

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **GENERAL PURPOSES COMMITTEE** held at Council Chamber, Priory House, Chicksands, Shefford on Thursday, 4 August 2011

PRESENT

Cllr R C Stay (Vice-Chairman)

Cllrs J A E Clarke
D Jones

Cllrs M R Jones
K C Matthews

Apologies for Absence: Cllrs J G Jamieson
Mrs J G Lawrence

Substitutes: Cllrs Mrs C F Chapman MBE (In place of Mrs J G Lawrence)
R W Johnstone (In place of J G Jamieson)

Members in Attendance: Cllrs P N Aldis
B Saunders
M A G Versallion

Officers in Attendance: Mr J Atkinson – Head of Legal and Democratic Services
Mr R Carr – Chief Executive
Mr B Dunleavy – Democratic Services Manager
Mr L Manning – Committee Services Officer

(Note: In the absence of the Chairman, Councillor Mrs J G Lawrence, the Vice-Chairman, Councillor R C Stay, took the Chair).

GPC/11/10 **Minutes**

RESOLVED

that the minutes of the meeting of the General Purposes Committee held on 27 May 2011 be confirmed and signed by the Chairman as a correct record.

GPC/11/11 **Members' Interests**

(a) **Personal Interests:-**

Member	Item	Nature of Interest	Present or Absent during discussion
Cllr M Jones	8	Son is resident of Fairfield.	Present

(b) **Personal and Prejudicial Interests:-**

None.

GPC/11/12 **Chairman's Announcements and Communications**

None.

GPC/11/13 **Petitions**

No petitions were received from members of the public in accordance with the Public Participation Procedure as set out in Annex 2 of Part A4 of the Constitution.

GPC/11/14 **Questions, Statements or Deputations**

No questions, statements or deputations were received at this point from members of the public in accordance with the Public Participation Procedure as set out in Annex 1 of Part A4 of the Constitution. However, the Chairman advised the meeting that a member of the public wished to make a statement on item 8 (Community Governance Review – Stotfold Parish Council (Area of Fairfield)) when this item was considered.

GPC/11/15 **Combined Referendum and Local Elections - 5 May 2011**

The Committee received a report by the Head of Legal and Democratic Services which set out the findings of a review of the arrangements for administering the combined referendum and local elections held on 5 May 2011. The review had been undertaken by the Chief Executive in his capacity as Returning Officer. The Chief Executive advised that the report had arisen as a result of both a request made at the meeting of the Customer and Central Services Overview and Scrutiny Committee held on 14 June 2011 and of his own practice of conducting a post election review.

The meeting was aware of the views of a Central Bedfordshire Member who, being unable to attend the meeting, had already emailed his comments to

members of the Committee. The Chairman referred to these comments at relevant times during the debate.

The meeting noted that the Overview and Scrutiny Committee had specifically highlighted the following issues for consideration:

- a) Informing Agents about meetings;
- b) Ensuring nomination papers were properly completed;
- c) The count at Dunstable;
- d) The time taken for the results to be announced;
- e) Information about the results;
- f) Notification of results to towns and parishes.

Although the Chief Executive had responded to each of the above in his report he highlighted certain points for Members' consideration. First, with regard to the arrangements for accepting nomination papers and the difficulties which had arising from the late submission of some papers, he emphasised that the ultimate responsibility for submitting nomination papers in good time rested with the candidates and their Agents.

The Chief Executive then turned to the counting procedure at Dunstable. He reminded the meeting of the special arrangements introduced by the government for the management of the national referendum through the Parliamentary Voting System and Constituencies Act which had included the appointment of a Chief Counting Officer (CCO) to oversee the referendum. The CCO had issued some 207 directives on a range of issues related to it including, most importantly, the timing of the referendum count. The Chief Executive referred Members to his report which set out the reasons why he had taken the decision to hold the count for the local election results on the following day and why it would have been impractical to have done so earlier. He also emphasised that his first priority was to ensure that the results of the count were accurate and reflected the views of the electorate.

Members then raised matters for consideration.

A Member commented on the delay which had arisen at the count because of the use of one ballot box, rather than separate boxes, at each polling station to receive the ballot papers cast for both the Central Bedfordshire Council and parish council elections and the resulting need to separate the two. In response, the Democratic Services Manager explained that the use of only one box for both sets of voting papers was a requirement of the Act.

A Member reminded the meeting that the next combined poll in 2015 would cover Parliamentary, district and parish council elections and expressed concern that a similar delay would arise. He queried whether it would be possible to make representations on this issue. In response, the Democratic Services Manager confirmed that counting the Parliamentary vote would take precedence over that for the local elections. A Member commented that the Deputy Prime Minister had already been advised of the Council's views on the decision to hold a combined election.

In response to comments regarding the number of staff on duty at the quieter polling stations the Chief Executive explained that staff numbers had been determined by the CCO. Whilst accepting that they were apparently higher than necessary the CCO had been influenced in her decision by the problems experienced the previous year at other authorities. Then the arrival of large numbers of potential voters just prior to polling stations closing had led to polling station staff being unable to issue some ballot papers in time.

In reply to queries regarding the delay in determining the validity of those ballot papers which had uncertain status the Chief Executive acknowledged that delays had occurred though not to the extent which had been suggested. However, he stressed that officers had to be aware of the substantial amount of case law regarding such papers and the need to ensure a correct decision.

With regard to comments about the degree to which the agreed ward 'rota' was followed when counting votes, the Chief Executive explained that the rota was followed as far as was possible. However, a degree of flexibility had been required to take account of when the verification process for each ward had been completed. The Committee felt that the rota was worthwhile but Members needed to be mindful that it was, at best, a general guide subject to circumstance.

