

**EPHING FOREST DISTRICT COUNCIL  
NOTES OF A MEETING OF CONSTITUTIONAL AFFAIRS SCRUTINY STANDING PANEL  
HELD ON MONDAY, 20 FEBRUARY 2006  
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING  
AT 7.30 - 10.01 PM**

<b>Members Present:</b>	R Morgan (Chairman), Mrs P Brooks (Vice-Chairman), Mrs A Haigh, J Markham, Mrs P Richardson and D Stallan
<b>Other members present:</b>	Mrs D Borton, M Colling, Mrs D Collins, P Gode, Mrs A Grigg, B Sandler, Mrs M Sartin and Mrs J H Whitehouse
<b>Apologies for Absence:</b>	Mrs J Davis
<b>Officers Present</b>	I Willett (Head of Research and Democratic Services), S G Hill (Senior Democratic Services Officer), C Overend (Policy & Research Officer), P Seager (Chairmans Secretary) and Z Folley (Democratic Services Assistant)
<b>Also in attendance:</b>	(none)

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**21. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

No substitute Members were reported for the meeting.

**22. DECLARATION OF INTERESTS**

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

**23. NOTES OF THE LAST MEETING - 5 JANUARY 2006**

Noted.

**24. CIVIC PROTOCOL**

The Head of Research and Democratic Services reported that the Loughton Town Council had proposed changes to the Local Protocol for the Order of Precedence at events in Loughton. Under this proposal, the Town Council Chairman might officiate rather than the Chairman of this Council if events were deemed "local" rather than "District" events. The Panel had before them correspondence between the District Council and the Town Council itself.

The Head of Research and Democratic Services reported the history of this request and the operational and support difficulties that might arise from the proposals. The Panel considered the difficulties in trying to differentiate between 'purely local' and District wide events as envisaged under the request. The Panel noted the views of the Chairman of the Council and his secretary. The Panel resolved that no changes should be made to the current protocol.

**ACTION:**

The Head of Research and Democratic Services to send a letter to Loughton Town Council informing of the decision.

**25. ELECTORAL CANDIDATES PACK**

The Senior Democratic Services Officers presented the information pack for candidates in elections in Epping Forest. The intention was to issue the information early on in the electoral process to give candidates a greater understanding of the role following their successful election. The Panel considered each section incorporating information on IT and training needs and made a number of changes.

It was proposed that:

- (a) A brief introduction/abstract be added to inform on the purpose of the pack and overview the sections and be followed by the contents table;
- (b) Section 4 on History should include more information on the local villages and appear early on in the sections followed by Section 6 then 3;
- (c) Section 2 should be moved to the end of the document;
- (d) Word 'Tories' taken out from pg 50;
- (e) Information be added on the duties candidates might be asked to undertake immediately after their successful election. For instance in terms of paperwork requirements;
- (f) First line of Paragraph on Cabinet structure on pg 50 be reworded to say that 'The Council has a 'Cabinet' which is a group of nine Councillors from the political groups;
- (g) Wording in Section three on pgs 40-41 be re written to state that new Members would be invited to undertake the actions reported. Part on Councillor 'Buddies' be amended to state 'does your group run this scheme?';
- (h) Wording in Section 8 on Code of Conduct and other Ethical Issues be reworded in parts to ensure that it realistically reflected the expectations of the code and the consequences for Members;
- (i) Section 10 on Member Connectivity Scheme state in bold type that help would be given to Members who are not very confident with IT facilities;
- (j) Consideration be given to reducing the length of the appendices that include information reported elsewhere in the main document;
- (k) Pack should have a bright cover and be split into two sections covering pre-election information and post election guidance;
- (l) Feed back to sought from the recipients of the pack to ascertain their views;

The Panel thanked the Senior Democratic Services Officer Simon Hill for producing and putting the document together.

**ACTION:**

The Senior Democratic Services Officer to amend document as indicated.

**26. TERMS OF REFERENCE / WORK PROGRAMME**

Noted.

**27. REVIEW OF AREA PLANS SUB - COMMITTEES**

The Head of Research and Democratic Services reported that Councillor Mrs D Collins had raised concerns on behalf of Area Plans 'C' about the low levels of business being allocated to the Committee and its relatively small Membership size. This had resulted in problems in ensuring a quorum for meetings. He drew attention to a report proposing a review of the structure of the Area Plans Sub – Committees which was submitted to Policy Working Group 3 in September 2004.

It was proposed that all Members should be allocated a place on the planning sub-committees enabling the Membership size of each panel to be 'levelled up' to about the same. The following alternative models aimed at addressing these issues were proposed:

**Option 1**

Area Plans 'A' - Loughton only – with a Membership size of 14 drawn from all wards in the area;

Area Plans 'B' - the existing areas under the Committee (minus the two North Weald Wards) plus Chigwell – Membership size 15;

Area Plans 'C' - existing areas plus the rural villages (Nazeing, Roydon, Broadley Common) and North Weald – Membership size 14;

Area Plan 'D' - existing areas minus the rural villages plus Buckhurst Hill- Membership size 15

**Option 2**

Area Plans 'A' - Loughton and Buckhurst Hill – with a Membership size of 19 drawn from all wards in the area;

Area Plans 'B' - the existing area under the Committee (minus the two North Weald Wards) plus Chigwell – Membership size 15;

Area Plans 'C' - existing areas plus the rural villages (Nazeing, Roydon, Broadley Common) and North Weald – Membership size 14;

Area Plan 'D' - Waltham Abbey only.

