panel meeting, members examined the procedures for making appointments at Annual Council and requested that they review the process in a year's time. The Panel had confirmed the operation of the Appointments Panel for that year and continue the suspension of the relevant protocol for a further year.

Last year, the District Council operated the Appointments Panel for the second time. In 2012 the Panel met on 11 and 15 May and had managed to report fully on all matters, enabling a supplementary agenda to be circulated prior to Council on 22 May. It was recommended that the Terms of Reference for the Panel be included into Part 3 of the Constitution.

The protocol on the Allocation of Chairmanships and Vice Chairmanships and Outside Organisations had been suspended for two years allowing the new system to operate.

The Panel recommended that 9 and 14 May should be the dates for the Appointments Panel.

RECOMMENDED:

(1) That the continued successful operation of the Appointments Panel be noted;

(2) That a report be made to the Overview and Scrutiny Committee and the Council recommending the following changes to the Constitution:

(i) The revocation of the Protocol on the Allocation of Chairmanships and Vice Chairmanships and Outside Organisation Places in favour of measures (ii) and (iii) below;

(ii) the formal inclusion of the Terms of Reference of the Appointments Panel in the "Responsibility for Functions" Section of the Constitution and table of Responsibility for Council Functions Table in Part 3 of the Constitution as set out in the appendix to the report;

(iii) Consequential amendments to be made to the Council Procedure Rules section 1 to reflect the Report of the Appointments Panel directly to the Annual Council meeting covering those matters set out in its Terms of Reference;

(iv) To authorise the Assistant to the Chief Executive to make the consequential amendments to the Council Constitution set out above; and

(3) To recommend to Council that 9 and 14 May (reserve date) 2013 be approved as the date(s) for the Appointments Panel for 2013 and thereafter the dates be set as part of the annual calendar of meetings with the date of the Panel being set at least seven days before the Annual Council meeting each year.

35. REVIEW OF OUTSIDE ORGANISATIONS

The Panel received a report from the Senior Democratic Services Officer regarding Protocol on Partnerships and Other External Organisations.

At the Panel meeting on 20 February 2012, members asked for a scoping report on the Council's links with outside organisations. Members asked for consultation arrangements to form part of the review and it be completed during the current Council year. The protocol was not statutory in nature. The protocol sought to put the relationship between the Council and external organisations on a business-like basis and ensure the members were aware of their roles and possible risks.

The most recent review resulted in a new requirement that Councillors serving on outside bodies submit written reports in time for publication with Council agenda, and additionally Council agendas would include a standing item allowing members to seek reports on specific outside bodies for the following meeting.

The Panel had expressed concern about the submission of reports on external bodies. Over recent years some reports had either been requested by the Council or volunteered by representatives but the numbers were not large.

The question of trustee status continued to cause concern, accepting trustee status created conflicts of interest with members expected to act in the interest of the Trust. It had also proved difficult to obtain annual reports from these organisations, and likewise the annual agreement had proved a cumbersome procedure and had been viewed with concern by some organisations.

The Panel requested that a Working Group should be set up of Panel members to discuss the current list of Outside Bodies of which the Council had representatives and submit their recommendations back to the Panel. Initially the group would be made up of Councillors Mrs M Sartin (Chairman), J Philip, G Waller and R Cohen.

RESOLVED:

That a Panel Working Group be arranged to report back to the Panel regarding the current list of Outside Bodies of which the Council had representatives.

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

Constitution and Members Services Scrutiny Standing Panel Monday, 7 January 2013

The following reports were being put forward to the forthcoming Overview and Scrutiny Committee:

- (a) Police and Crime Commissioner Election November 2012; and
- (b) Review of Annual Council

37. FUTURE MEETINGS

The next meeting of the Panel would be held on Wednesday 27 February 2013 at 7.00p.m. in Committee Room 1.