

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY
STANDING PANEL
HELD ON MONDAY, 28 APRIL 2008
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.30 - 9.00 PM**

Members Present: , R Morgan (Vice-Chairman), D Jacobs, J Markham and T Richardson

Other members present:

Apologies for Absence: R Church, Mrs M McEwen, B Rolfe and D Stallan

Officers Present J Akerman (Chief Internal Auditor) and I Willett (Assistant to the Chief Executive)

23. CHAIRMAN FOR THE MEETING

RESOLVED:

That, in view of the absence of the Chairman of the Panel, Councillor R Morgan (Vice Chairman) would chair the meeting.

24. NOTES OF THE LAST MEETING

Agreed subject to the addition of Councillor J Markham to the list of members giving apologies.

25. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that no substitutes had been appointed for this meeting.

26. DECLARATION OF INTERESTS

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

27. TERMS OF REFERENCE / WORK PROGRAMME

The Panel noted the Terms of Reference agreed by the Overview and Scrutiny in respect of this Panel.

It was noted that, in relation to the work programme for the current Council year, the completion of business at this meeting would mean that the Council had achieved its entire work programme within the year.

28. REVIEW OF OFFICER DELEGATIONS 2007/8

The Panel considered a report from the Assistant to the Chief Executive detailing the results of the annual review of officer delegations. This review had been conducted by a cross-service working party of officers and had focussed on experience during the last year which necessitated changes. The Panel noted that this was the last

year in which the review of delegations would be conducted in this way as, with the change in the law under the Local Government and Public Involvement in Health Act 2007, the delegated authorities relating to Cabinet matters would in future be solely a matter for the Leader of the Council. It was noted that some delegations relating to non-Cabinet items would still be submitted to a Council meeting for adoption.

The Panel also received a report highlighting the most significant changes in the officer delegations, having noted that a large number of changes were required as a result of the recent service restructurings which had changed post to service directors and the various functions for which they were responsible.

The Panel agreed the proposals put forward by officers and accepted a change to the delegation relating to licensing (a function which was now divided between the Directors of Environment and Street Scene and Corporate Support Services) whereby the former would be delegated for both Appendices 1 and 2 and the latter solely for Appendix 2.

The Panel also reviewed proposals from the Director of Planning and Economic Development for changes to officer delegations in respect of planning applications relating to call-in by members of the Council, references to Committee and response to observations made by Town and Parish Councils and minor applications for consent on its own property. The Panel supported the approach of introducing a four-week time limit for call-ins from members of the Council so as to assist in proper report preparation for Area Plans Sub Committees and also agreed that minor applications affecting the Council's own properties should be delegated to officers in future without the necessity to bring them to Committee. In respect of observations received from Town and Parish Councils it was agreed that revised delegations should not require such observations to be referred automatically to Committee if the comments made were not pertinent to the planning merits of the particular case.

It was agreed that these changes to delegations might assist in achieving marginal improvements in the turnround time for planning applications and that they should be monitored over the coming year and reviewed again by the Council.

RESOLVED:

That a report be submitted to the Council in accordance with the delegated authority already granted by the Overview and Scrutiny Committee as follows:

(a) that the proposed revisions to officer delegation outlined in this report be approved and incorporated in the Council's Constitution;

(b) that, once the Council has approved the changes, the format of the schedule be altered to create two new schedules as follows:

(i) Executive Functions – for approval by the Leader of the Council in compliance with the Local Government and Public Involvement in Health Act 2007; and

(ii) Council/Regulatory Functions – for approval by the Council;

(c) that these arrangements be put in place for the next annual review of officer delegation;

(d) that, over the forthcoming year, each of the new formats set out in (2) above be restructured to provide a list of delegation for each Chief Officer based on statutory and non-statutory delegated powers; and

(e) that the revised officer delegations in respect of planning applications (Reference P4) be reviewed as part of the next annual review.

29. REVIEW OF CONTRACT STANDING ORDERS 2007/8

The Panel considered a report of the Assistant to the Chief Executive summarising the findings of an officer review of Contract Standing Orders which also made recommendations as to changes thought necessary. The report outlined the significance of those changes and drew attention to the fact that a number of minor drafting changes had been necessary as a result of the recent restructuring of services.

The attention of the Panel was drawn particularly to a revised Contract Standing Order C33 (Land Transactions). The Panel noted that currently Contract Standing orders provided for disposals of land to be dealt with in exactly the same manner as any other contract, namely sealed bid tenders with a return deadline with secure custody and opening arrangements. The report drew attention to concerns which had been expressed as a result of a large land disposal at Langston Road, Loughton which had where it was felt that a different tendering regime might have resulted in a greater capital receipt for the Council. The new Contract Standing Order therefore included a wider range of disposal methods which could be used subject to the Council's professional advisers recommending to either the Cabinet or a Portfolio Holder based on the prevailing market conditions.

It was noted that the suggestion was that officers should be able to deal with land disposals where the pre-valuation estimate was up to £50,000, in the range £50,000-£250,000, that Portfolio Holders should be able to consider and determine the appropriate disposal methods but that any pre-valuation estimate of over £250,000 should be a matter for Cabinet report and decision.

The Panel supported the proposed revisions to Contract Standing Order C33 and the remaining changes proposed.

RESOLVED:

That in accordance with the authority granted by the Overview and Scrutiny Committee, a report be submitted to the Council recommending that the proposed revisions to Contract Standing Orders as set out in the Appendix to the report submitted to this meeting be approved and incorporated in the Council's Constitution.

30. REVIEW OF FINANCIAL REGULATIONS - 2007/8

The Panel considered a report of the Assistant to the Chief Executive concerning the latest review of financial regulations. The Panel noted that these regulations largely governed the activities of officers from the point of view of good financial management and corporate governance and that the number of changes being proposed as a result of this review was relatively restricted.

The Panel noted that reference had been included in the new regulations to the Audit and Governance Committee which had been established in the last year and also to the Council's new external funding policy which had been cross-referenced in Appendix F to the document.

The Panel gave particular attention to proposals to amend Appendix E to Financial Regulations concerning the writing-off of bad debts. The Panel noted that the current limit for decision under delegated authority by the Director of Finance and ICT was for individual debts of up to £1,000. The officer review had highlighted the fact that this meant a very large number of write-offs had to be submitted to the appropriate Portfolio Holders for decision. Account had also been taken of practices in other authorities where, in general terms, there seemed to be a higher threshold for officer decisions. In view of these two factors, the Panel were asked to consider increasing the limit for write-offs by the Director of Finance and ICT to £2,500.

The Panel supported this proposal and in view of the practices operated in other authorities asked that the operation of this new delegation should be monitored over the next year and brought back for consideration at the next review.

RESOLVED:

That, in accordance with the delegated authority granted by the Overview and Scrutiny Committee, a report be submitted to the Council recommending that the proposed revisions to financial regulations as set out in the Appendix to the report submitted to this meeting be incorporated in the Council's Constitution.

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

It was agreed that no items required report from this meeting.

32. LAST MEETING OF THE PANEL

The Vice Chairman of the Panel thanked members and officers who had supported their work during the year for their attendance and contributions.

33. FUTURE MEETINGS

The Panel received a schedule showing the meeting dates for the next council year. The Panel noted that the next meeting was due to be held on 30 June 2008 at which a new work programme would be submitted.