

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY
STANDING PANEL
HELD ON MONDAY, 3 NOVEMBER 2008
IN COMMITTEE ROOM 1
AT 7.30 - 9.45 PM**

Members Present: Mrs M McEwen (Chairman), R Morgan (Vice-Chairman), Mrs P Brooks, Ms J Hedges, J Markham, J Philip, B Rolfe, Mrs P Smith and Mrs J H Whitehouse

Other members present: Mrs A Haigh, J Knapman, Mrs C Pond and B Sandler

Apologies for Absence: Mrs M Sartin and D Stallan

Officers Present I Willett (Assistant to the Chief Executive), J Akerman (Chief Internal Auditor), S G Hill (Senior Democratic Services Officer), P Seager (Chairmans Secretary) and M Jenkins (Democratic Services Assistant)

18. NOTES OF THE LAST MEETING

RESOLVED:

That the notes of the last meeting of the Panel, held on 8 September 2008, be agreed.

19. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

Noted that Councillor Mrs P Smith was attending the meeting as a substitute for Councillor Mrs M Sartin.

20. DECLARATION OF INTERESTS

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

21. TERMS OF REFERENCE / WORK PROGRAMME

The Assistant to the Chief Executive, Mr I Willett, drew the Panel's attention to item 5 of the Work Programme (Government Consultation Document on Weekend Voting). The report would have been put before the 29 September 2008 meeting of the Overview and Scrutiny Committee but the meeting had been cancelled, which meant that the Weekend Voting report had not been formally agreed at Overview and Scrutiny. The recommendations of the Constitution and Members' Services Panel of 8 September 2008, which appeared in the minutes from that meeting, had been sent onto the Government. Further comments would be forwarded to the Government if necessary.

The Panel were advised that Item 6b of the Work Programme (Overview and Scrutiny Review/Government White Paper on Empowerment) was scheduled to be considered at the next Overview and Scrutiny Committee. However there were still amendments being made by the Government. The White Paper concerned the option of having an elected mayor and consultation regarding time off from work to be an

elected member. The Panel was also advised that the National Scrutiny Conference had informed officers that the proposals were “light touch” legislation and would be implemented by April 2009. It was planned to have all the proposals published by January 2009.

22. CONTRACT STANDING ORDERS - REVIEW OF PROVISIONS RELATING TO CONSULTANTS

Mr J Akerman, the Chief Internal Auditor presented a report to the Panel regarding a Review of Contract Standing Order C13 (Provisions for Appointment of Consultants). An officer working party had reviewed arrangements for the recruitment of consultants. There had been concerns expressed about the process for recruiting consultants in various directorates of the Council, this focused on the engagement of consultants for extended periods, often to cover established posts. However, in some of these cases there had not always been evidence of adequate market testing to demonstrate value for money. Consultants were often engaged and retained at high cost which may have adversely affected the number of staff hours available to the Council.

Some aspects of the engagement of consultants, their duties and responsibilities, were covered in Contract Standing Order C13. The officer review had indicated that this Contract Standing Order did not go far enough in ensuring that consultant services were procured in such a way, securing value for money for the authority.

The use of consultants fell into two categories:

- (a) cases where the District Council had supplemented its own staffing resources with specialist advice and support for specific projects over a pre-determined period; and
- (b) cases where consultants were brought in to supplement the staffing resources of the Council where there were vacancies which were affecting basic workflow.

The officer review had concluded that the term “consultant” had not been clearly defined. The term was often used in the context of temporary members of staff which should be dealt with in a completely different manner. Consultants were non-established persons, not employed by the Council, engaged to carry out a specific task over a specific period and recruited externally. The consultant would be appointed, carry out the task allocated over a pre-determined period and then cease being employed at the completion of the project.

The Panel was informed that a definition of temporary staff was also required. Temporary staff were those appointments which covered existing posts within the Council. Temporary staff appeared on the Council’s payroll and on its staffing establishment in a temporary capacity. They were recruited directly through commercial concerns or agencies, but should be appointed within the relevant salary scale for the post being covered. The positions should be time limited so as not to create for the individual employment rights which may be detrimental to the authority as an employer. The definition of a temporary member of staff needed to include reference to a six month employment limit. Consultants needed to be procured with regard to value for money. The revised standing order needed to state that appointments were subject to competition rules set out in Contract Standing Orders, unless the Essex Procurement Hub or Capita Recruitment System had been used. These systems have in-built market testing which achieved value for money.

Service Directors should be able to appoint at up to 20% above the maximum scale point concerned if there were problems in securing an appointment, subject to budgetary considerations. The Panel was advised that legal advice services had been specifically excluded from the requirements of Contract Standing Orders and the Procurement Hub/Capita System, because of the extremely specialised advice that was required.

However, competitive quotations would still be sought for these services where this was a practical proposition. The Chief Internal Auditor indicated to the Panel that there was a small consultancy budget within internal audit and that the procurement of consultants was in accordance with Contract Standing Orders.

