

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY
STANDING PANEL
HELD ON MONDAY, 2 NOVEMBER 2009
IN COMMITTEE ROOM 1
AT 7.30 - 9.00 PM**

Members Present: Mrs M McEwen (Chairman), J Philip (Vice-Chairman), Mrs P Brooks, J Knapman, G Mohindra, R Morgan, D Stallan and Mrs J H Whitehouse

Other members present: Mrs P Smith

Apologies for Absence: Ms J Hedges, J Markham and Mrs M Sartin

Officers Present I Willett (Assistant to the Chief Executive), S G Hill (Senior Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

19. NOTES OF THE LAST MEETING

RESOLVED:

That the notes of the last meeting of the Panel, held on 14 September 2009, be agreed.

20. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

There were no substitute members at the meeting.

21. DECLARATION OF INTERESTS

(i) Pursuant to the Council's Code of Member Conduct, Councillor J Knapman declared personal interest in the following item of the agenda by virtue of having been a Chairman of Council. The Councillor had determined that his interest was not prejudicial and would stay in the meeting for the consideration of the item:

- Item 7 Civic Events – Chairman of Council's Guidelines

(ii) Pursuant to the Council's Code of Member Conduct, Councillor Mrs P Smith declared a personal interest in the following item of the agenda by virtue of being the current Chairman of Council. The Councillor had determined that her interest was not prejudicial and would stay in the meeting for the consideration of the item:

- Item 7 Civic Events – Chairman of Council's Guidelines

22. TERMS OF REFERENCE / WORK PROGRAMME

The Panel were advised of the following update regarding the Work Programme:

- Item 4 Member Training Review was put back to January 2010. There was an opportunity of external funding for training with seconded staffing support, it was felt better to conduct a more thorough review of training when this funding was agreed and further consultation conducted with councillors.

RESOLVED:

That the changes in the Work Programme be agreed.

23. OSC REVIEW

Each Panel member had been provided with two local authority websites and a proforma and were tasked with evaluating the scrutiny sections of the websites. From this the members made the following suggestions for improvement:

- Scrutiny needed more publicity;
- Scrutiny reports needed to be more digestible for public consumption;
- Introducing an opportunity for the public to ask questions, to Cabinet and Council meetings;
- Ways of obtaining public suggestions of issues for scrutiny;
- Direct scrutiny of the Cabinet;
- Encouragement of more public involvement in Overview and Scrutiny;
- Public speaking at Standing Panels; and
- Electronic feedback facility for guests/witnesses at meetings

Members were interested in any relationship between scrutiny topics and FOI requests this would determine whether FOI requests could be used to help the annual scrutiny programme. Officers confirmed that a new database was being installed shortly for collating all FOI requests and from this it was possible to evaluate any such relationships which emerged.

RESOLVED:

That a full report on the Overview and Scrutiny Review be submitted to the Overview and Scrutiny Committee in December 2009 with draft to all Panel members.

The District Council's website was being re-designed which provided an opportunity for wider explanations of scrutiny. The annual report needed heavy editing. A public suggestions facility on the website would need an amendment to the Council's constitution.

24. CIVIC EVENTS - CHAIRMAN OF COUNCIL'S GUIDELINES

The Panel received a report and draft guidelines from Mr S Hill, Senior Democratic Services Officer, regarding the Chairman's Guidance on Civic Events. At the meeting of the Panel in April 2009 concern had been raised that comments at the Chairman's Civic Awards Ceremony had been construed as a criticism of another local council. Members had requested that guidance was established setting out the Chairman's responsibilities for events which would be inserted into the current guidance document provided to the Chairman at the start of each year.

RECOMMENDATION:

That the Proposed Guidance to the Chairman of Council in relation to Civic Events be endorsed.

25. FINANCIAL REGULATIONS - ANNUAL REVIEW 2009/10

The Assistant to the Chief Executive, Mr I Willett, presented a report to the Panel regarding Financial Regulations – Annual Review 2009/10.

Each year a cross directorate working party of officers carried out a review of Financial Regulations, Contract Standing Orders and officer delegation ensuring that these documents were updated and reflected statutory requirements.

External Funding

The proposed change to external funding related to “Responsibilities of Chief Officers.” Currently Chief Officers complied with the external funding strategy including obtaining and acting upon advice on legal or financial aspects of external funding applications from the Solicitor to the Council and the Chief Finance Officer.

