

DONCASTER METROPOLITAN BOROUGH COUNCIL
ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE

8TH OCTOBER, 2012

A meeting of the ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE was held at the MANSION HOUSE, DONCASTER on MONDAY, 8TH OCTOBER, 2012 at 10.00 a.m.

PRESENT:

Chair – Councillor Kevin Rodgers
Vice-Chair Councillor Sue Wilkinson

Councillors Patricia Bartlett, Phil Cole, Nuala Fennelly, Moira Hood, Deborah Hutchinson and Eric Tatton-Kelly.

APOLOGIES:

Apologies for absence were received from Councillors John McHale, Bill Mordue and Jane Nightingale.

6. DECLARATIONS OF INTEREST, IF ANY

No declarations were made at the meeting.

7. MINUTES OF THE MEETING OF THE ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE HELD ON 10TH JULY, 2012

RESOLVED that the minutes of the meeting of the Elections and Democratic Structures Committee held on 10th July, 2012 be approved as a correct record and signed by the Chair.

8. UPDATE ON ARRANGEMENTS FOR POLICE AND CRIME COMMISSIONER ELECTIONS IN NOVEMBER – ORAL PRESENTATION

In opening this item, the Assistant Director of Legal & Democratic Services introduced Gail Blunt, Interim Electoral Services Manager to the Committee.

The Interim Electoral Services Manager gave a detailed oral update on the preparations being made for the Police and Crime Commissioner (PCC) Elections to be held on 15th November, 2012. She began by outlining the key dates in the process, which were as follows:

8 October 2012 - Notice of Election published.
19 October 2012 – Nominations received (to take place at Barnsley)
31 October 2012 (5.00p.m.) – deadline for applying for postal vote and registering to vote
7 November 2012 – deadline to apply for a proxy vote.

Members noted that there was to be no literature about Candidates distributed to households for the PCC Elections. Instead, information would be available on a dedicated website and also a national Freephone Helpline would be in operation to provide assistance/information to the public about the PCC Elections. Locally, for the first time, Doncaster Council's Call Centre staff would be dealing with the bulk of calls made by the public about this Election.

The Interim Electoral Services Manager confirmed that the Supplementary Vote system, as used in the Mayoral Elections, was to be used for the PCC Elections. The Count was to take place at Doncaster Racecourse on this occasion, due to the Dome being pre-booked for a long-standing event. As the Counts for the South Yorkshire Police Area were being co-ordinated and conducted simultaneously, it would be necessary for each stage of the counting process in the respective areas (Barnsley, Rotherham, Doncaster and Sheffield) to be undertaken at the same time and only proceed to the next stage when each area had reached the same point.

Further to the update provided at this Committee's last meeting on the improvements identified by the Post-Election Review following the last Elections, the Assistant Director of Legal & Democratic Services confirmed that the Council was now liaising much closer with its key partners such as Royal Mail and the Printers. Measures were also being taken to make polling stations more comfortable, by reducing the number of mobile units and portakabins used as stations, and to eliminate the need for generators.

General discussion followed, during which Councillor Phil Cole expressed disappointment that a written report on this matter had not been produced for this meeting.

Officers answered a wide range of questions from Members on the forthcoming PCC Elections, including the following issues:

- It was confirmed that polling stations would be open from 7.00 a.m. to 10.00 p.m.
- Registered postal voters would be eligible to use their postal votes in the PCC Elections.
- A national leaflet providing information on the PCC Elections was to be delivered to all households on 22nd October, 2012.
- In those areas where changes to polling stations had been made, poll cards would carry a legend highlighting the change in venue.
- In response to a request by a Member, the Officers undertook to circulate to Members details of the changes made to polling stations, together with a timetable setting out the key dates for the PCC Elections process.

