

## Scrutiny Standing Panel Agenda



### **Constitution and Members Services Scrutiny Standing Panel Tuesday, 9th November, 2010**

**Place:** Committee Room 1

**Time:** 7.30 pm

**Democratic Services Officer:** I Willett - The Office of the Chief Executive  
Tel: 01992 564243 Email: [iwillett@eppingforestdc.gov.uk](mailto:iwillett@eppingforestdc.gov.uk)

#### **Members:**

Councillors Mrs M McEwen (Chairman), K Chana (Vice-Chairman), R Cohen, Ms C Edwards, Ms J Hedges, J Markham, J Philip, Mrs M Sartin, D Stallan, Mrs J Sutcliffe and Mrs J H Whitehouse

#### **1. APOLOGIES FOR ABSENCE**

#### **2. NOTES OF THE LAST MEETING (Pages 3 - 16)**

Attached.

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

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

#### **4. DECLARATION OF INTERESTS**

(Assistant to the Chief Executive). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting

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purely for the purpose of answering questions or providing information on such a matter.

### **5. TERMS OF REFERENCE / WORK PROGRAMME (Pages 17 - 20)**

(Chairman/Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Panel and associated Work Programme. This is attached. The Panel are asked at each meeting to review both documents.

The OSC is about to formulate next years OS work plan incorporating a programme for this Panel. In view of this, the Panel may wish to bring forward suggestions/ideas on topics for inclusion in its work programme for next year.

### **6. E-PETITIONS (Pages 21 - 44)**

To consider the attached report.

### **7. HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCE OFFICER (DRAFT PROTOCOL) (Pages 45 - 62)**

To consider the attached report.

### **8. MEMBER ROLE ACCOUNTABILITY STATEMENTS (Pages 63 - 104)**

To consider the attached report.

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

To consider which reports are ready to be submitted to the Overview and Scrutiny Committee at its next meeting.

### **10. FUTURE MEETINGS**

The next meeting is scheduled for 16 December 2010 at 7.30 pm.

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Constitution and Members Services **Date:** Thursday, 23 September 2010  
Scrutiny Standing Panel

**Place:** Committee Room 1, Civic Offices, **Time:** 7.30 - 9.15 pm  
High Street, Epping

**Members Present:** Mrs M McEwen (Chairman), K Chana (Vice-Chairman), Ms J Hedges, J Markham, J Philip, Mrs M Sartin, D Stallan, Mrs J Sutcliffe and Mrs J H Whitehouse

**Other Councillors:** Mrs D Collins

**Apologies:** R Cohen

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

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### 9. NOTES OF THE LAST MEETING

#### RESOLVED:

That the notes of the last meeting of the Panel held on 24 June 2010 be agreed.

### 10. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was reported that there were no substitute members present at the meeting.

### 11. DECLARATIONS OF INTERESTS

There were no declarations made pursuant to the Council's Code of Member Conduct.

### 12. TERMS OF REFERENCE/WORK PROGRAMME

#### (1) Terms of Reference

The Panel's Terms of Reference were noted.

#### (2) Work Programme

(a) The Panel was advised that an extra item had been added to its Work Programme concerning the discretionary power of the Leader at Cabinet meetings to conclude all agenda business by 10.00p.m. It was agreed that this issue would be discussed at the December 2010 panel meeting.

(b) Members asked that a report be submitted to the Panel regarding the possible Referendum on an Elected Mayor.

#### RESOLVED:

(1) That a report on Referendum on an Elected Mayor be included in the Panel's Work Programme.

### **13. CANCELLATION OF MEETINGS**

The Panel received a report from Mr I Willett, Assistant to the Chief Executive, regarding Cancellation of Meetings in Extreme Weather Conditions.

During the severe weather earlier in the year, transport conditions had been so difficult that one or two meetings were cancelled due to safety concerns and the quorum. The procedure for cancelling meetings had two elements:

- the decision to cancel; and
- notification of interested parties

The current unwritten protocol, was that cancellation of meetings, whether due to extreme circumstances or lack of business was a matter initially referred by Democratic Services staff to the Chairman concerned. If the Chairman agreed to cancel then Democratic Services staff would:

- communicate this decision to the members of the body concerned
- place notification on the website and in the reception areas for the benefit of the public,
- cancel the accommodation and Superintendent cover
- advise any other individuals who were known to attend the meeting from the public.

The Panel were reminded of the recent introduction of the SMS Text Messaging Service, whereby an instant update could be relayed to all members who had subscribed to it.