Comment was made on the failure of the public address system to work.

Discussion then took place on the role of the Returning Officer in the declaration of the results. The Chairman and others commented that, in view of how elections and their outcome represented the culmination of much hard work and effort, the declaration of results should have a sense of occasion and formality. However, the results had been announced by a range of officers rather than solely by the Returning Officer. In response the Chief Executive explained that the declarations were made by designated officers to reduce delays. He added that, as he had been required to manage the referendum, if only he had been able to declare each result, there would have been considerable delays in these being announced. However, he also acknowledged Members' comments regarding the sense of occasion and undertook to give consideration to the procedure for the declaration of election results and whether there were ways it could be improved. A Member suggested that the High Sherriff be requested to read out the declaration of results in future. However the Democratic Services Manager stated that the appointment of the Returning Officer was prescribed and that the High Sherriff could only declare the results for a Parliamentary election.

Some Members felt the local election count should have been held overnight, as was the norm. A Member stated that the delay had been both stressful for candidates and anti-climatic in its effect and he expressed the hope that the next election count would take place overnight. The Member also referred to the count for the referendum and queried why this had taken place at the time it did and in a separate room.

In response, the Chairman reminded the meeting that when elections for the former Bedfordshire County Council had taken place on the same day as Parliamentary elections, the counting of votes for the Council would be delayed

until the next day. The Chief Executive then referred Members to the changes in the electoral procedures which had taken place. He also drew their attention to the large number of postal votes issued which, contrary to expectation, had not been returned by post prior to the election day but delivered by hand to polling stations. This had proved of great importance because the CCO had directed that all postal voters' statements should be checked. Because of the large number, this verification had not been completed until 0.30 a.m. on 6 May. He also confirmed that it was highly likely that the counting of votes for Central Bedfordshire would be delayed until after that for Parliament. Last, and with regard to the timing and use of a separate room for the referendum count, he stated that this had always been the intention and that the CCO had directed nationally that this count could not start until 4.00 p.m. and that it took precedence over the local election count.

Last, the meeting noted a Member's comments on the delay in declaring the results after the count had finished; he felt this had been upsetting for candidates. The meeting also noted his comments that parish councils had wanted their results as quickly as possible, that there had been a delay in publishing the election results on the Council's website, a failure to display the results on the laser screen at the count venue and that the refreshment facilities at the venue had been poor.

RESOLVED

- 1 that the General Purpose Committee express its thanks and appreciation to the Democratic Services Manager and his electoral team for their hard work and effort before, during and after the elections and referendum held on 5 May 2011;**
- 2 that, arising from consideration of the report of the Head of Legal and Democratic Services, the Executive Member for Corporate Resources be requested to write to the Chief Counting Officer expressing concerns about the micro-management of the electoral process, reflected by the number of directions issued.**

GPC/11/16 Community Governance Review - Stotfold Parish (Area of Fairfield)

The Committee considered a report by the Head of Legal and Democratic Services which informed Members of the receipt of a petition from Fairfield Community Action. The meeting was aware that a copy of the petition was attached in full at Appendix A to the officer's report.

The petition, which had been made and submitted under the provisions of The Local Government and Public Involvement in Health Act 2007, called upon the Council to undertake a Community Governance Review for the area of Fairfield within the Parish of Stotfold and, subsequent to this, make a recommendation to the Electoral Commission that a new parish council, known as Fairfield Community Council, be created for the representation of local residents. The Head of Legal and Democratic Services, having examined the petition, confirmed that it met the conditions specified in the Act and the Council was therefore required by the same Act to undertake the Review. However, before

doing so, the Council had to first establish the Review's Terms of Reference. To this end he had included proposed Terms of Reference at Appendix B to his report for the Committee's approval.

At this point the representative for Fairfield Community Action, who had requested that he be able to make a statement on behalf of the group, was invited by the Chairman to address the Committee.

The representative explained that he did not wish to repeat what was already included in the petition. Instead he commented on the quality of its content and presentation and how it was the result of a substantial amount of work by local residents. He also explained the efforts made to canvass the views of Fairfield residents and how the resulting information had emphasised how much they differed from others within Stotfold Parish.

The representative then stressed that it had not originally been the intention to breakaway from Stotfold Parish but it had become apparent that the formation of a new council was the only means by which the financial inequities faced by Fairfield residents could be overcome. He added that the Section 106 agreement for the Fairfield development was the first drawn up by the former Mid Beds District Council and that Council had acknowledged that it had contained a number of errors which had worked to the disadvantage of local residents. The representative stated the creation of a single body to represent Fairfield, in the form of the proposed community council, would enable the precept raised from Fairfield residents to be used for their benefit. The representative concluded by commending the petition to the Committee.

The Vice-Chairman commented on the financial implications for Central Bedfordshire Council in carrying out the Review and other related tasks.

In response to a query by a Member the Head of Legal and Democratic Services explained the process to be followed by Central Bedfordshire Council with regard to the outcome of the Review.

Examples of earlier, similar divisions of parish councils were given by Members and comment passed on how they had worked to the benefit of local residents.

RESOLVED

- 1 that the public petition submitted under The Local Government and Public Involvement in Health Act 2007 for the conduct of a Community Governance Review for the area of Fairfield within the Parish of Stotfold be recognised and accepted as a valid petition under the terms of the Act;**
- 2 that the proposed Terms of Reference for a Community Governance Review for the area of Fairfield within the Parish of Stotfold, as set out at Appendix B to the report of the Head of Legal and Democratic Services, be approved and adopted.**

(Note: The meeting commenced at 10.00 a.m. and concluded at 11.08 a.m.)

Chairman

Dated

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