

<b>Committee(s):</b> Investment Committee – For Decision Epping Forest & Commons – For Decision Port Health and Environmental Services – For Decision	<b>Date(s):</b> 16 05 2019 20 05 2019 21 05 2019
<b>Subject:</b> Election of Epping Forest Verderers 2020	<b>Public</b>
<b>Joint Report of</b> The Town Clerk & the Director of Open Spaces	<b>For Decision</b>
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### **Summary**

The Epping Forest Act 1878 provides that four Verderers be elected by the Commoners of Epping Forest to serve on your Committee for the purposes of Epping Forest business, and that these elections should take place every seventh year. The next election of Verderers must be held no later than 20 March 2020.

To enable the election to take place the 2013 Register of Commoners must be reviewed and formally settled. Nomination meetings then take place, followed if necessary, by a poll or polls. This report lays out the proposed timeline for this process.

A further report will be brought to Members on the dates for nomination meetings and polls. In a change to previous arrangements it is requested that delegated authority be granted to allow officers from the Town Clerk's and Open Spaces departments to administer the review and settlement of the Register of Commoners with the final version to be received by the Committee in January.

This report also reiterates the considered position of the Committee and that it and the Port Health and Environmental Services and Investment Committees should abstain from exercising Corporation proxy voting within the election.

### **Recommendation(s)**

The **Epping Forest & Commons Committee** asked to:

- i. Approve the timetable for the election of Verderers outlined in this report.
- ii. Approve that the number of polling stations be kept at four in the northern parishes and one in the southern parishes, it being left to the discretion of the Town Clerk as to the precise location.

- iii. Delegate to the Town Clerk and the Director of Open Spaces authority to review the Register of Commoners and carry out all necessary procedural and administrative steps relating to the review and settlement of the Register and the subsequent election of Verderers.
- iv. Delegate authority to the Town Clerk, in consultation with the Chairman and Deputy Chairman, to approve the draft revised register to be placed on deposit prior to the settling of the Register in its final form.
- v. Delegate authority to the Town Clerk to hear any claims or objections and to settle the final form of the Register.
- vi. Delegate to the Town Clerk authority to settle the level of remuneration for the ten poll clerks should their services be required (such a fee reflecting the hours of poll and current rates for such work).
- vii. Note that the cost of the election (anticipated to be in the order of £15,000), will be met from the Town Clerk's Elections budget

**The Epping Forest & Commons Committee, the Investment Committee and the Port Health & Environmental Services Committee** are asked to:

- i. Agree that the proxy vote of each Committee will not be used for the 2020 election of Verderers.

## **Main Report**

### **Background**

1. This history of the Verderers dates from 1130 when their function was to act as Forest Magistrates enforcing Forest Laws while also looking after the wider interests of the Crown in Royal forest management. The 1878 Epping Forest Act disafforested Epping Forest but perpetuated the position of Verderer. With the change in the character of the Forest, and the decline in commoning, the Verderers have for many years now considered their role more widely representing both Forest residents and visitors, in addition to commoners.
2. The Epping Forest Act 1878 requires that elections are held every seven years to return four Verderers to serve on your Committee. Two Verderers are elected for the northern Forest parishes and two for the southern Forest parishes. Elections have been held every seventh year since 1880, no later than the twentieth day of March in each election year. The Verderers take office on the twenty-fifth day of March in the year of election.
3. The next election of Verderers must be held no later than 20 March 2020, and to enable this election to take place the Register of Commoners (those eligible to vote) must be reviewed and settled.

## Current Position

### Register of Commoners

4. The Register of Commoners is a register of those persons who have registered an entitlement to vote in the election of Verderers. The register is made in two parts:
  - a. the northern Forest parishes of Epping, Theydon Bois, Loughton, Waltham Holy Cross, Buckhurst Hill (formally part of Chingford) and Chigwell; and
  - b. the southern Forest parishes of Woodford, Walthamstow, Leyton, Wanstead, East Ham (formerly Little Ilford) and West Ham.
5. Commoners are those owners and occupiers of land and tenements lying within the ancient boundary of Epping Forest established by the last Perambulation (a walking survey by Forest Officials) made in 1642, officially referred to as the 'Perambulation made in the 17<sup>th</sup> year of the reign of Charles I'.
6. The working definition of commoners was established by caselaw subsequent to the Epping Forest Acts 1878 & 1880 restricted to owners and occupiers of land comprising at least half an acre of old enclosure and not covered by buildings (and capable of receiving cattle).
7. An "occupier" is someone with a legal interest in land, at least a tenancy. Both the owner of a qualifying piece of land and an occupier are entitled to be entered on the Register. Where several persons are joint tenants they are considered as one, and only one may be entered on the Register. If they fail to select one name, the Conservators will make the selection.
8. All new claims for inclusion on the register of Commoners are referred to the office of the Superintendent of Epping Forest which maintains all the relevant plans showing the ancient boundaries of the Forest.
9. The procedure for the revision of the Register of Commoners is as follows:
  - a. Notice of the intention of the Conservators to revise the Register is published in local newspapers and notices are displayed on the various notice boards in the Forest. In 2012, notice was published in the local papers of the Guardian and Gazette Group, and City AM. This year considerable use of social media, Forest Focus and Epping Forest website is also planned.
  - b. After the receipt and investigation of the claims the Town Clerk prepares a draft Register, and this is deposited by the end of September 2019 at Guildhall and various places in the Forest parishes for inspection. Notice of the deposit of the draft Register is again published in the City and local newspaper. This notice also confirms

