

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Meeting of the Council held in the Council Chamber, Council Offices, Gernon Road,
Letchworth Garden City on Thursday, 8 December 2005 at 7.30 p.m.

MINUTES

PRESENT: Councillors Mrs L.A. Needham (Chairman), Mrs C.P.A. Strong (Vice-Chairman), Mrs. A.G. Ashley, D.J. Barnard, J.F. Barry, David Billing, Judi Billing, P.C.W. Burt, Paul Clark, J.M. Cunningham, W.M. Davidson, Mrs Tricia Gibbs, Fiona Hill, A.R. Hartley, T.W. Hone, A.F. Hunter, R.E. Inwood, Sal Jarvis, S. K. Jarvis, David Kearns, Lorna Kercher, Mrs A. Kingman, Mrs J.I. Kirby, Marilyn Kirkland, I. J. Knighton, Lawrence McNamara, Ian Mantle, Peter Mardell, H.M. Marshall, D. Miller, M.R.M Muir, Lawrence Oliver, M. Paterson, R. Shakespeare-Smith, Derek Sheard, F.J. Smith, Martin Stears, R.A.C. Thake, M.E. Weeks, F.R.B. Wordsworth, Ms S.J. Wren and A.D. Young.

ALSO PRESENT: Mr John Turner – Independent author of Elections 2005 report

IN ATTENDANCE: Chief Executive (and Returning Officer), Strategic Director of Financial & Regulatory Services, Strategic Director of Customer Services, Head of Legal & Democratic Services, Democratic Services Manager and Senior Committee & Member Services Officer.

54. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A. Bardett, S.N. Bloxham and D.J. Horrell.

The Chairman welcomed Councillor Marilyn Kirkland, who was attending her first Council meeting following her recent election as District Councillor for the Baldock East Ward.

55. MINUTES

It was moved by Councillor F.J. Smith, seconded by Councillor T.W. Hone, and

RESOLVED: That the minutes of the meeting of the Council held on 3 November 2005 be approved as a true record of the proceedings and be signed by the Chairman.

56. NOTIFICATION OF OTHER BUSINESS

No items were presented for consideration by the Council.

57. DECLARATIONS OF INTERESTS

The following Members declared Personal Interests relating to Item 7 (Minute 60 below) – Special Expenses 2006/07 – in view of their role as Town/Parish Councillors:-

Councillor P.C.W. Burt
Councillor Fiona Hill
Councillor A.F. Hunter
Councillor Sal Jarvis

The following Members declared Personal Interests relating to Item 9 (Minute 62 below) – Elections 2005 – in view of their role as candidates and/or political party agents at the 2005 Elections:-

Councillor David Billing
Councillor Paul Clark
Councillor Fiona Hill
Councillor A.F. Hunter
Councillor Sal Jarvis
Councillor David Kearns
Councillor Lorna Kercher
Councillor I.J. Knighton
Councillor M.R.M. Muir
Councillor M. Paterson
Councillor Martin Stears
Councillor R.A.C. Thake

58. CHAIRMAN'S ANNOUNCEMENTS

(1) Civic Reception

The Chairman announced that her Civic Reception had been arranged to take place on the evening of Friday, 10th February 2006 in the Spirella Ballroom, Letchworth. Invitations would be sent out in the next few weeks. In order to accommodate for precise numbers, the Chairman asked all Members to reply promptly to the invitation indicating whether or not they would be able to attend.

(2) Licensing

With the Chairman's permission, Councillor P.C.W. Burt (Chairman of the Licensing & Appeals Committee) addressed the Council to convey his personal congratulations to the officers and Members involved in the Licensing & Appeals Committee for the magnificent way in which they had handled the high volume of licensing hearings over the past six months. To mark this success, he formally invited those officers and Members to a small celebratory reception to be held prior to the next Council meeting on 19 January 2006.

59. PUBLIC PARTICIPATION

No items were presented for consideration by the Council under public participation.

60. SPECIAL EXPENSES 2006/07

The Strategic Director of Financial & Regulatory Services submitted a report recommending that, due to the changed patterns of spend for the items declared as Special Expenses (Public Halls, Community Centres and Urban Playschemes), the Council should no longer declare Special Expenses for the towns of Letchworth, Hitchin and Baldock, with effect from the 2006/07 Financial Year.

The report outlined the consultation that had taken place with Parish Councils on the proposal. The following appendices were submitted with the report:-

Appendix 1 – Notes from Special Expenses meeting with Parish Councils – 10 November 2005.

Appendix 2 – Questions from Parishes and answers from officers.

