

2. CONSTITUTION AND MEMBER SERVICES STANDING PANEL

The Constitution and Member Services Standing Panel consisted of the following members:

Councillor J Philip (Chairman)
Councillor A Watts (Vice Chairman)
Councillors R Cohen, R Gadsby, M McEwen, R Morgan, C Pond, M Sartin, D Stallan, G Waller and J H Whitehouse

The Lead Officer was Ian Willett, Assistant to the Chief Executive.

Terms of Reference

To undertake reviews of constitutional, civic, electoral and governance matters and services for members on behalf of the Overview and Scrutiny Committee and to report to the Overview and Scrutiny Committee, the Council or the Cabinet with recommendations on matters allocated to the Panel as appropriate.

The Panel scrutinised a number of issues over the last year, which included:

(i) Elections (2 May 2013) – In June 2013 the Panel considered a report on the recent County elections and local by-election; seven County Council Divisions were contested. There was also a District Council by-election for a seat in the Waltham Abbey Honey Lane Ward to fill a vacancy arising from a resignation.

Overall turnout was 25.07% and turnout for the District Council by-election was 20.50%.

The level of turnout was disappointing; numerous complaints were received by the Council and at polling stations about the lack of available information on the candidates.

80 established Polling Stations were provided in 72 different buildings on 2 May 2013. 72 Presiding Officers and around 120 Poll Clerks were appointed.

On election day some representations were made about some of the buildings mainly about access.

The total number of postal vote packets issued was 8,115. Only 4 packs failed to reach the electors in the post and were re-issued. 71% were returned which equated well with previous elections.

It was noted that the Electoral Registration and Administration Act 2013 provided for regulations to be made which required from next year that Electoral Registration Officers inform electors, after a poll, that their postal vote identifiers had been rejected.

Verification and counting of ballot papers took place at Theydon Bois Village Hall immediately following the close of poll. This did not follow the national scene where most counts occurred the following day, 3 May. Despite staff being tired after a long day, both processes went very smoothly and the count finished ahead of schedule.

Tellers in a number of polling stations had left heaps of poll cards on the floor of the areas they had occupied during the day. At one polling station a teller left unattended

a box, rosette and poll cards for the next teller. The Presiding Officer took the items into the polling station for safe keeping but was criticised for doing so by the next teller.

Feedback from election agents and candidates had been very good. Broadly, there were no key issues arising from the elections. Generally all practices were completed successfully

Members thanked staff for their hard work during the election period.

(ii) Employment Procedure Rules - On 14 February 2012 the Council adopted new procedures for top management appointments within the Council. This had followed a specially convened review by a Task and Finish Panel exploring concerns about the contractual arrangements for previous Chief Executives. As part of this process, Counsel was instructed to advise on the Council's Redundancy and Redeployment Policy and Procedure and carry out a review of the Constitutions Staff Employment Rules and Operational Standing Orders, ensuring that all processes were consistent.

Counsel had advised that the Officer Employment Procedure Rules did not cover dismissal. He suggested that under the Constitution's Operational Standing Orders the staff should be integrated into the rules with clarification concerning dismissal by reason of redundancy. Counsel recommended as well that the position of certain key post holders must be clarified.

The Panel made recommendations accordingly.

(iii) Convention on the Relationship between Political Groups and Councillors with Officers - The Council's Constitution contained conventions regarding the management of relationships between political groups, Councillors and officers. The Management Board felt that these conventions should be reviewed in the light of current experience.

The Panel review the current rules, updated them accordingly and referred their recommendations on to the Overview and Scrutiny Committee.

(iv) Review of Licensing – Staffing and Budget – At their November 2013 meeting the Panel noted that a Task and Finish Panel had been established in September 2012 to review the operation and effectiveness of the licensing Sub-Committee structure which had recommended to the Overview and Scrutiny Committee that one calendared meeting be included during the day, per month, for hearing taxi licence applications and one calendared meeting be scheduled during the evening, per month, for considering all other licensing applications. Alongside this, notification of an application would be sent to neighbouring properties within a radius of 150m from the premises concerned. Subsequently the Overview and Scrutiny Committee recommended these suggestions to the Cabinet and finally Council endorsed the proposals.

The new procedures led to an increase in the number of Sub-Committee meetings from 5 in the five month period from 1 June 2012 to 31 October 2012 to 20 in the same months in 2013. Temporary posts within Democratic Services and Licensing Section had been approved to deal with the increased workload.

It was also noted that the licensing authority had recently taken on the responsibility for licensing scrap metal dealers. There were currently 10 applications from dealers with more expected. And that until recently Essex County Council had undertaken temporary road closures to allow street parties and related events. However the County Council had decided that it would no longer process these and referred

applicants to this Council. It was estimated that the number of road closures were likely to be about 22 annually. The authority needed adequate staffing levels to cover the expected annual workload.