When meetings were cancelled due to lack of business, this process was usually fairly simply achieved. However, with situations like extreme weather conditions, it often had to be carried out at the last moment.

It was advised that at least two hours was required before a meeting was due to commence, to announce its cancellation.

#### **RECOMMENDED:**

- (1) That the Constitution should provide clear procedures for the cancellation of meetings; and
- (2) That the following be added to the Council's Procedure Rules:

"Cancellation of Meetings

The decision to cancel any meeting of the Council shall be made by the Chairman in consultation with the Chief Executive (or his representative). In circumstances where a meeting has to be cancelled for reasons which are outside the Council's control at short notice, the decision to cancel shall be made not later than 2 hours before the commencement of the meeting on the day of the meeting and notified to all Councillors and other interested persons as soon as possible thereafter" and amend the existing Procedure Rule 24 by adding the following words:

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“The requirements of Procedure Rule 5 (Cancellation of Meetings) above shall apply to the Cabinet, Committees, Panels and Sub-Committees and any other meeting convened by the Authority.”

**14. DEPUTY PORTFOLIO HOLDERS**

The Panel received a report from Mr I Willett, Assistant to the Chief Executive, regarding Deputies to Portfolio Holders.

At the meeting of the Overview and Scrutiny Committee on 1 June 2010, a proposal from Councillor C Whitbread concerning a review of the desirability of establishing Deputies to Portfolio Holders was referred to the Panel for consideration.

Creating Deputy Portfolio Holders would give more members an insight into how the Cabinet worked, providing an experience of working more closely with officers and could spread the Executive workload.

Five specific review items were raised in the proposal which were dealt with in turn below:

**(1) Statutory restrictions on responsibilities undertaken by a Deputy Portfolio Holder**

Legislation prescribed that a Leader and Cabinet Executive must consist of no less than three Councillors (including a Leader) and no more than 10 (including a Leader).

Legislation prescribed that arrangements for the carrying out of Executive functions could be delegated in the following manner:

- to the Cabinet itself;
- to members of the Cabinet individually;
- to any committees of the Executive; and
- to officers of the Council

Deputy Portfolio Holders could not be full members of the Cabinet, and therefore could not participate in its decisions either individually or collectively. However guidance issued in 2000 from the Government suggested the Executive could invite any person considered appropriate to attend its meetings and speak on behalf of an absent Executive member. However, that person would not take formal decisions. The duties and responsibilities of a Deputy Portfolio Holder would be as follows:

- Assisting the designated Cabinet member in shaping and developing the strategic priorities of the Council as it related to the allocated portfolio.
- Assisting the designated Cabinet member in monitoring performance in specified areas relating to the allocated portfolio.
- Where appropriate and where permissible under the Council’s Constitution, represent the designated Cabinet member at meetings or visits.

**(2) “Pairing” Assistants with specific Portfolio Holders**

The number of appointments could be the same as the number of Cabinet members and each of the Deputies could be allocated to a specific Portfolio Holder assisting with their duties. Alternatively, a smaller number of Deputies could be appointed to act as a “pool” of Deputies for all Cabinet members.

**(3) Payment of Special Responsibility Allowances**

Payments could be made to Deputy Portfolio Holders by way of a Special Responsibility Allowance. These allowances allowed the Council to determine remuneration for responsibilities which were over and above those of a Councillor, the latter being reflected in the basic allowance.

However, the Council could not make payments to Deputy Portfolio Holders because these were not currently included in the Remuneration Scheme. This option would have to be referred to the Independent Remuneration Panel and its report considered by the Council before the scheme could be amended.

**(4) Conclusion**

The Panel noted that the Council could determine whether it wished to appoint Deputy Portfolio Holders. In practice, these appointments would be made at the discretion of the Leader of the Council. It was suggested that:

- (a) appointments should be for one Council year;
- (b) that Deputies should be assigned to specific Portfolio Holders so that roles were clear;
- (c) that Deputy Portfolio Holders did not have decision making powers but could, if the Leader so determined, assist Portfolio Holders in compiling decision reports and reports to the Cabinet with no change to the accountability of the Portfolio Holder for the decisions made;
- (d) that in the absence of a Portfolio Holder, another Cabinet would make decisions, not the Deputy;
- (e) that Portfolio Holders would still sign Portfolio Holder reports and present Cabinet reports;
- (f) that if deputies were to be involved in drafting reports etc, close liaison arrangements between the Portfolio Holder, the Deputy and the Service Director (s) concerned were necessary;
- (g) that Article 6 of the Constitution and the Executive Procedure rules should be altered to introduce Deputy Portfolio Holders as formal appointments within the Council; and
- (h) that question of payments of Special Responsibility Allowance to Deputy Portfolio Holders was a matter for the Independent Remuneration Panel and in order to facilitate this the Panel and the Council would need to agree the "Job Description" for these Deputy positions.

