

Overview & Scrutiny Committee

Monday, 16th July, 2012
6.00 - 7.05 pm

| Attendees | |
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| Councillors: | Duncan Smith (Chair), Klara Sudbury (Vice-Chair), Nigel Britter, Barbara Driver, Colin Hay, Andrew Wall, Charles Stewart and Wendy Flynn |
| Also in attendance: | Councillor Penny Hall, Councillor Jacky Fletcher, Councillor Anne Regan, Councillor Tim Harman, Councillor Steve Jordan, Councillor Jon Walklett and Councillor Roger Whyborn |

Minutes

1. APOLOGIES

Apologies were received from Councillors Jo Teakle and Helena McCloskey and Councillors Wendy Flynn and Charlie Stewart were attending as their substitutes.

2. DECLARATIONS OF INTEREST

None declared.

3. MINUTES OF THE LAST MEETING

The minutes of the last meeting held on 28 May 2012 were approved as a correct record.

4. PUBLIC QUESTIONS, CALLS FOR ACTIONS AND PETITIONS

None received.

5. MATTERS REFERRED TO COMMITTEE

A motion regarding the Sex Trade in Cheltenham had been referred by Council and was to be dealt with under agenda item 9.

Councillor Hay referred to a motion regarding pub closures which had been carried by Council in March and no action had subsequently been taken. Although it had not been specifically referred to scrutiny, he asked if this committee might consider it as a potential topic. The chair agreed to put it on the agenda for the next meeting.

6. WARDEN HILL ELECTIONS

A report of the investigating officer, Marie Rosenthal, to Andrew North, Chief Executive and Returning Officer for Cheltenham Borough Council, had been circulated with the agenda. The report documented the findings of an

investigation into ballot paper issue error at St Christopher's Church polling station, Warden Hill ward, Cheltenham during the May 2012 local elections. A complaint was made by an Elector who had noticed that the Poll Clerk at that polling station had written her unique voter number on the back of her ballot paper before handing it to her. An investigation had been commissioned by the Returning Officer and concluded that a combination of human error and failures by the polling station staff at the St Christopher's Church Hall polling station caused the error. The report made a number of recommendations for staff training arrangements and more effective use of Polling station inspectors intended to prevent a reoccurrence of such an error in the future. The investigating officer concluded that this was a serious matter where up to a quarter of the voters had been disenfranchised. She assured members that the procedures operated by the council met best practice but there was always a risk that human error would cause a problem. In this case all the safeguards in place did not trap the error but once it was identified, immediate steps were taken to correct it. She was confident that implementation of the recommendations in the report would manage this risk in the future.

Members were concerned that members of the public had queried the practice of writing the voter number on the back of the ballot paper earlier in the day but on each occasion had been assured by officers that they were following the right procedures. They asked whether these queries had been recorded and why the matter had not been raised with the inspector or the elections office.

The investigating officer acknowledged that there had been queries from the public earlier in the day and that officers were of the view that they were absolutely right in what they were doing. They had rung the elections office regarding other queries but had not asked for clarification on this particular procedure. She advised that the presiding officer in the polling station did maintain a log but it tended to be used for recording issues relating to the premises. It could be used to record queries from the public. The inspector usually visited polling stations twice during the day to pick up postal votes and would be on hand to answer any questions. On this occasion the matter of ballot papers was not raised with the inspector on their visits.

Councillor Regan, as the ward member for Warden Hill, was invited to speak by the chair. She questioned why all four officers had attended the same training and still made this mistake. She also questioned why the form used to record voter numbers was not being used.

The investigating officer assured members that the 'corresponding numbers list' was being used to tick off check voter numbers as the public arrived. She had received feedback from the polling staff that they did not enjoy the training and were quite critical of it and one member of the polling staff had arrived late.

Members suggested that the training needed to be more rigorous and include staff acting out various scenarios rather than just the demonstrations. Possibly there should be a test at the end which staff had to pass.