In attendance at the meeting were members of the Licensing Committee who advised on their desire to return to daytime licensing meetings with mixed taxi and premises licences being heard. Members requested that they wished to retain the 150m consultation radius. Overall it was felt that evening meetings and the time spent on discussions with those making representations and the applicants, meant that licensing officers were diverted from other necessary areas of work. Similarly, the workload in Democratic Services had also increased which was set against a background of growing levels of meetings supported by this service.

The Panel recommended that that all licensing hearings (including those relating to scrap metal dealers) revert to being held during the daytime unless the Chairman of the Licensing Committee be authorised to determine whether any hearing would be better held in the evening in view of significant public interest. Also that the Cabinet consider the need for a provincial CSB growth item to cover licensing costs resulting from these licensing arrangements (including additional staffing) being added to the draft 2014/15 budget pending the outcome of this review.

(v) Process Review on Appointment of Vice Chairman of Council – Over the course of several meetings, Members considered a report on a revised method for appointing the Vice Chairman of Council. Officers had circulated member's wishes from that meeting. A wider consultation had also been undertaken of all members and a number of members had responded.

Members supported the current arrangement whereby a nomination form signed by no fewer than 15 serving district councillors be submitted to the Appointments Panel when they held their first meeting.

(See case study for full details)

(vi) Review of Contract Standing Orders, Finance Regulations and Officer Delegation - The Panel reviewed CSOs on a number of suggested changes which had been put forward by the Officer Working Party following an Internal Audit review.

The Panel also noted that no proposals had come forward in respect of Financial Regulations.

The Panel also considered schedules of Officer Delegation reflecting changes required to reflect the new Directorate structure approved by the Council on 17 December 2013. Additional changes were reported at the meeting following a review of the draft schedule by Management Board.

The Panel accepted the report's recommendations.

Case Study: Appointment of Vice Chairman of Council

At the annual meeting of the Council it was agreed that the Overview and Scrutiny Committee would be asked to undertake a review of the process for the nomination to and appointment of the Vice Chairman of Council. Subsequently, the committee had delegated that review to this Panel. At the Panel meeting on 25 June 2013, members asked for a further report with information regarding how other local authorities arranged their appointment process for the position of Vice Chairman of Council.

The Points System was operated by the Council during the period 2000 – 07. The system created a rotational system linked to numbers of Councillors in any group. The system was replaced with the current system by May 2007.

The system took control of the appointment process away from the members, and no independent members would ever have been made Chairman, as it was based on group strengths.

Online Research

During the summer, the Council received help from a student intern Roisin Perry, who had undertaken online research with other authorities. Over 80 other local authorities had been looked at. It was advised that a majority of other authorities did not have a defined process except that the Vice Chairman was appointed at the annual meeting.

The Panel supported the following:

(1) The individual elected to the office of Chairman of Council should be elected on merit by the Council at its annual meeting.

(2) The appointment of the Vice Chairman of the Council should be undertaken by the Council on the basis of merit in accordance with the following provisions:

(a) Nominees for the office of Vice-Chairman of the Council should be required to submit a nomination form supported and signed by not less than 15 serving District Councillors by the date on which the Appointments Panel holds its first meeting in any municipal year;

(b) Nominees for Vice-Chairman of the Council may be Councillors from any political group on the Council or any independent or unaffiliated Councillor;

(c) Nominations should be considered by the Appointments Panel for onward recommendation to the Annual Council meeting;

(d) The person appointed by the Council as Vice-Chairman of the Council should normally be elected as the Chairman of the Council for the following Council year;

(e) If, a Vice-Chairman was unable to be elected as Chairman of the Council following their year as Vice-Chairman, the procedure outlined in (a) to (c) above, should also apply to the election of a new Chairman; and

(f) The Council may suspend the operation of the appointment process set out under (a) to (c) above, at an Annual Council meeting. A motion to that effect giving reasons as to why this would be in the best interests of the Council could only be adopted if the equivalent of 65% of Council members present at the meeting voted in favour.

Members were asked for their comments on these proposals and their responses were taken into account. It was noted that the LRA was wholly opposed to the increase in nominations for Vice Chairman from 12 to 15 as this would tend to discriminate against smaller parties and individual members. Also some members were surprised that the report did not recommend a method of supporting nominations by e-mail instead of actual signatures.

One member thought that additionally, 15 signatures could be sent in opposing the vice chair to become chair which would then mean it would need a vote at full council.

One member firmly believed that if one party had the control of the Council then that party alone should hold the Office of Chairman and Vice Chairman.

In the end Members of the Panel supported the arrangement whereby a nomination form signed by no fewer than 15 serving district councillors would go to the Appointments Panel's first meeting and that nominees for Vice-Chairman may be a Councillor from any political group on the Council or any independent or unaffiliated Councillor.

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