The Leader of the Council informed the Panel that, subject to Council approval she intended to make appointments to positions of Deputy Portfolio Holders during the current year. The Panel concluded that this initial experience would assist in considering the question of Special Responsibility Allowance.

**RECOMMENDED:**

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- (1) That positions of Deputy Portfolio Holders be introduced and included in the Council's Constitution;
- (2) That the proposed amendments to Article 6 of the Constitution and the Executive Procedure Rules as shown in the attached Appendix 2 to these notes be approved;
- (3) That the Member Role Statement for Deputy Portfolio Holders set out in the attached Appendix 3 to these notes be approved; and
- (4) That the application of Special Responsibility Allowance to Deputy Cabinet Member positions be deferred until 2011/12 to allow more time for these new positions to be assessed in their initial period of operation.

**15. CABINET MEETINGS - INVITATIONS/REQUESTS TO ADDRESS CABINET MEETINGS**

The Panel received a report from Mr I Willett, Assistant to the Chief Executive, regarding presentations by members of the public at Cabinet meetings.

There had been occasions when requests were made by external organisations or individuals to address Cabinet meetings about items of business on the agenda. This had highlighted the fact that there was no provision within the Constitution for such representations to be made. Authority rested on the Leader of Council's discretion as Chairman at Cabinet meetings.

The former Corporate Executive Forum (CEF) took the view that although there was no query on the arrangements made previously, it was preferable to make provision in the Constitution for these presentations to be made.

**(1) Current Arrangements – Questions by the Public at Cabinet Meetings**

The Executive Procedure Rules indicated that among the business items to be transacted at a Cabinet meeting could be questions from members of the public in accordance with the Council's agreed scheme.

**(2) Current Arrangements – Public Questions at Council Meetings**

The arrangements for public questions at Council meetings was very similar to the Cabinet except that questions must be submitted in writing by midday seven days before the Council meeting. The person concerned was notified within 48 hours as to whether the question was valid. The other conditions which related to Cabinet questions also applied to Council meetings.

**(3) Representations at Area Plans Sub-Committees**

At Area Plans Sub-Committees, representations were made rather than questions being asked. The procedure in this case was that a speaker must register with the Council by 4p.m. on the day before the meeting, speakers had a maximum of three minutes.

**(4) Addressing the Cabinet**

The members requested that public speakers should be allowed to speak for up to 3 minutes only, but only on agenda items. It was felt that should be no more than two speakers on any one item and no more than six speakers per meeting.

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**RECOMMENDED:**

- (1) That provision be made in the Executive Procedure Rules, in the Constitution, regulating arrangements for members of the public or other organisations to address Cabinet meetings on agenda business;
- (2) That the proposed additional clause in the Executive procedure Rules set out in the revised Appendix 1 to these notes be approved;
- (3) That these arrangements be reviewed in 12 months times; and
- (4) That similar provision be made in the overview and Scrutiny Procedure Rules as set out in the revised Appendix 2 to these notes, in order to provide for similar arrangements to operate at Overview and Scrutiny Committee meetings.

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

There were three reports being submitted to the forthcoming meeting of the Overview and Scrutiny Committee on Monday 18 October 2010. They were as follows:

- Cancellation of Meetings;
- Deputy Portfolio Holders; and
- Cabinet Meetings – Invitations/requests to Address Cabinet Members

The Chairman would also refer to the two additional items being proposed for the Panel's Work Programme.

**17. FUTURE MEETINGS**

The next programmed meeting of the Panel was on Tuesday 9 November 2010 at 7.30p.m. in Committee Room 1.

**CHAIRMAN**



### SUGGESTED CONSTITUTIONAL AMENDMENTS – DEPUTY PORTFOLIO HOLDERS

#### 1. Executive Procedure Rules

**ADD** New Paragraph (to be numbered).

“The Leader of the Council may appoint between 3 and 10 Deputy Portfolio Holders who shall –

- (a) assist the designated Cabinet Member in shaping and developing the strategic priorities of the Council as it relates to the allocated portfolio.
- (b) assist the designated Cabinet Member in monitoring performance in specified areas relating to the allocated portfolio.
- (c) where appropriate and where permissible under the Council’s Constitution, represent the designated Cabinet Member at meetings or visits.