the dates by which, and how any interested persons may apply to the Conservators to correct the Register by inserting or expunging any name.

- c. Meetings for settling the Register are held by the Town Clerk.
  - d. The Epping Forest and Commons Committee to receive the settled register in January 2020.
  - e. The Register to be re-printed in final form.
  - f. Notice is published and advertised in a similar manner to the former notices giving the date and place of the nomination meetings and, in the event of a poll or polls being demanded, the date of the poll or polls and addresses of the polling stations.
10. In 1993 your Committee agreed that for future elections two days be set aside for settling the Register: one day for a meeting in Guildhall and a different day for a meeting in the Forest. On this basis, the Register would be considered settled at the conclusion of the second meeting. It is recommended that authority be delegated to the Town Clerk and the Director of Open Spaces to carry out these administration and validation processes with the Town Clerk hearing any claims or objections and settling the Register; the settled Register to be reported to the next meeting of the Committee in January 2020.

### **Returning Office**

11. Paragraph 13 of Schedule 4 of the Epping Forest Act 1878 provides that the Returning Officer for the elections shall be the Recorder of the City of London, or in his absence or inability, the Common Sergeant of the City of London, or in the absence or inability of both, a person appointed by the Lord Mayor of the City of London shall be the returning officer.
12. In establishing the dates for the Nomination meeting and Polls, officers will liaise with the Returning Officer, in addition to the Chairman and Deputy Chairman to ensure their availability.

### **Nominations**

13. A candidate for election as Verderer must be resident of one of the various parishes within the area of the Forest and must not be a Member of Court of Common Council.
14. Nominations are received at Nomination meetings. Separate meetings are held for the northern and southern parishes (but they may be held on the same day). Unless otherwise determined by the Returning Officer, these meetings shall be for the duration of one hour.

15. Any qualified person if he or she consents may be nominated by any elector and seconder. If at the expiration of the hour (or otherwise defined period), there are no more candidates than vacancies, the candidates shall be deemed to be elected. If there are more candidates than vacancies, candidates may be elected by a show of hands or otherwise as the Returning Officer thinks fit. However, if there are more candidates than vacancies, and a poll is demanded the Returning Officer will adjourn the meeting and arrange for a poll to be held not less than twenty-four hours and within three clear days after the meeting, and give appropriate notice of the places, date and time of polling.

## **Polling Stations**

16. The Epping Forest Act requires the Returning Officer to cause to be entered in the polling books the name, description and address of every voter and for whom they vote. This approach which predated the Ballot Act 1872, later confirmed by the Representation of the People Acts, does not allow for a secret ballot and the arrangement will need to be carefully explained to voters in the event of a poll. There is no requirement in the Epping Forest Act 1878 as amended to provide subsequent access to the polling books so it should be possible to maintain the confidentiality of votes cast beyond that of the Returning Officer and the Poll Clerks.
17. At the election in 1993 there were nine polling stations, six for the northern parishes and three for the southern parishes. In 1998, your Committee agreed to reduce the number of polling station for the southern parishes to two. It was further agreed in 2005, to reduce the number of polling stations in the northern parishes to four and to one in the southern parishes. This reflected the fact that the electorate is very small, totalling no more than 150 in the northern parishes and 50 in the southern parishes.
18. As in the last election in 2012, it is recommended that the number of polling stations be kept at 4 in the northern parishes and one in the southern parishes, it being left to the discretion of the Town Clerk as to the precise location. At least one of the polling stations will be located in the parish of Epping as required by clause 21 of Schedule 4 of the Epping Forest Act 1878. (The 1880 Act clarifies that there is no requirement to have a polling station in the parish of Epping in the case on an election only for the southern forest parishes).
19. Paragraph 27 of Schedule 4 to the 1878 Act states that the Returning Officer, whether there is a poll or not, must as soon as practicable, publicly declare who has been elected and where there is a poll, the total number of votes given for each candidate, whether elected or not. It is therefore recommended that all polling books are brought to a nominated polling station immediately after polls close, the votes counted, and results declared publicly on that same evening.

