

EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY
STANDING PANEL
HELD ON THURSDAY, 24 JUNE 2010
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.30 - 8.50 PM

Members Present: Councillors Mrs M McEwen (Chairman), K Chana (Vice-Chairman), R Cohen, Mrs D Collins, Ms J Hedges, J Markham, J Philip, B Rolfe, Mrs M Sartin, Mrs J Sutcliffe and Mrs J H Whitehouse

Other members present:

Apologies for Absence: Councillors Mrs C Edwards and D Stallan

Officers Present I Willett (Assistant to the Chief Executive), S G Hill (Senior Democratic Services Officer), C Overend (Policy & Research Officer), W MacLeod (Elections Officer) and M Jenkins (Democratic Services Assistant)

1. NOTES OF THE LAST MEETING

RESOLVED:

That the notes of the last meeting of the Panel held on 29 March 2010 be agreed.

2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that Councillors Mrs D Collins and B Rolfe were substitutes for Councillors Ms C Edwards and Councillor D Stallan respectively.

3. DECLARATION OF INTERESTS

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

4. TERMS OF REFERENCE / WORK PROGRAMME

The Panel's Terms of Reference were noted.

The Panel was advised that in relation to the Work Programme, Item (2) "Planning/Landowner Roles," the issue had been referred by the Overview and Scrutiny Committee in April 2010 to this Panel. It was suggested this should be scheduled for the September 2010 Panel meeting.

The Panel was also advised that the Overview and Scrutiny Committee had referred the issue of "Appointments made at Annual Council" to this Panel. The issue would be scheduled into the Work Programme as well. Alongside this, the Overview and Scrutiny Committee had referred the issue of "Setting up Assistants to Portfolio Holders" to this Panel. This would be scheduled into the Work Programme.

Members were advised that the Remuneration Panel had referred the matter of "Member Role Accountability Statements" to the Panel. It was agreed to schedule the report to the Panel Work Programme.

RESOLVED:

- (1) That the Review of the Council's Planning/Landowner Roles be scheduled for the September 2010 Panel meeting.
- (2) That the issues referred from the Overview and Scrutiny Committee, namely Appointments made at Annual Council and Setting up Assistants to Portfolio Holders, be scheduled into the Work Programme.
- (3) That Member Role Accountability Statements be scheduled into the Work Programme.

5. E-PETITIONS AND NEW DUTY TO RESPOND TO PETITIONS

The Panel received a report from Mr C Overend, Policy Officer, regarding Statutory Guidance on the new Duty to Respond to Petitions.

The Local Democracy, Economic Development and Construction Act 2009 contained requirements setting out how local authorities responded to and dealt with the receipt of petitions. This new duty for local authorities to respond to petitions came into force on 15 June 2010, with the requirements for E-Petitions coming into effect on 15 December 2010. The report set out the main provisions identified in the Act and highlighted issues for consideration when determining how the Council's current petitions scheme should be enhanced to reflect the new requirements.

Handling Petitions – Summary of Requirements in 2009 Act

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

Requirements for Scheme:

- (a) must be approved by Full Council before it came into force;
- (b) must be published on the authority's website and by any other method by which it was brought to the attention of those who live, work or study in its area; and
- (c) can be revised, but this must be approved and published in the same way.

Requirements for petitions:

- (d) anyone could sign or organise a petition as long as they lived, worked or studied in the local authority area, including persons aged under 18;
- (e) the facility for submitting electronic petitions was provided by the local authority; and
- (f) petitions must be acknowledged within a time period to be included in the petitions procedure.

(g) among the steps that a local authority could choose for responding to a petition, the following must be included amongst the options listed in the scheme:

- (i) take the action requested in the petition;
- (ii) consider the petition at a meeting of the local authority;
- (iii) hold an inquiry, public meeting or commission research;
- (iv) write a response to the petition organiser setting out the authority's views on the petition request;
- (v) refer the petition to the Overview and Scrutiny Committee;
- (vi) petitions with a significant level of support trigger a debate of the Full Council. Councils determine this threshold locally but it must be no higher than 5% of the local population;
- (vii) 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; and
- (viii) petition organisers could prompt a review of the local authority's response if this was felt to be inadequate.

