

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY
STANDING PANEL
HELD ON THURSDAY, 11 OCTOBER 2007
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.30 - 9.45 PM**

Members Present: R Church (Chairman), J Demetriou, R D'Souza, D Jacobs, Mrs M McEwen, T Richardson, B Rolfe, D Stallan and Mrs J H Whitehouse

Other members present: Mrs D Collins and Mrs P Smith

Apologies for Absence: R Morgan, Mrs P Brooks and J Markham

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 Z Folley (Democratic Services Assistant)

11. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

Noted that Councillor D Jacobs was attending the meeting as a substitute for Councillor Mrs P Brooks.

12. DECLARATION OF INTERESTS

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs M McEwen declared a personal interest in agenda item 7 (Review of Polling Stations). The Councillor declared that her interest was not prejudicial and indicated that she would stay in the meeting during the consideration of the item.

(b) Pursuant to the Council's Code of Member Conduct, Councillor J Demetriou declared a personal interest in agenda item 9 (Constitutional Changes - Determination of Members' Planning Applications/Cabinet Committees). The Councillor declared that his interest was not prejudicial and indicated that he would stay in the meeting during the consideration of the item.

13. NOTES OF THE LAST MEETING

Noted.

14. TERMS OF REFERENCE / WORK PROGRAMME

Noted.

It was noted that Councillor Mrs Cooper had expressed a number of concerns regarding access to information arrangements. It was noted that the OSC had referred these concerns to the Panel for consideration.

It was requested that a report on the issues be submitted to the November meeting and agreed that Councillor Mrs Cooper be informed of these arrangements to enable her to present her concerns to the Panel.

15. PROTOCOL ON PARTNERSHIP AND OTHER EXTERNAL ORGANISATIONS

It was reported that the protocol had been amended to incorporate the comments made by the Panel at its last meeting on 30 July 2007.

It was reported that the new Deputy Chief Executive would be considering plans for developing an overarching policy for all of the Council's partnership working arrangements. It was possible that the findings of this review would be affect the current protocol in the future. The Panel supported the revised Protocol for submission to the next OSC for endorsement.

Resolved:

That the Protocol on Outside Bodies and Organisations be submitted to the next OSC for endorsement.

16. REVIEW OF POLLING STATIONS

The Panel considered the report.

It was noted that the Electoral Administration Act 2006 placed a duty for all polling Districts and Places to be reviewed by the end of 2007. The report explained the consultation process for this review with the responses to this attached to the report. It was noted that as part of this views were sought on the polling districts (Loughton Way (AB) Barfields (AT) Whitehills and Sewardstone (BM). There was also general agreement to a suggestion from the Returning officer for the Brentwood that the parish of Stanford rivers be treated as a single polling district rather than divided in two

It was noted that the Acting Returning Officer for the Brentwood and Ongar parliamentary constituency had also suggested that the polling stations in the Lambourne Parish Voting rooms be removed with all electors in the Lambourne Parish voting in Abridge Village Hall. The ward Member for Lambourne End advised that the Parish Council had been contacted about this proposal and was strongly against it. He pointed out that the Parish Room was accessible for all voters and much closer to the Lambourne End electors than the Abridge Village Hall. Given this, the removal of the Polling Station would be a disincentive to vote and could discourage turn out especially amongst the elderly.

The Panel also noted the appeals process for this review, a schedule of the proposals and the reasons for the proposed polling district and places.

RECOMMENDED TO THE COUNCIL:

That a report be submitted to the Council recommending:

- (a) that the proposals for polling districts and places as set out in the Appendix to the report be approved; and**
- (b) that the proposals be published and copies made available for**

inspection by the public at the Civic Offices, in at least one place in each parliamentary constituency and on the Council's website.

17. CABINET OPERATIONS IN EMERGENCY SITUATIONS

The protocol was designed to cover two situations: Local Emergencies and National Emergency situations declared by the Government.

The protocol very much focused on the role of the Leader under such circumstances and provided a definition of both types of emergencies, explained the circumstances in which one should be declared, who would be tasked with doing this, the emergency procedures available for dealing with such situations, how long such rules could be applied for when and how they could be revoked.

It was noted that the provisions of the Emergency Local Plan set out a definition of a Local Emergency and this determined whether one needed to be called. Reference was made to a recent emergency situation in Loughton where there was problems regarding water mains. The Panel felt that the reaction by the Emergency response Team to this was very effective and demonstrated that they already had the ability to deal with such circumstances very well.

(a) Local Emergency Situations

It was noted that the protocol provided for decision making during the above situations.

It was agreed that such arrangements should be subject to 4 weekly reviews ('four weekly renewals') during the duration of the emergency. This should continue at such frequencies until such a time when the normal decision business making process was able to resume – (ie when the Council recovered its quorum)

(b) National Emergency Situations

It was anticipated that under these situations, Central Government would put into effect plans for dealing with the situation.

Noted that under these circumstances, it would be necessary to follow the Government's plans and that this protocol should specify this intention as well as providing for regular reviews as mentioned above.

Officer reported their intention to give further consideration to the provisions on the role of the Key Officers in emergency situations.

Agreed that the Protocol with the Panel's comments be submitted to the next meeting of the OSC in November 2007.