In response to a query by Councillor Phil Cole as to whether the Council contacted or visited individuals who had spoiled their ballot papers, following Elections, in order to explain their error and help them to avoid making the same mistakes again in the future, the Assistant Director of Legal & Democratic Services explained that such measures were beyond the

Council's capacity, as this would require additional staff resources. The Interim Electoral Services Manager advised that there was no legislation allowing the Council to contact people who had spoiled their ballot papers, and she stressed that spoiled ballot papers should be sealed up and not re-opened again following Elections. However, she pointed out that some local authorities did contact individuals who had made errors on their personal statements, such as their date of birth details. Councillor Cole then proposed, seconded by Councillor Sue Wilkinson, that the Council write to those individuals who had made errors on their personal statements in the Elections held in May, 2012 in order to help reduce the number of rejected ballot papers at the PCC Elections in November. On being put to the vote, with 4 Members voting for, and 4 against, the Chair used his casting vote in favour of the proposal, which was duly carried.

RESOLVED:

- (a) to note the preparations being made for the PCC Elections to be held on 15th November, 2012; and
- (b) that a letter be sent to those individuals who failed to correctly complete their personal statement in the Elections held in May 2012 with the aim of reducing the number of rejected ballot papers in future Elections.

9. PROPOSED SPITTING BYELAW

The Committee considered a report which reviewed the public consultation exercise carried out to inform the Council's proposal to introduce a byelaw to prohibit spitting within the Borough. In the light of the consultation, the Committee's views were sought as to whether an application for such a byelaw should be recommended to Full Council.

In presenting the report, the Assistant Director of Legal and Democratic Services confirmed that a total of 506 responses had been received as a result of the consultation, with the majority of those who responded (87%) supporting the Council's proposal to implement a byelaw prohibiting spitting across the Borough. The Assistant Director pointed out, however, that whilst it was pleasing to receive over 500 responses, that figure represented less than 1% of the population and it was unclear at this stage whether the Department for Communities and Local Government (DCLG) would regard the number of responses as sufficient to indicate the requisite level of public support.

The Principal Legal Officer took the Committee through the results of the consultation, as detailed in Appendix 1 of the report. Members noted that 58% of those who responded supported a Borough-wide prohibition on spitting. The Assistant Director of Legal and Democratic Services advised that an application was likely to be better received by DCLG if the byelaw was to be employed on a Borough-wide basis.

With regard to the precise wording of the byelaw, the Assistant Director of Legal and Democratic Services advised that, in the absence of a national model byelaw to prohibit spitting, it was proposed to base the spitting byelaw on the model byelaw made under the Environmental Protection Act for littering offences to prohibit 'spitting in, into or from any place which is open to the air'. He added that Members' views were also sought on whether they wished to give the Officers enforcing the byelaw some scope for discretion when dealing with incidents of spitting, for example, where an individual might have a health complaint, by adding the words 'without reasonable excuse' in the byelaw's provisions.

General discussion followed, during which Members spoke in support of proceeding with an application for a spitting byelaw, as they hoped that, if granted, this would serve as a deterrent and send out a clear message that this Council did not approve of such behaviour. The Assistant Director of Legal and Democratic Services added that the introduction of a spitting byelaw would provide a sound platform for the Council to conduct a publicity campaign on the issue to help reinforce the message.

The Officers then answered a range of questions by Members on issues including:-

- the number of other local authorities with spitting byelaws in place or currently considering the introduction of such byelaws;
- how the proposed byelaw would be enforced and options available as regards imposing penalties; and
- the evidence to be used in support of the Council's application with regard to the measures previously taken to address the problem of spitting.

After Members had indicated that they would favour implementation of the proposed byelaw on a Borough-wide basis and had agreed that the wording of the byelaw should contain the words 'spitting in, into or from any place which is open to the air without reasonable excuse' to allow the exercise of discretion in terms of enforcing the byelaw, with 7 Members voting for, 1 abstention, it was

RESOLVED TO RECOMMEND TO THE COUNCIL that this Council makes an application to the Secretary of State to introduce a byelaw to prohibit spitting within the Borough on the terms outlined above.