It was agreed that statistics be obtained on the number of Planning applications submitted to each sub-committee over the last council year to inform the discussion. It was suggested that this be taken in account when looking at alternative models and that the investigation should not be restricted to exploring the two options reported at the meeting but look at other proposals such as grouping areas geographically.

**ACTION**

Head of Research and Democratic Services to produce report for next meetings incorporated the merits of the options reported and the numbers of planning cases submitted to each sub-committee meeting over the last council year.

**28. FUTURE ROLE OF COUNCIL**

The Policy and Research Officer reported that, during recent meetings, the Panel had explored various alternative practices for enhancing debate at council meetings. The Panel had asked officers to work up some of the practices identified to reach a decision on whether or not to support them. A report that fully explored the issues was before Members. Comments received from a number of Councils mentioned in the report on the operation of some of their procedures was also reported for information.

Members supported the following practices:

- State of the District Debates.
- Single Issue Council meetings,
- Council in Committee/ Seminar
- Reports from the Leader and Cabinet Members
- Reports from Overview and Scrutiny
- Questions by Members
- Questions by the Public

It was emphasised that the above should be subject to pre specified time limits. It was proposed that a deadline be put in place for the receipt of public questions. It was noted that in the event that this was missed, a written reply could be offered to the initiator or alternately the question could be carried over to the next available meeting. In relation to questions, it was recommended that the rules for supplementary questions be relaxed so that they could be submitted on an open basis rather than for elucidation only. The revisions should permit questions without notice.

Members agreed that no changes be proposed to the slot at Council meetings for the Chairman's announcements and the presentation of awards.

**ACTION**

The Policy and Research Officer to draft a revised set of procedures for the next meeting.

**29. PROGRESS REPORT ON ELECTORAL PILOTS AND ELECTORAL ADMINISTRATION BILL**

The Head of Research and Democratic Services reminded the Panel that the Councils application for an electoral pilot for this years District elections had been endorsed by Ministers and would be submitted to the Council this month for consideration. He also reported more general changes introduced through the Electoral Administration Bill to come into effect in May 2006. Should the bill be approved, the hours of polling at local elections would be extended to cover those in operation for Parliamentary elections (i.e 7a.m to 10p.m). It would also change the

deadline for the submission of postal votes to 11 days. The deadline of 6 days for proxy votes would stay the same. Other changes would allow emergency proxy votes to be submitted on the day of the election and ensure that confirmation was sent out to postal voters on receipt of their completed papers. New arrangements would also be introduced to deal with spoilt ballots together with changes to the electoral register.

A further bill was also being formulated for implementation in May 2007. This was likely to lead to the formulation of a national electoral register by linking up existing area ones, allocate the duty to secure the highest level of return to Returning Officers lower the minimum for electoral candidates to 18, introduce a new code of conduct for postal voting, debar politicians from having a role in the postal vote process, and issues new guidance on how independent candidates should describe themselves on the ballot paper.

### **30. HOUSING APPEALS PANEL - TITLE, TERMS OF REFERENCE AND PROCEDURE**

The Head of Research and Democratic Services presented the report.

The reported was supported for consideration by the OSC on 16 March 2006.

### **31. COMPLAINTS AGAINST COUNCILLORS - REVIEW OF SUPPORT**

The Head of Research and Democratic Services reported that Group Leaders had recently discussed the position of Councillors who might be the subject of complaints to the local Standards Committee. At present, officers involved in such complaints must be careful in offering advise to avoid allegations of any conflicts of interest. Some Group Leaders were of the view that this isolation could leave Councillors subject to complaints without any ready access to guidance from within the Council. They also acknowledged that the Council itself should not be seem to be allocating funding to this area.

Four options had been raised for consideration.

- (a) Provision within the political groups of funds to provide advise support where requested
- (b) An arrangement where members set aside a percentage of their basic allowance to create a fund.
- (c) The political parties concerned make such a provision
- (d) A mentor system where a member would be trained to offer advise.

The Panel considered whether some form of insurance should be set up to provide professional advise on serious cases. Other more day to day cases could be dealt with by other means. It was suggested that reciprocal arrangements could be established with an authority elsewhere. This might enable Members to access advise from officers of the partner authority involved ensuring it was provided by an external source rather than the officers directly involved in an investigation. Such an agreement would necessitate the Council offering a similar service to the participating Council. . A mentor system could also be established. The Head of Research and Democratic Services undertook to look into these options

**ACTION:**

The Head of Research and Democratic Services to draft a report for consideration at the next meeting.

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

Housing Appeals Panel – Title Terms of Reference and Procedure

**33. FUTURE MEETINGS**

Noted that the next meeting would be held at 7.30 p.m on 27 March 2006 in Committee Room 1.