Appendix 3 – Copy of Presentation given by Strategic Director of Financial & Regulatory Services to meeting held on 10 November 2005.

The Council was reminded that the Local Government Finance Act 1992 made provision for different amounts of council tax to be calculated for different parts, e.g. parished and unparished areas, of a district. In order for expenses incurred in performing any function of a district council to be special expenses under section 35(2)(d) of the Act, the function must be carried out by the district in only part of its area and the same function must be carried out in another part of the district by one or more parish councils.

The Council was advised by the Strategic Director of Financial & Regulatory Services that officers had conducted a thorough review of the Budget and had been unable to identify discrete areas of expenditure which wholly justified the imposition of special expenses for the towns of Baldock, Hitchin and Letchworth. In recommending the removal of special expenses, officers had advised parishes that there was revenue grant support available through Parish Challenge, the Parish Enhancement and Cleansing Fund, support for the rural play project and support for community centres. In addition, the Parish Amenity Capital Improvement Fund (PACIF) made £1 million capital funding available over a 4 year period.

As a replacement to the recommendations contained in the report, it was moved by Councillor J.M. Cunningham, and seconded by Councillor M. Paterson,

“(1) That the Council notes that the legal position makes it not possible to maintain special expenses for the three towns of Baldock, Hitchin and Letchworth with effect from the 2006/07 Financial Year;

(2) That the Council notes the targeted approach to assisting parishes to meet identified local need through the various revenue and capital grant streams identified in paragraph 4.5. of the report.”

Upon being put to the vote, the motion was carried.

A number of Members remained unconvinced of the legal position with regard to not declaring special expenses for the towns of Baldock, Hitchin and Letchworth.

It was further moved by Councillor S.K. Jarvis, and seconded by Councillor M. Stears,

“That a decision on Special Expenses 2006/07 be deferred to the next meeting of the Council to be held on 19 January 2006, and the Strategic Director of Financial & Regulatory Services report back to that meeting on the legal position.”

Upon being put to the vote, the motion was carried.

RESOLVED:

(1) That the Council notes that the legal position makes it not possible to maintain special expenses for the three towns of Baldock, Hitchin and Letchworth with effect from the 2006/07 Financial Year;

(2) That the Council notes the targeted approach to assisting parishes to meet identified local need through the various revenue and capital streams identified in paragraph 4.5 of the report;

(3) That a decision on Special Expenses 2006/07 be deferred to the next meeting of the Council to be held on 19 January 2006, and the Strategic Director of Financial & Regulatory Services report back to that meeting on the legal position.

REASON FOR DECISION: The circumstances of the authority with respect to the ability to identify discrete areas of spend have changed and a replacement for special Expenses is required.

61. REFERRAL FROM STANDARDS COMMITTEE - 3 OCTOBER 2005 – REVISED PLANNING GUIDANCE FOR MEMBERS

The Council considered the Minute of the Standards Committee held on 3 October 2005 in respect of Revised Planning Guidance for Members (Minute 6 refers). A copy of the report considered by the Standards Committee was included with the agenda, as was the following appendix:-

Appendix 1 – Guidance for Councillors on dealing fairly with Planning Applications.

It was moved by Councillor R.A.C. Thake, seconded by Councillor F.J. Smith, and

RESOLVED: That the Revised Planning guidance be adopted as part of the Council's Constitution.

REASON FOR DECISION: To provide Members with clear guidance on how to deal with planning matters.

62. ELECTIONS 2005

The Returning Officer submitted a report which presented the findings of the independent report into the difficulties that arose during the 2005 elections process. The report also set out details of the work in progress to implement the recommendations made in the independent report. The following appendix was submitted with the report:-

Appendix A – Independent report on the 2005 elections by John Turner.

The Returning Officer introduced Mr John Turner, author of the independent report, who was in attendance to assist in answering questions raised by Members.

In response to a Member's query, the Returning Officer clarified that the purpose of bringing the report before Council was not to discuss the performance of individual members of staff, but was in response to a commitment given that the report, when available, would be presented in the public domain. Officers other than the Returning Officer were not referred to by name or job title in the report.

The Returning Officer regretted the problems that had arisen throughout the May 2005 Elections process, particularly the postal voting difficulties, and confirmed that he would be implementing the recommendations contained in Mr Turner's report. He commented that the Letchworth Town Council elections and the Baldock East Ward District By-election, both held since May 2005, had been carried out successfully.