Comparison work with other Councils had shown that all external funding applications should be signed by the Chief Finance Officer before being submitted. This had not been included in EFDC’s Financial Regulations, but it was felt best to implement this change. Other proposed changes were reflect changes in job titles and minor wording improvement.

RECOMMENDATIONS:

- (1) That the amendments to Financial Regulations relating to external funding applications (as set out in part B of the Appendix to these notes) be approved; and
- (2) That the adoption of those minor changes as set out in Appendix 2 to these notes be approved

26. DEMONSTRATION OF E-CALL-IN SYSTEM

The Senior Democratic Services Officer, Mr S Hill, gave a presentation to the Panel regarding the E-Call-In system.

The current call-in system for decisions made by the Cabinet or by individual Portfolio Holders required that three members of the Overview and Scrutiny Committee or five members of the Council could call-in a decision.

The identity of the Councillors making the call-in can be validated with the VPN token. However officers would check identities as a matter of course.

RECOMMENDED:

That the Electronic Call-In System be activated from April 2010 and any changes to the Constitution be approved by the Council.

27. FUTURE MEETINGS

The next meeting of the Panel was scheduled for 11 January 2010.

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

It was noted that the following reports were being put before the December 2009 meeting of the Cabinet:

- (1) Overview and Scrutiny Review; and
- (2) Financial Regulations

FINANCIAL REGULATIONS (APPENDIX F) – EXTERNAL FUNDING

PART A - Present Wording

“Responsibilities of the Chief Finance Officer

- 2.3 To ensure that all funding notified by external bodies is received and properly recorded in the authority’s accounts.
- 2.4 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- 2.5 To ensure that audit requirements are met.

Responsibilities of Chief Officers

- 2.6 To ensure full compliance with the Council’s External Funding strategy in respect of any external funding proposals undertaken within each service directorate, including obtaining and acting upon advice on any legal and financial aspects of such proposals from the Solicitor to the Council and the Chief Finance Officer.
- 2.7 To ensure that all claims for funds are made by the due date.
- 2.8 To ensure that the project progresses in accordance with the agreed project plan and that all expenditure is properly incurred and recorded.”

PART B - Proposed Wording (NB Changes in Bold Type)

- 2.3 To ensure that all funding notified by external bodies is received and properly recorded in the authority’s accounts.
- 2.4 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- 2.5 To ensure that audit requirements are met.

2.6 To approve and sign all applications for external funding.

Responsibilities of Chief Officers

- 2.7 To ensure full compliance with the Council’s External Funding strategy in respect of any external funding proposals undertaken within each service directorate, including obtaining and acting upon advice on any legal and financial aspects of such proposals from the Solicitor to the Council and the Chief Finance Officer.

- 2.8 To ensure that any applications for external funding within their service responsibilities are approved and signed by the Chief Finance Officer before submission to the funding agency concerned.**
- 2.9 To ensure that all claims for funds are made by the due date.
- 2.10 To ensure that the project progresses in accordance with the agreed project plan and that all expenditure is properly incurred and recorded.

FINANCIAL REGULATIONS – MINOR CHANGES

Financial Regulations Reference	Amendment
A5 (Annual Statement of Accounts)	Add the following: “after Scrutiny by the Council’s Audit and Governance Committee”.
A28 (Chief Officer Responsibilities)	Amend “Head of Finance” to read “Chief Finance Officer”.
C3 (Risk Management)	Amend final sentence to read as follows: “The Performance Management Portfolio Holder has lead Member responsibility for risk management”.
Appendix E (paragraph 3.43)(Expenditure – Ordering and Paying for Works, Goods and Services) (Responsibilities of Chief Officers)	Delete the first sentence and substitute the following: “To ensure that, on completion of the contract and before final payment (including the issue of the Certificate for final payment where appropriate) the responsible officer complies with the following Contract Standing Orders:
29 (3)	completion of a Final Account Certificate and supply of a copy to the Chief Internal Auditor.
29(4)	for contracts of more than £500,000 in value, submission to the Chief Internal Auditor of all details of the contract at the time of practical completion.

Other changes relate to typographical corrections and re-formatting of the text.

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