

EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY
STANDING PANEL
HELD ON MONDAY, 4 DECEMBER 2006
IN COMMITTEE ROOM 1
AT 7.30 - 9.00 PM

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| Members Present: | R Morgan (Chairman), , R Church, R D'Souza, J Demetriou, Mrs A Haigh, J Markham, Mrs P Richardson, Mrs P Smith, Mrs L Wagland and Mrs J H Whitehouse |
| Other members present: | K Angold-Stephens, Mrs D Borton, M Colling, Mrs D Collins, D Jacobs, D Kelly, P McMillan, B Sandler, Ms S Stavrou and K Wright |
| Apologies for Absence: | M Cohen and Mrs P Brooks |
| Officers Present | I Willett (Head of Research and Democratic Services), J Akerman (Chief Internal Auditor), S G Hill (Senior Democratic Services Officer) and Z Folley (Democratic Services Assistant) |
| Also in attendance: | Councillor E Borton (Nazeing Parish Council), Councillor Ms G Castle (Nazeing Parish Council) and Councillor B Surtees (Ongar Town Council) |

46. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

Noted that Councillor Mrs J H Whitehouse was attending the meeting as a substitute for Councillor Mrs P Brooks.

47. DECLARATION OF INTERESTS

No declarations of interests were made pursuant to the Member Code of Conduct.

48. NOTES OF THE LAST MEETING

Noted.

49. WORK PROGRAMME

Noted.

50. AUDIT & GOVERNANCE COMMITTEE

The Panel were reminded that at its last meeting, the Panel had supported the establishment of an Audit and Governance Committee. The Panel had made a number of proposals regarding the ambit of the Committee and considered the requirement to exclude from the membership all members of the Cabinet, any Cabinet Committees and finance related scrutiny Panels.

It was reported that since that time, the Finance and Performance Cabinet Committee had considered a further report and agreed with the proposals made by this Panel. They had also agreed that the proposed rules be relaxed to allow Members of the Overview and Scrutiny Committee to serve on the Committee to facilitate the appointment process. The Panel were asked to give consideration to

this progress report and support and recommend to the Council the establishment of the Committee based on the model and terms of reference attached to the agenda.

In response, the Panel agreed that there would be benefit in providing training for the Members of the new body. They noted that CIFRA had suggested that this could be best delivered through a mixture of in house training and an external facilitator. They considered whether a small additional sum of funding should be sought for training. It might be possible to involve in this a member of an Audit Committee elsewhere.

It was clarified that the main purpose of the proposed committee was to provide independent assurance and scrutiny of how the Authority dealt with the items in the terms of reference. Both Cabinet and Scrutiny could not fulfil this requirement given their involvement in the work to be reviewed.

It was clarified that the proposals would not affect scrutiny's existing responsibilities in relation to policy making and the budget. It was **recommended** that the Committee should be required to submit a short annual report to the Council on its activities.

It was reported that the report would now be submitted to the Cabinet with the Panel's comments and then on to full Council.

51. REVIEW OF AREA PLANS SUB COMMITTEES - FURTHER REPORT

The Panel gave further consideration to their review of the pattern of the Area Sub - Committees.

It was noted that at the last meeting, the Panel had asked officers to work up the following options for amended Area Plans Sub Committees to be brought forward to this meeting: These were:

Option 1 (3 Sub – Committees: Area A and 2 new Sub – Committees dividing the District on an urban/rural split);

Option 2 (4 Sub – Committees: Area A and D plus adjustments between B and C)

Option 3 (3 Sub – Committees: Area A and D and combine B and C).

A fourth option had also been identified of 3 Sub – Committees: present Area A plus two new Sub – Committees dividing the District east and west. This had been set aside as it was considered to be the same as Option 3 above.

Having considered the options, the Panel agreed that no changes should be made to the existing structure of the Area Plans Sub – Committees.

The Panel were also asked to determine the future membership of Area Plans A. Attention was drawn to the proposal that all Members of the areas under its remit should be given the opportunity to serve on the Sub – Committee. It was agreed that the views of the members of the Sub – Committee itself should be sought on the question. **Agreed** that an item be placed on the Sub – Committees next agenda.

The Chairman undertook to report the recommendations of the Panel to this next OSC on 7 December 2006. **Agreed** that a written report be submitted to the next OSC in February 2007 to incorporate the views of Area Plans A.

52. COMPLAINTS AGAINST COUNCILLORS

The Panel considered a report of the Cabinet on the provision of legal expenses cover for Councillors subject to complaints regarding breaches of the Council's Code of Conduct. It was reminded that earlier on in the year, the Panel had undertaken a review on ways in which support could be provided for Members subject to such investigations. They approached this from the view point of how support could be provided to members if officer support could not be provided. The Panel considered a schedule showing the group legal protection policy for Councillors which was offered by the Council's insurers, Zurich Municipal. They noted the costs of the cover and that it was only available to all 58 Councillors and particular terms and exclusions.

The Panel requested some research be undertaken on the value of the system specifically in relation to the following proposed exclusions from the policy:

(a) **time limit for claims (180 days)** – more precise details ie from which event /circumstances would this be measured? - date of receipt or verification of complaint? Arrangements for reporting complaint to Member – This should be undertaken at an early stage – (say at date received by Monitoring Board)- to facilitate preparations.

(b) **any questions relating to written or verbal remarks against the Councillor concerned** – this would exempt most cases as most related to this area - what constituted a written/verbal remark under this exemption?

(c) **reference to the Councillor concerned having to pay any legal costs should they be found in breach of the Code of Conduct.** Could this exclusion be removed to indemnify members for costs found guilty?

(d) **Legal representation** – would there be provision for Members to select their own legal advisor or would this be determined by the company?

It was clarified that the LGA did not provide insurance but proposed that consideration be given to their work in the area. The Panel questioned whether other Authorities had in place the proposed scheme with Zurich Municipal?

The Political Groups themselves could choose to set up their own cover for their Members but this might not prove suitable for those Members without the backing of a group able to provide such cover.

Members were also asked to consider options for funding the cost of the additional cover. One was to approve a CSB growth item in respect of the additional insurance premium to be included in the draft 2007/08 budget. A further alternative was that the premium per Councillor be funded by retaining the equivalent amount from the basic allowance payable to all serving and new councillors from the date they take up office next Council year.

The Panel supported the report for consideration by the Cabinet with the inclusion of their comments and the outcome of their requests for additional information.

ACTION

Head of Research and Democratic Services to contact Zurich Municipal to raise the identified questions and report back to the Panel.

53. MEMBER TRAINING REVIEW

Noted that the report had not been circulated to all Members of the Panel. In view of this it was agreed that it be deferred to the next meeting on 6 February 2007 for consideration.

54. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

Review of Area Plans Subs - conclusions to be reported verbally by Chairman with final written report to February 2006 OSC.

Noted that a special meeting of the OSC had been arranged for 9 January 2007 to consider a call – in submitted on car parking policy.

55. FUTURE MEETINGS

Noted that the next meeting of the Panel would be held on 6 February 2007 at 7.30.