

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Constitution and Members Services    **Date:** Monday, 11 January 2010  
Scrutiny Standing Panel

**Place:** Committee Room 2, Civic Offices,    **Time:** 7.35 - 9.25 pm  
High Street, Epping

**Members Present:** Mrs M McEwen (Chairman), J Philip (Vice-Chairman), R Morgan, D Stallan,  
Mrs M Sartin, Mrs J H Whitehouse, B Rolfe and J M Whitehouse

**Other Councillors:** Mrs D Collins and C Whitbread

**Apologies:** Mrs P Brooks, J Markham and G Mohindra

**Officers Present:** I Willett (Assistant to the Chief Executive) and M Jenkins (Democratic Services Assistant)

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### **29. NOTES OF THE LAST MEETING**

#### **RESOLVED:**

That the notes of the last meeting held on 2 November 2009 be agreed.

### **30. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

It was noted that Councillor B Rolfe was substituting for Councillor G Mohindra and that Councillor J Whitehouse was substituting for Councillor Mrs P Brooks.

### **31. DECLARATIONS OF INTEREST**

There were no declarations made pursuant to the member Code of Conduct.

### **32. TERMS OF REFERENCE / WORK PROGRAMME**

#### **(a) Terms of Reference**

The Panel's Terms of Reference were noted.

#### **(b) Work Programme**

The members were advised of the following new items:

#### **Item 10 Licensing Committee – Review of Membership**

Due to expedited reviews being requested by the police for some premises licenses the number Licensing Committee members might need increasing.

#### **Item 11 Review of Area Plans Sub-Committees**

This item was subject to informal consideration with members via the Bulletin. It was unclear as to whether it would be need to be put before the Panel.

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**Item 13 Terms of Reference – Audit and Governance Committee**

This item would concern treasury management procedures.

**Item 14 Review of the Housing Appeals and Review Panel.**

The Terms of Reference for the Housing Appeals and Review Panel were felt to be too wide. Minor matters being brought before the Panel were, perhaps, taking up too much member and officer time.

**Item 15 Inclement Weather, Convention for the Cancellation of Meetings**

This item concerned the criteria involved for cancelling meetings because of poor weather conditions.

Members felt that due to the number of items on the Panel's Work Programme, it was best to arrange an extra meeting of the Panel.

**RESOLVED:**

That officers arrange an extraordinary meeting of the Constitution and Member Services Scrutiny Panel as soon as possible.

**33. MEMBER TRAINING REVIEW - INTERIM REPORT**

The Panel received a report from Mr I Willett, Assistant to the Chief Executive, regarding Member Training Programme 2010/11.

The Panel's Work Programme had scheduled a report on the Member Training Programme for this meeting. However due to a new approach being attempted in relation to member training, the details of the programme would not be available until the March meeting of the Panel. The following points were discussed:

**Personal Development Interviews**

- (a) A consultant from IDeA had been engaged on a temporary basis, at no cost, to assist the Council in establishing a new basis on which member training needs were determined.
- (b) The consultant had agreed three complete days for personal development interviews with members in January 2010.

**Budgets and Organisation of the Programme**

The training budget for 2009/10 totalled £13,000. However the East of England Regional Assembly had made additional funding available both for member and officer training. The budget would be underspent in the current year and it was planned to carry forward the budget namely £8,000 for the year, as part of the savings plan being sought by the Cabinet.

It was also planned to integrate member and officer training much more than hitherto which would result in members and officers attending the same courses.

**Candidates' Training**

Members had requested a session for inclusion in the Member Training Programme relating to candidates. A consultancy had been found that had experience in running such courses and arrangements had been made for a course to be held on Saturday 20 March 2010 at the Council offices. The Panel expressed reservations about the content and timing of the event.

Members suggested that an open morning should be organised where the public could view the Council Chamber, climb the clock tower and meet the political parties who should invite their candidates. A short presentation should also be added to the itinerary. The Panel felt that this matter should be reviewed for 2010/11 with a possible date in October/November being suggested.

**RESOLVED:**

- (1) That officers investigate putting a video, from the Local Government Association (LGA) or the Improvement and Development Agency (IDeA), for prospective councillors on the EFDC website; and
- (2) That the Member Training Review report be re-submitted to the Panel and a course be reconsidered for 2010/11 rather than this year.