The investigating officer thought this was a good idea but did highlight that it was often a struggle to find the necessary number of staff for an election, in Cheltenham's case this was about 800. In the forthcoming elections in November for the police and crime commissioner, there would need to be

training in transferable voting and the option of a test had been considered but there was still doubt about the practicality.

Andrew North, speaking as the Returning Officer, emphasised that the running of the election was his personal responsibility. This had been a serious occurrence and he would be actioning all the recommendations in the report to ensure that a similar error would not happen again. He said that the training was critical and he had personally attended some of the sessions. He acknowledged that the style of the current training might not suit everyone so this would be reviewed. He welcomed the suggestion from members. He did not see anything unsurmountable in the more interactive demonstrations suggested and would consider the option of a test. Regarding the third recommendation in the report, the investigating officer had already contacted the Electoral Commission and they had agreed to review the text but unfortunately it was too late for the latest print run.

The chair thanked the investigating officer for a very good report and for her attendance at the meeting.

Resolved that the Returning Officer be recommended to action the following additional recommendation to those in the report:

That a register of significant queries and complaints raised by members of the public is maintained at each polling station and a procedure is in place to escalate these queries with the elections office and/or the inspector.

7. APPOINTMENT OF A SCRUTINY SUB-COMMITTEE

The Chair introduced the report which had been circulated. The report explained that the new arrangements for Overview and Scrutiny which were considered by Council in December 2011 and March 2012 made provision for the O&S committee to set up one or more sub-committees in support of its functions. As this committee meets bi-monthly it is anticipated that sometimes there might be a need to set up a scrutiny task group (STG), consider a call-in request or receive recommendations from a STG as an urgent matter. A sub-committee could be set up for this purpose as it would facilitate the arrangement of an urgent meeting at short notice and ensure the item of business was dealt with expeditiously.

Some members were concerned as to when the sub-committee would be called and felt that a call-in should be debated by the whole committee.

In response the chair said that the decision to call a meeting of the sub-committee would be at the discretion of the chair. He emphasised that it would only be used for procedural matters which needed to be dealt with urgently. In the case of call-in it may be necessary to call a sub-committee to refer the call-in to another body but it was not intended that the sub-committee would debate the call-in in detail.

Councillor Hay suggested that the decision of the chair to call a sub-committee should be in consultation with the vice-chair and the lead member of the other political group. It would also be useful to have one substitute for each member of the sub-committee.

Resolved that:

- 1. The Overview and Scrutiny sub-committee be established in accordance with political proportionality (2 Lib Dem, 1 Conservative and 1 PAB) including substitutes and that Councillors Smith, Hibbert, Sudbury be appointed and one other Lib Dem and substitutes to be advised.**
- 2. The functions of the sub-committee be as set out in Appendix 2.**
- 3. That the chairman and vice chairman of the sub-committee be appointed at their first meeting.**

8. FEEDBACK FROM OTHER SCRUTINY MEETINGS ATTENDED

Councillor Penny Hall updated members on her attendance at the Gloucestershire Scrutiny Group held on 8 July at Shire Hall. A summary of the matters raised had been circulate with the agenda.

Councillor Sudbury circulated a written update regarding her attendance at the Gloucestershire Health, Community and Care Overview and Scrutiny Committee at Shire Hall on 10 July 2012, a meeting of the Gloucestershire Community Safety Police and Crime Panel held at Shire Hall on 10 July 2012 and the inaugural meeting of the Gloucestershire Police and Crime Panel held at Shire Hall on 10 July 2012.

The chair asked Councillor Sudbury to supply an electronic copy of the update which could be circulated with minutes.

He invited members to highlight any issues from the updates that they wished to follow up or possibly have as a future agenda item.

9. UPDATES FROM SCRUTINY TASK GROUPS

The chair referred members to the summary which had been circulated with the agenda. This listed all the potential scrutiny task groups as well as other bodies where O&S was required to make a nomination or have some input. He did not intend to go through this in detail.

It was noted that Councillor Driver had confirmed that she would like to join the Youth Services scrutiny task group.

Regarding the Joint Planning Liaison Group, the task group had now met twice and agreed some amended terms of reference which had been circulated at the start of the meeting. These were agreed.

