

Committee(s):	Date(s):
Port Health Committee	12 September
Subject: Election of Verderers - proxy vote	Public
Report of: Town Clerk	For Decision

Summary

The Epping Forest Act 1878 provides that four Verderers be elected to serve on the Epping Forest & Commons Committee and that these elections should take place every seventh year. The Act permits corporation and companies on the Register of Commoners to vote by proxy.

In the past, the Chairmen of this Committee and the Epping Forest & Commons Committee have exercised proxy votes on behalf of the City. The Epping Forest & Commons Committee have already decided not to exercise this vote in the coming elections. This report asks Members to consider whether to request the Court of Common Council appoints the Chairman of this Committee as proxy to vote on behalf of the City in the southern parishes.

Recommendation:

That consideration be given to whether or not the Committee wishes to recommend to the Court of Common Council that the Chairman be appointed as proxy to vote on behalf of the City in the southern parishes in the election of Verderers 2013.

Main Report

Background

1. The Epping Forest Act 1878 requires that elections are held every seven years to return four Verderers to serve on the Epping Forest and Commons Committee. Two Verderers are elected for the northern Forest parishes and two for the southern Forest parishes. This history of the Verderers dates from 1130 when their function was to act as Forest Magistrates enforcing the Forest Laws and looking after interests of the Crown. The 1878 Epping Forest Act perpetuated the position of Verderer, but modified the role to represent the interests of commoners as full members of the Epping Forest & Commons Committee. With the change in the character of the Forest, and the decline in grazing land, the Verderers have for many years now considered their role more widely representing both commoners and the public living around the Forest.
2. 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. The next election of Verderers must be held no later than 20 March 2013. To this end, the Epping Forest & Commons Committee have already made arrangements for the

review and settling of the Register of Commoner, dates for nomination meetings and polls.

3. Eligibility to be included on the Register of Commons is based on the ownership or occupation of land and tenement lying within the ancient boundary of Epping Forest. As such, organisations as well as individuals are able to register a right of common. In the past, the Chairman of this Committee has exercised a proxy vote in the election of Verderers on behalf of the City as landowner of the cemetery in the southern parishes, and the Chairman of the Epping Forest & Commons Committee on behalf of the City as a landowner in the northern parishes.

Current Position

4. To facilitate the election of Verderers, the Epping Forest & Commons Committee have agreed two special meetings of their Committee to settle the Register of Commoners on 25 and 29 January 2013; nomination meetings are to be held on 25 February 2013 and, if polls are demanded they are to be held on 27 February in the southern parishes and 28 February 2013 in the northern parishes.
5. The Epping Forest & Commons Committee considered the possibility of exercising a proxy vote at their July Committee meeting. The Committee decided not to exercise the vote as it was not felt to be appropriate for the Committee to participate in the elections, as the successful candidates will become Committee Members.

Options

6. While the Act permits corporations and companies on the register of commoners to vote by proxy appointed in writing sealed with the common seal, officers question whether it continues to be appropriate for the City to exercise a vote in the election of Verderers. This election is not covered by the usual requirement for a secret ballot and Members may consider that it is preferable for the Corporation to stand back from participating in an election which chooses people to sit on one of its own Committees.
7. If Members wish to exercise the vote, it will be necessary to recommend to the Court of Common Council that your Chairman (or if he is unable to vote, your Deputy Chairman) be appointed as proxy to vote on behalf of the Corporation in the election for the southern parishes. This recommendation to the Court is necessary as the proxies must be sealed by the Court of Common Council.
8. Members are asked to consider whether they wish to exercise the option of proxy voting.

Corporate & Strategic Implications

9. To satisfy the provisions of the Epping Forest Act 1878, elections of Verderers have taken place every seventh year since 1880. Arrangements for the election are managed by the Epping Forest & Commons Committee and the cost is met from the Town Clerk's Elections budget.

Conclusion

10. The Committee has the option of exercising a vote in the election of Verderers in 2013 due to its ownership of the cemetery. Given the election is for representatives to serve on one of the City's own Committees, and it is not a

secret ballot, Members may feel that it is preferable not to exercise the proxy vote.

Background Papers:

- *Election of Verderers – dates of nominations and polls, 9 July 2012 Epping Forest & Commons Committee Report*
- *Election of Verderers 2013, 14 May 2012 Epping Forest & Commons Committee Report*
- *Epping Forest Act 1878 (Fourth Schedule)*

Appendices

The Forest boundary for the purpose of registration is illustrated at Appendix 1

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