**34. ANNUAL REVIEW OF CONTRACT STANDING ORDERS**

The Panel received a report from I Willett, Assistant to the Chief Executive, regarding Contract Standing Orders – 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 to ensure that these documents were up to date and reflected current statutory requirements and operational needs. This report concerned Contract Standing Orders which had been discussed by the Officer Working Party. The changes required the approval of the Overview and Scrutiny Committee and adoption by the Council. The revised Contract Standing Orders would then be published in the Constitution.

**RECOMMENDED:**

- (1) That the revisions to Contract Standing Orders set out in Appendix 1 to these notes be recommended to the Overview and Scrutiny Committee and the Council for approval;**
- (2) That, once agreed, the revised Contract Standing Orders be published in the Constitution; and**
- (3) That the Assistant to the Chief Executive be authorised to update Standing Order C33 with the revised EU thresholds after 31 January 2010 and before adoption by the Council.**

**35. ROLE OF MONITORING OFFICER - DRAFT PROTOCOL**

The Panel received a report from Mr I Willett, Assistant to the Chief Executive, regarding the Role of Monitoring Officer – Draft Protocol.

The Chairman of the Audit and Governance Committee had requested a report on the need for a protocol between the District Council and the Monitoring Officer

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regarding the roles and responsibilities of that statutory officer. This would manage the relationship between the authority and the Monitoring Officer on a mutually agreed basis. The Monitoring Officer was a designation which was introduced in the Local Government and Housing Act 1989.

**Need for Protocol**

The request by the Chairman of the Audit and Governance Committee for a report was occasioned by concerns expressed at an extraordinary Council meeting held in August 2009 at which a private session item concerning the contractual position of a member of staff was discussed. On that occasion, the Monitoring Officer issued a report under Paragraph 13.03 (b) of Article 13 and had indicated that in order to present that report and answer questions, it was necessary for her to attend the meeting both for the purpose of presentation of the report, answering queries from Councillors and advising on any suggested decision that was going to be made.

As the ability of the Monitoring Officer to remain present at a meeting had been questioned, the need for a protocol governing relations between the Monitoring Officer and the Council had been identified.

Members asked whether the Deputy Monitoring Officer could be approached if there was no confidence in the Monitoring Officer. Mr I Willett confirmed that the Deputy Monitoring Officer only acted in the absence of the Monitoring Officer not as a substitute. The members requested that the report be re-submitted to the Panel with amendments.

**RESOLVED:**

- (1) That the following amendments be made to the Role of Monitoring Officer – Draft Protocol:
  - (a) That under 2.2 (b) and (c) it should be added that the “Monitoring Officer should not attend any meeting if a report concerned them personally;”
  - (b) That under 2.2 (i) the Monitoring Officer should “have a special relationship of respect and trust” should be amended to “will work to achieve a special relationship of respect and trust;”
  - (c) That under 2.9 “The Monitoring Officer is available for Members and officers to consult on any issues” should be amended to “except where the Monitoring Officer has a direct interest;”
  - (d) That under 2.2 (e) provision be made for the Monitoring Officer to consult other statutory officers through the Corporate Governance Group on any conflicts of interests that might occur;
  - (e) That under 2.2 (m) consideration be given to a timescale for the Monitoring Officer to notify an intention to issue a report and the final publication of such a report;
  - (f) That under paragraph 2.5, consideration be given to a period for consideration is respect of any proposed Monitoring Officer report;
  - (g) That under paragraph 2.2 (q) clarify delegation to Deputy Monitoring Officer and requirement to brief the Deputy Monitoring Officer generally and if Monitoring Officer is absent;

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(h) That consideration be given to a new section to clarify how, and with whom, Councillors raise concerns about conflicts of interests concerning the Monitoring Officer are to be raised; and

(2) That the Draft Protocol be revised and re-submitted to the Panel at a future meeting for further consideration.

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

It was noted that Contract Standing Orders – Annual Review 2009/10 would be referred to the Overview and Scrutiny Committee on 28 January 2010.

**37. FUTURE MEETINGS**

The next programmed meeting of the Panel was being held on 22 March 2010 at 7.30p.m. As directed by the Panel members, there would be an extraordinary meeting of the Panel in March 2010. Officers would liaise in arranging a meeting.

**CHAIRMAN**