Councillor Mrs J Whitehouse pointed out that on page 48 of the agenda, paragraph 9 regarding “budgetary considerations and salary scales, should be able to appoint at equivalent to 20% above maximum scale point” should be amended to “up to 20% above maximum scale point.” This point was agreed.

The Chief Internal Auditor confirmed to members that officers had to demonstrate best value for money when procuring the services of consultants, and this had been tested in previous audits.

RECOMMENDED:

That the revised Contract Standing Order C13 be approved and recommended to the Overview and Scrutiny Committee and the Council for adoption.

23. REVIEW OF EXECUTIVE CONSTITUTION

The Assistant to the Chief Executive presented a report to the Panel regarding the Local Government and Public Involvement in Health Act 2007 – Executive Constitution. The Act made a number of changes to the operation of local authority Executives particularly the powers of the Leader of the Council. The Act had prescribed two types of executive:

- (a) Elected Mayor and Cabinet; or
- (b) Leader and Cabinet.

The Council had been operating the Leader and Cabinet model since 2000 but differently from the 2007 Act version. Currently the Council's Leader and Cabinet Executive was the optional “weak leader” model with executive decisions made by the Council. The 2007 Act ended this executive model and replaced it with a “strong leader” model. The various functions of Council were now the sole responsibility of the Leader of the Council. However, the Council retained responsibility for non-executive functions and the governance arrangements which applied to them. The Council now needed to amend its Constitution to accord with the 2007 Act.

The members sought clarification on the period during which the Leader would serve. The Leader maintained position until they ceased to be a councillor. The Leader can resign at any time and the new Leader would continue to serve for the duration of the term. There was concern expressed regarding the power of the Leader to appoint members to the Local Councils' Liaison Committee and it was agreed that this body should be transferred to the list of appointments to be made by the Council. The

Assistant to the Chief Executive explained that the Cabinet would be asked to review all of these changes before they were put to the Overview and Scrutiny Committee.

RECOMMENDED:

(1) That the amendments proposed in the report in respect of the following parts of the Constitution be approved and the additional changes agreed at the meeting be incorporated where indicated:

(a) Article 3

(b) Article 4

(c) Article 7 with the addition of amendments to paragraph 7.02 (between 3 and 10 councillors, updating the header)

(d) Council Procedure Rules

(e) Executive Procedure Rules

(f) Scheme of Delegation (Appendix 7) subject to deletion of L2 (land Drainage and Flood Defence)

(g) Scheme of Delegation (Appendix 8)

(h) Representation on Outside Organisations (Appendices 9 and 10) subject to 14 (Local Councils' Liaison Committee) transferring to Appendix 10 and further review of 21 (Victoria County History Association) and 22 (West Essex Area Forum)

(i) Statement regarding executive governance – subject revision of paragraph 3.3 to reflect absence of support from the community for an Elected Mayor and the Council's preference for a Cabinet as a more effective method of achieving effective service delivery.

(2) That, the deadline for submission of questions by Councillors be amended to "seven days" from "seven working days" in Council Procedure Rule 10.3.

(3) That, the proposed changes to the Constitution be approved and authority for other minor and consequential amendments be delegated to the Assistant to the Chief Executive.

(4) That, the views of the Cabinet on this report be submitted to this meeting prior to this report being submitted to the Council.

24. REVIEW OF CIVIC CEREMONIAL ARRANGEMENTS

The Senior Democratic Services Officer, Mr S Hill, presented a report regarding the Review of Civic Ceremonial Arrangements. The Panel, at its last meeting, had agreed a scoping report on a Civic and Ceremonial Review for 2008. The scope of the review was particularly concerned with the role of the Chairman of Council, the function of Annual Council and issues which had arisen from civic events. Past Chairmen of Council had been invited to the meeting to discuss their views on their

experiences, they had answered a questionnaire which had sought views on the broad areas for review.

Section 1 – Vice Chairman

Not all the respondents to the questionnaire had been Vice Chairman prior to becoming Chairman. However those that had, felt that the experience had been a valuable one. There was discussion regarding the Vice Chairman automatically becoming Chairman in the following Council year. It was felt that this could be an inflexible approach. There could be unforeseen events which precluded the Vice Chairman from taking up office. The Panel asked for the wording to be changed.

AGREED:

That, 5.02 (iv) of Article 5 be re-worded as – “It is expected that the person nominated.”

Section 2 – Annual Council Meeting

It was suggested to the Panel that the Annual Council could become a more streamlined, civic event. The appointments and debates which took place could be reduced, allowing for a wider showcasing of the Chairman and the District Council. It was felt that, in the case of appointments to bodies being made, these were decided some time before the actual Council meeting and need not be discussed at the meeting.

Members thought that creating a separate meeting from Annual Council could be used for building better relationships with the local councils. This would supplement the work of the Local Councils' Liaison Committee. The Panel explored a number of other ways of “showcasing” the Chairman and the District Council. Civic dinners or civic lunch were an opportunity to invite the Chairmen of local councils to the District Council combined with a tour, not only of the Civic Offices, but places of interest in the District as well. The current Chairman, Councillor J Knapman, suggested that a presentation at Full Council, by the Chairman's charities would be useful.