A number of Councillors made comments regarding the 2005 Elections. The Returning Officer and Mr Turner answered a variety of questions posed by Members. The comments, questions and answers are summarised as follows:-

- Mr Turner confirmed that the implementation of the actions in Recommendation 103 of his report would ensure that an audit trail would be available in relation to following best practice advice;
- Mr Turner explained that he could not envisage a situation whereby an election petition would have been lodged on all of the matters stated in his report, making all the supporting evidence to the report disclosable – the legal judgement on an election petition would be solely to determine whether it was safe for the result to be allowed to stand or whether any particular election would have to be re-run;
- The Returning Officer advised that checks would be put in place to ensure that other Council services did not suffer similar problems in terms of data management and inadequate training;

- The Returning Officer stated that, with the benefit of hindsight, the level of resources available to assist in the 2005 elections process was inadequate;
- A Member commented that the Council should give further consideration to the manner in which the Returning Officer for future elections was appointed;
- The Returning Officer advised that work was in progress on the matters contained in Recommendation 103 of Mr Turner's report, namely a project plan, risk assessment and risk management plan for the 2006 elections and procedural manual for the conduct of all future elections. He hoped to achieve significant progress by the suggested deadline of 31 December 2005, but agreed to inform Members of the position before that date;
- The Returning Officer believed he had given Mr Turner a sufficiently wide remit to enable him to pursue his investigation;
- The Returning Officer pointed out that every attempt was made to ensure postal ballot papers reached voters, including many being delivered by hand;
- The Returning Officer accepted that the letter sent out on 29 November 2005 to those electors who did not receive their postal voting papers could have been worded differently. He had no evidence to believe that the ballot papers of any electors had been mistakenly sent to and unlawfully used by other voters;
- The Returning Officer confirmed that he would be considering the training needs of staff involved part-time in the elections process, as well those of full-time staff;
- Mr Turner explained that he was prevented by law from viewing ballot papers used at the 2005 elections – only a High Court judge would have been entitled to such access;
- Despite the fact that there had been a failure to comply with a number of aspects of electoral law, Mr Turner had been unable to draw a conclusion that this had affected the election results;
- The Returning Officer undertook to look into the possibility of making Mr Turner's report available/accessible to all of the electors who did not receive their postal voting papers, and the possibility of at least a summary version of Mr Turner's report being made available for public inspection;
- Mr Turner advised that, if adopted, a Bill currently progressing through Parliament would oblige all local authorities in the country to meet certain performance standards for elections, including a requirement for relevant staff to be professionally qualified;
- Mr Turner considered that, since 1997, a vast amount of change had taken place in election processes, primarily due to a high volume of new legislation. Some of these changes had caused difficulties on a national scale. He commented that the problems experienced by the Council could have occurred anywhere in the country;
- The Returning Officer undertook to write to all of the candidates at the 2005 Parliamentary/County Council elections advising them of Mr Turner's report;
- The Returning Officer confirmed that elections staff would be assisted in the formulation of a Project Plan, Risk Assessment and Elections Manual by the utilisation of expertise available from other Council departments and, if necessary, by Mr Turner.

As a supplement to the recommendations contained in the Returning Officer's report, it was moved by Councillor David Kearns, and seconded by Councillor A.D. Young,

"That an all party working group be set up consisting of Leaders and Deputies and the Portfolio Holder for Policy, to receive regular reports on the implementation of the Turner Report, and any other matters arising out of the implementation of or from the report".

Upon being put to the vote, this motion was carried.

It was considered that the work of this all party working group should fall into two phases: pre-election 2006 and post-election 2006.

As a further supplement to the recommendations contained in the Returning Officer's report, it was moved by Councillor F.J. Smith, and seconded by Councillor David Kearns,

"That the Council expresses its thanks to Mr Turner for a thorough investigation and comprehensive report".

Upon being put to the vote, this motion was carried.

RESOLVED:

- (1) That Members' comments on the independent report from John Turner be noted;
- (2) That it be noted that work is in hand to implement all of the recommended improvements to the electoral administration process;
- (3) That an all party working group be set up consisting of Leaders and Deputies and the Portfolio Holder for Policy, to receive regular reports on the implementation of the Turner Report, and any other matters arising out of the implementation of or from the report;
- (4) That the Council expresses its thanks to Mr Turner for a thorough investigation and comprehensive report.

REASON FOR DECISION: To advise Council of the outcome of the investigation into the difficulties in the May 2005 elections and of the steps taken to improve the delivery of the service.

63. QUESTIONS FROM MEMBERS

No questions had been submitted by Members.

64. NOTICE OF MOTIONS

No notice of motions had been submitted by Members.

The meeting closed at 10.20p.m.

Chairman