## **Publicity**

20. A full communications plan will be agreed with the Director of Communications.

## Corporation of London Proxy Voting

21. In the past the Chairman of this Committee has exercised a proxy vote on behalf of the City as landowner in the northern parishes and the Chairman of the Port Health Committee as owner of the cemetery in the southern parishes. The Investment Committee also have potential votes through the ownership of the Kings Oak and Royal Forest Hotels. If this were to continue it would require a recommendation from this Committee and the Investment and Port Health and Environmental Services Committees to the Court of Common Council (as it is necessary for the proxies to be sealed by the Court of Common Council).
22. Your Committee of 9 July 2012 determined in consultation with the then Chairmen of the Investment and Port Health and Environmental Services Committees that the three Committees would not use the proxy votes as it presented a conflict of interest, as the Committees would be voting for one of its own Members. It is therefore proposed that a similar course of action be adopted for the elections in 2020.

## Options

23. The Epping Forest Act 1878 provides for the election of Verderers. Accordingly, the election process has taken place every seven years since 1880. The City of London is obliged to conduct the next round of elections by 20<sup>th</sup> March 2020

## Proposals

24. The following timetable is proposed:

Town Clerk to write to those on the existing register inviting claims	By 30 June 2019
Notice of intention to review register to be published in local newspapers and broadcast through website and social media channels	By 30 June 2019
Town Clerk to write to Local Authorities requesting them to check the Register against their electoral rolls	By 30 June 2019
Town Clerk to settle the Draft Revised Register	September 2019
Draft Revised Register printed and placed on deposit at Guildhall and The Warren for 6 weeks.	By 30 September 2019
Notice of deposited Register and details of Special Meetings for Settling the Register to be published in local newspapers, placed on Epping Forest notice boards and broadcast through website and social media channels	By 30 September 2019

Epping Forest & Commons Committee receive the Settled Register	January 2020
Settled Register printed and put on deposit	January 2020
Town Clerk to write to all those on Register notifying them of the details of the Nomination meetings and poll dates	By 31 January 2020
Notice of settled Register, Nomination meetings and dates & places of polls to be published in local newspapers, placed on Epping Forest notice boards and broadcast through website and social media channels	By 31 January 2020
Arrange with all persons with more than one registration to choose a polling station	By 31 January 2020
Nomination meetings	By 20 March 2020
Notify all on Register advising a poll has been demanded	As soon as possible after Nomination meeting.
Polling days (Polls for the north and south must be held on separate days)	By Friday 20 March 2020
Announce result	As soon as practicable after polling.
Verderers take office	25 March 2020

25. It is proposed that the dates for the nomination meetings and for the polls be presented to the next meeting of your Committee following consultation with the Recorder of the City of London, the Chairman and Deputy Chairman.

### **Corporate & Strategic Implications**

26. Elections of Verderers are required every seven years by the Epping Forest Act. This is supported by the Corporate Plan outcome 6(a) "We will promote regulatory confidence founded in the rule of law". The Verderers role in representing Epping Forest and its residents and visitors supports Corporate Plan Outcome 11 "We have clean air, land and water and a thriving and sustainable natural environment" and Outcome 12 "Our spaces are secure, resilient and well-maintained" and all their sub clauses.

### **Implications**

27. **Financial** In 2013 the actual out-of-pocket expenditure (notices, venue hire, printing and postage etc) was £12,150.90 As the 2013 Elections were uncontested no fees were paid to Poll Clerks. Allowing for inflation, out-of-pocket expenditure for 2020 is likely to be in the order of £13,000 - £14,000 plus (to be agreed) remuneration for Poll Clerks, and these costs will be met from the Town Clerk's Elections budget. Overall staff time was estimated at approximately £18,900 in 2013 across all departments involved and costs absorbed by those departments (not recharged) with the same planned this year (Comptrollers costs may be an exception).
28. **Legal** References to the relevant legislation are included within the body of the report. The Comptroller and City Solicitors Information Officers are advising on implications of GDPR on access to information held on the Register of Commoners and polling systems, but no significant issues are currently foreseen.

## **Conclusion**

29. This report outlines the timescale and process for the Election of Verderers. Legislation provides that the elections be held every seventh year, no later than the twentieth day of March, and that the Verderers take office on the twenty-fifth day of March in the year of the election. In order to start this process notice will be given by the end of June this year of the intention to revise the register.

## **Appendices**

- Appendix 1 - Map of the ancient Forest boundary, the Perambulation of King Charles I

## **Background Information**

- 9<sup>th</sup> July 2012, Report to the Epping Forest and Commons Committee - Election of Verderers - dates of nomination and polls
- 9<sup>th</sup> July 2012 – Minutes of the meeting of the Epping Forest and Commons Committee
- 14<sup>th</sup> May 2012- Report to the Epping Forest and Commons Committee - Election of Verderers 2013
- 14<sup>th</sup> May 2012 – minutes of the meeting of the Epping Forest and Commons Committee

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