Such appointments shall be at the discretion of the Leader and shall be notified to Council at its annual meeting. The term of office of any Deputy Portfolio Holder shall be for one year from the Annual Council meeting concerned but may be varied by the Leader at any time.

Deputy Portfolio Holders shall not be members of the Cabinet, or any Cabinet Committee and may not exercise any executive powers, which shall be reserved to Cabinet members either collectively or individually.

Deputy Portfolio Holders may, however, be invited to speak at Cabinet or Cabinet Committee meetings on matters where they assisted Cabinet members but may not vote.”

#### 2. Article 7 – The Executive

**ADD** New Paragraph (to be numbered 7.05):

“Deputy Portfolio Holders

The Leader of the Council shall also, at his or her discretion, appoint Deputy Portfolio Holders on an annual basis in accordance with the Executive Procedure Rules contained in the Constitution.”

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## MODEL JOB DESCRIPTION FOR DEPUTIES CABINET MEMBERS

### Purpose

To assist and work with the designated Cabinet Member with their responsibility for allocated portfolios.

### Duties and Responsibilities

1. To assist the designated Cabinet Member in shaping and developing the strategic priorities of the Council as it relates to the allocated portfolio.
2. To assist the designated Cabinet Member in monitoring performance in specified areas relating to the allocated portfolio.
3. Where appropriate and where permissible under the Council's Constitution to represent the designated Cabinet Member at meetings or visits.

### Skills Required

#### Basic

1. To show good communication and interpersonal skills.
2. To show the ability to analyse and grasp complex issues.

#### Developmental

3. To develop a good understanding of how local and national and government operates.
4. To develop a clear understanding of the operation of the Council and ability to contribute to the work of the Cabinet generally.
5. To develop skills in chairing meetings and facilitating open discussion.

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### PROPOSED REVISION TO EXECUTIVE PROCEDURE RULES

Add new paragraph 5:

**“5. REQUESTS BY THE PUBLIC/OUTSIDE ORGANISATIONS TO ADDRESS THE CABINET**

- (a) Any member of the public or a representative of an outside organisation may address the Cabinet on any agenda item (except those dealt with in private session as exempt or confidential business) due to be considered at a meeting.
- (b) The following rules shall apply to such requests:
  - (i) requests must relate to an existing agenda item;
  - (ii) requests must not raise new business for the meeting concerned;
  - (iii) all requests must be notified to the Council by 4 pm on the day of the meeting;
  - (iv) requests need not be in writing;
  - (v) a maximum of two persons shall be permitted to address the Cabinet on any one agenda item;
  - (vi) a maximum of six persons shall be permitted to address the Cabinet at any individual meeting;
  - (vii) a time limit of 3 minutes per speaker shall apply;
  - (viii) if the number of requests to address the Cabinet exceeds the maximum of six, they will be prioritised by reference to date of receipt;
  - (ix) this procedure shall not apply to Cabinet Committees.”

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**PROPOSED REVISION TO THE OVERVIEW AND SCRUTINY PROCEDURE RULES**

Add new paragraph 19.2 as follows:

“19.2 Any member of the public or a representative of an outside organisation may address the Overview and Scrutiny Committee on any agenda item (except those dealt with in private session as exempt or confidential business) due to be considered at a meeting. The following rules shall apply to such requests:

- (i) requests must relate to an existing agenda item;
- (ii) requests must not raise new business for the meeting concerned;
- (iii) all requests must be notified to the Council by 4 pm on the day of the meeting;
- (iv) requests need not be in writing;
- (v) a maximum of two persons shall be permitted to address the Committee on any one agenda item;
- (vi) a maximum of six persons shall be permitted to address the Committee at any individual meeting;
- (vii) a time limit of 3 minutes per speaker shall apply;
- (viii) if the number of requests to address the Committee exceeds the maximum of six, they will be prioritised by reference to date of receipt.”