Rejecting Petitions

(h) In addition, because established processes already existed, the following matters were excluded from the scope of the petitions duty:

- any matter relating to a planning decision;
- any matter relating to an alcohol, gambling or sex establishment licensing decision; and
- any matter relating to an individual or entity in respect of which that individual or entity had a right of course to a review or right of appeal.

E-Petitions

(i) The 2009 Act applied the same requirements to electronic petitions as to paper petitions, except for the following:

- local authorities were only required to respond to e-petitions made through their e-petition facility;
- local authorities must decide, whether the petition was appropriate for publishing on their facility;
- local authorities would decide what equated to a signature on a petition; and
- local authorities were required to provide a facility for people to submit petitions electronically.

Members were advised that officers were currently working with the supplier of the Committee Management System (CoMS) to implement an E-Petitions scheme before the December 2010 deadline. In the interim it was recommended that paper petition submissions should be dealt with in accordance with the new scheme and extend it to E-Petitions once implementation was completed. Under the new arrangements the District Council would in addition to E-Petitions continue to accept paper petitions and a mix of the two.

Petition Thresholds

Where a petition received the required level of support, it could trigger a Council debate. The Government's guidance stipulated that the scheme should specify the number of signatories that would automatically create a debate. The figures presented below gave an indication of the petition thresholds which might be appropriate to the District:

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

Local authorities were free to determine their own trigger level requiring a debate at a Full Council meeting, providing that it was no higher than 5% of the relevant population. Members felt that thresholds should vary according to the nature of the issue being raised. A number of options were suggested during the discussion. However, it was felt that the question of the applicable thresholds needed further consideration. It was recommended that officers submit a further report to the Panel regarding the options in that regard.

Full Council Debates

Once support for a petition reached the agreed threshold, the Council would be required to debate the matter. The Council would need to take the following steps:

- petitioners should be offered the option of presenting their petition to the Council at the beginning of the debate;
- the debate should conclude with a decision taken by the Full Council except where the issue was one on which the Executive was required to make the final decision;
- the scheme must allow for attendance by a senior member of staff with responsibility for delivery of the service in question to attend a meeting of the authority to address the concerns expressed in a petition; and
- after the relevant person had 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.

Petition Reviews

If a petition organiser were not satisfied with the manner in which a Local Authority had dealt with a petition, they had the power to ask an Overview and Scrutiny Committee to review that Authority's response to the petition.

Members were advised that approval had been obtained from Overview and Scrutiny Committee for any report on this item to be submitted directly to Full Council on 29 June 2010. This was because of time constraints. After discussion, the Panel concluded that there was more discussion required before a written report could be submitted. The Chairman was therefore asked to make an oral situation report on the matter.

RESOLVED:

- (1) That 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 be noted;
- (2) That further discussion of the options available to the Council be deferred to the next meeting;
- (3) That the Chairman of the Panel be authorised to give an oral report to the Council meeting on 29 June 2010 explaining that the Panel needed more time to discuss the matter;
- (4) That Council be recommended to adopt the draft Petitions Scheme, subject to consequential amendments and the rescinding of the current petitions' scheme;
- (5) That during the period up to 15 December 2010, or the formal introduction of the Council's E-Petitions system, the Council continue, only, to accept paper based petitions;
- (6) That the arrangements for the involvement of partner bodies in the new scheme be noted;
- (7) That the Assistant to the Chief Executive commence work on the implementation of an E-Petitions scheme and submit a report to the Panel on the proposed implementation prior to 15 December 2010;
- (8) That the proposed consequential amendments to the Council Procedure Rules and the Overview and Scrutiny Procedure Rules, enabling the debates and review envisaged by the legislation, be reported by the Assistant to the Chief Executive; and
- (9) That the Assistant to the Chief Executive ensure that appropriate publicity is sought for the introduction of the scheme, and at the relevant time the E-Petition facility on the Council's website.

6. ELECTIONS - MAY 6 2010

The Panel received a report from Mr I Willett, Returning Officer, regarding the Elections in May 2010.