However there was concern that the Annual Council would lose its significance, there was an opportunity for the Chairman to outline his or her ideas for the forthcoming year and there could also be a showcase debate.

AGREED:

That, Chairman of Council have discretion on whether there should be an extra civic meeting and the civic content of the annual meeting.

Section 3 – Diary and Events

There was a single display board outside the Civic Offices which informed passers-by of the Chairman's past activities. However, members felt that a better system was needed for advising the public of the Chairman's future diary events. The Panel was told that there were plans to install an electronic display board in reception which amongst other things could advertise the Chairman's activities. It was suggested that the Leader of the Council should meet with the Chairman on regular occasions to discuss forthcoming events. There could be, as part of their induction, a formal introduction of new staff on the role of the Chairman and Vice Chairman.

Councillor Sandler said that there was open public confusion about the roles of Mayor and Chairman. The Assistant to the Chief Executive, Mr I Willett, advised that there was no real difference between Borough and District councils, although there was a greater formality in civic ceremonial terms in boroughs.

Councillor J Markham suggested that a regular advertisement in the local press on the Chairman's activities would raise the Chairman's profile. However the Panel were informed that a small advertisement in A5 size would cost in the region of £1,500 - £2,500. Mrs P Seager, the Chairman's Secretary, advised that a copy of the list of the Chairman's engagements was sent to the local press each week. It was left to their discretion as to if or how these events were covered. Mr S Hill advised the Panel that there was an A4 sized leaflet which described the process for inviting the Chairman and Vice Chairman to events.

The Chairman of Council, Councillor J Knapman, felt that stories about the Chairman should be pursued more proactively with the local press. Money raised through charitable events needed to be reported speedily. Councillor Mrs A Haigh suggested that the Chairman could have a monthly column in the local press, as local MPs had a weekly column. Officers said that newspaper reporting was being centralised away from the local area and therefore there might not in future always be enough interest in the Chairman's role. A further method of publicising the Chairman, and Councillors generally, were member's blogs, which Mr S Hill advised could be created through the Committee Management IT System.

The Chairmen had made the following suggestions for improvements and or changes. The Panel responded to each suggestion as follows:

- (a) A two year appointment for the Chairman and Vice Chairman of the Council.

Panel Response – The Panel felt that with over 150 events per annum, there would be too many events for the Chairman to attend. It was noted that a two year appointment would need a change to the Constitution.

- (b) Being more pro-active in promoting the Council to groups including young people.

Panel Response – Agreed

- (c) Encouraging invitations to schools, hospitals, services and care homes.

Panel Response – Agreed. The Panel felt that it was a matter of policy, every school in the district should be written to, particularly secondary schools and 6th Form Colleges. Any work should be interlinked with the Youth Council and the Leader of Council.

- (d) Chairman should be the "extended arm" of the Council and used far more to promote the Council.

Panel Response – Agreed

- (e) The Council could consider twinning with a European area to raise the profile of the civic role.

Panel Response – Agreed. The Panel felt that the Council also had the option of not agreeing to do this.

- (f) Regular meetings with press officers.

Panel Response – Agreed.

- (g) Interviews with new Chairman and Vice Chairman with the press.

Panel Response – Agreed.

- (h) Promotion via the website with more items/photographs on events and a home page link. Chairman must get as much publicity as possible.

Panel Response – The Chairman’s section within the District Council’s website needed updating. The Panel were informed that the Committee Management System could provide for members to have their own blog, although none, had as of yet, done so. The Chairman’s role was non-political and, some felt, uninteresting to the wider public, however the Chairman’s webpages were viewed 800 times each month.

The Chairmen had made the following comments about the Council’s understanding of the role of the Chairman, they were:

- (i) This could be enhanced by having monthly meetings with the Leader.

Panel Response – Agreed

- (ii) Other Chairmen of Council have far more support for Charitable Fundraising and have a far larger budget.

Panel Response – Charitable fund raising was not part of Civic Officer’s role.

- (iii) The role of the Chairman did not always seem to be understood and could have been given more prominence on the induction training sessions for members and officers.

Panel Response – Agreed

Mr S Hill suggested an “easy guide”, no more than two sides of A4 paper, for promotional purposes advising on inviting the Chairman and Vice Chairman to functions. Councillor B Sandler thought that Parish and Town Councils needed more information about the role of the Chairman. It was noted that their mayors did not outrank the Chairman of Council.

Councillor B Sandler requested an item for the next meeting, concerning the re-use of the Chairman’s crest on the Chairman’s car.

RESOLVED:

That, further consideration for this item be deferred to the next meeting of the Panel which was to be on Thursday 4 December 2008 at 7.30p.m.

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

This item was deferred to the next meeting of the Panel.

26. FUTURE MEETINGS

At 9.45p.m., the Chairman of the Panel, Councillor Mrs M McEwen, decided to close the meeting, as it had not been practical to debate all of the issues relating to the Civic Ceremonial arrangements. The next meeting of the Panel which was to be on Thursday 4 December 2008 at 7.30p.m.