18. CONSTITUTIONAL CHANGES - DETERMINATION OF MEMBERS' PLANNING APPLICATIONS/CABINET COMMITTEES

The Panel considered the report.

(a) Planning Applications – Decisions on Applications by Councillors

It was noted that the Constitution provided for any planning application submitted by a Member to be determined by members and not under delegated Authority. Under

this rules, applications made by Councillors were normally submitted to an Area Plans Sub – Committee for determination.

As Area Plans Sub – Committees comprised members representing only those wards in the particular area, prejudicial interests were more likely to arise than in the case of a Committee drawn from Councillors from across the whole District eg District Development Control Committee. The number of prejudicial interests declared as a result of these issues could often result in there no longer being a quorum and considerable delays in the process.

In view of these issues it was recommended that the terms of reference of Area Plans Sub-Committees and the District Development Control Committee be amended to provide that any planning application submitted by or on behalf of a Councillor of the Authority (and/or spouse/partner) was submitted to the District Development Control Committee for consideration and not to an Area Plans Sub-Committee.

(b) Cabinet Committees

It was noted that as the Cabinet currently comprised only one party, representation on the Cabinet Committee from more than one group was no longer possible. The Panel were asked to update the Constitution to reflect this new situation.

The Panel felt that all Groups with representation on the Cabinet should be given the opportunity to appoint representatives to serve on the Cabinet Committees. The Panel recommended that the proposals be amended to enable this.

RECOMMENDED TO THE COUNCIL:

That, subject to approval of the Overview and Scrutiny Committee, the Panel be authorised to report direct to the Council on proposed changes to the Constitution providing for:

(a) exclusion from the Terms of Reference of Area Plans Sub-Committees and inclusion within the Terms of Reference of the District Development Control Committee of consideration of any planning application submitted by or on behalf of a Councillor of the Authority (and/or spouse/partner); and

(b) references in the Terms of Reference of Cabinet Committees to any political Group with a seat on the Cabinet but not having representation on the Committee by virtue of one of the named Cabinet Portfolios being able to nominate a member to serve on the Committee be retained

19. OS REVIEW SEMINAR - 18 SEPTEMBER 2007

The Panel received the notes of the OS review seminar held on 18 September 2007. It was reported that the seminar explored a number of aspects of the OS system and suggested the following ideas for improvement.

Work Plan – The work plan monitoring should focus on deadline monitoring. The Work plan should be scaled down to enable this and the Chairman should report on an exception basis. Any recommendations for change should be supported by a written report.

Scrutiny of Executive work – it was noted that the rules provided for the Chairman of the OSC to scrutinise the Cabinet agenda and enabled the Chairman to report on any issues raised to the next Cabinet agenda. It was requested that this item for this on the agenda be revised to clarify this provision and explain it clearly.

External Presentations –the Seminar agreed that the amount of time devoted at OSCs to this should not be reduced and should only be reduced following a request for this from members.

Review of Sub – Groups - The lack of appetite for these reviews amongst Member was noted. This could be attributed to the timing of these reviews.

Some items were currently being held in abeyance as they were awaiting the passage of legislation. It was suggested that these Panels should embark on new reviews on more pressing issues. Members could submit new bids for the plan for consideration at any point in the year. However so far this year, few requests had been submitted for inclusion in the plan.

Agreed that that the Call in page in the Members Bulletin be updated.

Agreed that a further OS review seminar be arranged for January 2009.

Recommended:

That the recommendations of the OS review seminar be submitted to the OSC on 8 November 2007 for endorsement and consideration.

20. LOCAL GOVERNMENT WHITE PAPER - ELECTORAL CYCLES AND OVERVIEW AND SCRUTINY

(a) Electoral Cycles

The Panel noted that the Bill would enable Councils to review their electoral scheme and make changes to the frequency of their electoral cycle. The Panel considered a summary of the options identified in the Bill and indicative figures on the likely cost implications of each of them. It was likely that the Bill would receive Royal Assent in January 2008. Thus, the final shape of the legislation was not yet known and could differ from what was before members.

The paper outlined the merits of whole Council and elections by thirds and also considered the merits of Single Member Wards. Reference was made to the difficulties the task of supporting whole Council elections could present both to the Returning Officer and the political parties.

Agreed that a meeting be arranged between EFDC Members and Members of Authorities with Single Member Wards and Whole Council Elections to consider the merits of these options;

Agreed: The Local Government Information Unit be asked to facilitate this event

(b) Overview and Scrutiny Committees.

The Policy and Research Officer reported that the Bill identified a number of ideas regarding O&S. The paper provided for the process known as the 'Community Call for Action, enabled Overview and Scrutiny Committees to require Members and representatives from relevant outside bodies to appear before them. The paper provided OSCs with new powers to require information from Partner Authorities and give notice of their reports and recommendations to these authorities.

The Panel noted the report and that further reports on the new Bill would be submitted to future meetings of this Panel.

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

Protocol on Partnership and other external organisations
OS Review Seminar - 18 September 2007
Cabinet Operations in Emergency Situations

22. FUTURE MEETINGS

Noted that the next meeting of the Panel would be held on 20 November at 7.30 p.m in CR1.