Regarding the Event Submission Working group, Councillor Hall, as a member of the group, reported that it had met last week to review the final draft of an event submission form it had been developing. This was a very important topic to get right and with the holiday season approaching, the final report would not be ready to bring back to this committee in September. It was agreed that this would be deferred until the November meeting.

With regard to the review of the Sex Trade in Cheltenham the draft terms of reference had been circulated with the agenda. It was noted that Councillor Chard had expressed an interest in joining the group. Councillor Driver, as the proposer of the motion at Council, was happy with the terms of reference. Regarding the potential of a one-day enquiry she highlighted that some members of the public may want to speak to the committee in private. The chair responded that the level of confidentiality would be a matter for the working group to resolve.

A review of allotments had been proposed by Councillor Regan and draft terms of reference for a STG had been circulated with the agenda. Invited to speak by the chair, Councillor Regan highlighted a number of concerns arising from the Weavers Field matter which needed to be followed up, including the lack of financial figures. The council also received a number of queries from the public on unattended allotments and the council's policy on this needed to be reviewed.

A member suggested that the working group should also work with other parties to consider how potential allotment land in other ownership could be progressed. Others suggested that the group should liaise with members of the garden share programme under vision 21 and review the strategy for shared allotments. The chair suggested these matters could be picked up as part of the allotment strategy. Referring to the terms of reference for the review he highlighted that i) to iv) were very much forward looking and v) was retrospective with the aim of identifying any lessons to be learnt from Weaver's Field. The outcome of the review would be an allotment strategy that was fit for purpose.

The Chief Executive suggested that the working group might like to consider co-opting a parish council member as parish councils have responsibility for allotments in parished areas. The chair said that this and any other gaps on the form would be for the working group to consider. On this basis the terms of reference were agreed.

A review of the maintenance by the council of the grass verges throughout the borough had been proposed by Councillor Hall and draft terms of reference for a STG had been circulated with the agenda. Invited to speak by the chair, Councillor Hall said this issue was very important and she was looking for short-term practical improvements to come out of it. It was also addressing an issue of public concern.

Member suggested that the review should also look at weed control, parking and churning up of grass verges and the response to public complaints.

The committee considered whether this review should be consolidated into the scrutiny task group looking at UBICO planned to start in September. Councillor Hall was keen that this was a short-term practical piece of work and therefore should be kept separate. In response the chair said that the review of Ubico would be focusing on high-level performance figures and therefore agreed with Councillor Hall wanted this to be a separate piece of work.

Invited to speak by the chair, Councillor Jordan, highlighted that this was a county council function and therefore any recommendations would need to be

presented to the county council. In response the chair said the review was about how the money was used not the source of funding and the review may come up with recommendations requiring the council to renegotiate the service level agreement with the county. The county council should also be consulted as part of the review, The terms of reference were agreed accordingly.

A draft terms of reference for a proposed ICT review had been circulated. A commissioning review of ICT was now underway and a project brief was currently being drawn up. The Democratic Services Manager had produced some draft terms of reference for the scrutiny task group for consideration by the committee. The terms of reference were agreed.

Resolved that the following scrutiny task groups be set up with terms of reference as agreed at the meeting and the members as detailed below:

- 1. The Joint Core Strategy and Planning Liaison Group - Councillors Bickerton, Sudbury, Teakle, Harman, Chard, Godwin, Wall and McCloskey**
- 2. Sex Trade in Cheltenham - Councillors Driver, Seacome, Regan, Chard and Massey.**
- 3. Allotments – Councillors Regan, Smith, McCloskey, Britter and C Hay.**
- 4. Grass verge cutting – Councillors Hall, Fletcher and Britter.**
- 5. ICT review - Councillors Chard, Wall, Wheeler and C Hay.**

10. REVIEW OF SCRUTINY WORKPLAN

The committee noted the workplan which had been circulated with the agenda.

11. DATE OF NEXT MEETING

Thursday 13 September 2012.

Duncan Smith
Chairman