The Epping Forest Parliamentary Constituency Election was contested on 6 May 2010 together with 19 District Wards.

The Parliamentary elections were contested by seven candidates, the turnout was 67% and Eleanor Laing was elected to represent the constituency having received 54% of the votes cast.

Combined Elections

(a) There had been the issue of an assenter's signature on the nomination paper for an unsuccessful candidate, was referred to the police.

(b) In each District Ward contested, except for Chipping Ongar, Greensted and Marden Ash, one councillor was due to be elected. Turnout in the District Wards varied between 74.1% in the Theydon Bois Ward and 53.6% in the Waltham Abbey Paternoster ward.

(c) Holding combined elections had advantages, for example the sharing of costs. However, combining Parliamentary and local elections created practical difficulties as the timetables were different. 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 5p.m. on 20 April.

(d) Combined poll cards were issued, therefore, with the disadvantage that they could not be delivered until 15 April, the date of the notice of the Parliamentary election.

(e) In the event the comparatively late issue of poll cards did not cause undue problems, although some complaints were received about poll cards not being delivered by Royal Mail in parts of the Grange Hill Ward. It was noted there had been delivery problems in the Theydon Bois area as well.

Polling Stations

(f) Established polling stations were used except at Theydon Bois, there were no representations received raising issues about the lack of facilities at any polling station.

(g) Station visitors were asked to complete an access questionnaire, the returns did 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

(h) The total number of Parliamentary postal votes issued was 7,125, approximately 85% returned.

(i) 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.

Spoilt Papers

(j) There were 134 ballot papers rejected, 119 for being unmarked or wholly void for uncertainty, and 15 where the elector had voted for more than one candidate.

(k) The number of ballot papers rejected in respect of the District Council elections varied between 5 and 55.

Police Liaison

(l) Discussions were held with the police about security for the elections and their response was again very good.

Complaints and Queries Received in the Elections Office

(m) 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 Registrations Officer.

(n) No formal complaints were received regarding an alleged breach of electoral law other than the issue with a nomination paper.

Count

(o) In the event of a combined poll the Epping Forest Constituency election ballots were counted immediately after the close of the polls and thus delayed the District Council election count until Friday 7 May 2010.

(p) The provision included in the Constitution Reform and Governance Act 2010 requiring Returning Officers to commence parliamentary election counts within four hours of the close of poll was not an issue.

(q) 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.

(r) It was emphasised that there was 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.

Issues Raised at Meeting with Election Agents – 7 June 2010

(s) The election was very well conducted by the electoral officers. All staff had been helpful and cheerful both to candidates and their supporters, with all phases of the work carried out efficiently and professionally.

(t) It was felt unfortunate that all the Constituency candidates were not invited to the platform for the declaration of the parliamentary result. However although only the successful candidate did make a speech, other candidates could have done so if they had indicated. A simple method was required of identifying the winner at future Council elections to the general assembly. This needed careful consideration as successful candidates were not always present. Mr I Willett confirmed that he would investigate how this can be arranged in future. He also undertook to announce party candidates when giving declaration of results

(u) The signage used and announcements made during the District count were clear and very helpful. The provision of the TV broadcast during the parliamentary count was much appreciated.

(v) Presiding Officers at Polling Stations needed to wear the badges issued to them.

(w) Tellers appreciated the action of some Presiding Officers allowing them to shelter from the weather. Tellers were accommodated where possible, however, the primary consideration was accessibility for electors.

RESOLVED:

That the Review of the Elections – May 2010 report be noted and submitted to the Overview and Scrutiny Committee at its next meeting.

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

The Panel was advised that an oral report concerning E-Petitions would be made at the next Council meeting, and the report concerning the May 2010 Election would be submitted to the Overview and Scrutiny Committee meeting on 12 July 2010.

8. FUTURE MEETINGS

The next meeting of the Panel was scheduled for Thursday 23 September 2010 at 7.30p.m. in Committee Room 1. Members had been advised in advance of the meeting that it was necessary to book an extra meeting of the Panel due to its workload. Following consultation, the extra Panel meeting would be on Tuesday 9 November 2010 at 7.30p.m.