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# Agenda Item 5

## TERMS OF REFERENCE - STANDING PANEL

<b>Title: Constitution and Member Services</b>
<b>Status:</b> Standing Panel
<b>Terms of Reference:</b>  <ol style="list-style-type: none"><li>1. To undertake reviews of constitutional, civic, electoral and governance matters and services for members on behalf of the Overview and Scrutiny Committee.</li> <li>2. To report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.</li></ol>
<b>Chairman:</b> Cllr Mrs M McEwen

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**Constitution and Member Services Standing Panel 2010/11  
(Chairman – Cllr Mrs M McEwen)**

<b>Item</b>	<b>Report Deadline/Priority</b>	<b>Progress / Comments</b>	<b>Programme of Future Meetings</b>
(1) Review of May 2010 Elections	24 June 2010	<b>COMPLETED at OSC Meeting on 12 July 2010</b>	24 June 2010;
(2) Cancellation of meetings because of inclement weather	23 September 2010	<b>COMPLETED</b>	23 September;
(3) Executive Procedure Rules – Speakers at Cabinet	23 September 2010	<b>COMPLETED – To be reviewed in 12 months time</b>	9 November (Extra Meeting);
(4) Assistants to Portfolio Holders	23 September 2010	<b>COMPLETED</b>	16 December; and
(5) E Petitions	9 November 2010	Initial discussion at Panel meeting in June 2010. There will be further discussion around the implementation of the scheme and the petition thresholds.	17 March 2011
(6) Head of Paid Service, Monitoring Officer & Chief Finance Officer (Draft Protocol)	9 November 2010		
(7) Member Role Accountability Statements	9 November 2010		
(8) Appointments at Annual Council	16 December 2010	Delayed from November meeting as officer responsible on jury service.	
(9) Cabinet Meetings – “Guillotine”	16 December 2010		
(10) Member Training Review	16 December 2010		

(11) Annual Review of Financial Regulations including E Invoices	16 December 2010		
(12) Annual Review of Contract Standing Orders	17 March 2011		
(13) Annual Review of Officer Delegation	17 March 2011		
(14) Planning/Landowner Roles – Details to be confirmed	To be determined	Further discussion between Councillor L Wagland and Legal Staff on the scope of the report.	
(15) Referendum on an Elected Mayor	To be determined		
(16) Supply of water in place of coffee to meetings held in Committee Rooms 1 & 2	To be determined	Minute Item 51 29 March 2010 Panel	

## **Report to: Constitution and Members Services Scrutiny Standing Panel**

**Date of meeting: 9 November 2010**

**Subject:** Statutory Guidance on Duty to Respond to Petitions

**Officer contact for further information:**

Chris Overend (01992 564247)

**Committee Secretary:** Mark Jenkins (01992 564607)

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### **Recommendations/Decisions Required:**

(1) That, having received the analysis of the various petitions received by the Council during the period 2005 – 2010 and benchmarking information in respect of other local authorities, Members determine:

- (a) the percentage threshold for a petition to trigger a debate at Full Council;
- (b) the threshold for a petition to require a 'Senior Officer' to attend an Overview and Scrutiny meeting to give evidence on a matter and the scope of the meaning of 'Senior Officer';
- (c) whether separate thresholds should apply for 'local' issues and, if so, what the threshold levels should be, and
- (d) the timing and method of periodic reviews of the thresholds set by the Council.

(2) That, following this meeting, the decisions made under recommendation (1) above and those made at the last meeting, be incorporated in a petitions scheme for submission to the Overview & Scrutiny Committee and the Council, for adoption and incorporation in the Constitution.

### **Report:**

#### **1. INTRODUCTION:**

1.1 At the meeting of the Panel on 24 June 2010, Members received a report setting out the main provisions of the Local Democracy, Economic Development and Construction Act 2009, and subsequent statutory guidance, in respect of the duty to respond to petitions. Members noted, in particular, the requirement for the new scheme to be approved by the Full Council; publication on the Council's website; provision of a facility for making electronic petitions to be in place by 15 December 2010; the requirements for responding to petitions; involvement of partner organisations in the petitions process; and the trigger levels required for there to be a debate of the Full Council or for a senior local government officer to give evidence at a meeting of the authority's Overview and Scrutiny Committee.

1.2 In a letter of 24 September 2010, the Department of Communities and Local

Government advised local authorities that the statutory guidance was to be withdrawn, with local authorities to have more discretion on how to deal with petitions locally. Nonetheless the primary legislation, including the requirement to introduce a facility to make e-petitions, by 15 December 2010, remains in force. The indications are that local authorities will be paid for the new burden through the area based grants process this financial year.

## **2. TRIGGER LEVELS:**

2.1 The Panel, at the 24 June meeting, approved a draft containing the elements referred to in 1.1 above to form the basis of the new scheme to be put forward for adoption by the Council. However, to be able to make a more informed decision about the trigger levels, which should be applied, Members asked for details to be made available of the types of issue referred to in petitions received, and the extent of the geographical area impacted on by different issues.

2.2. The schedule attached as Appendix A provides an analysis of the various petitions received by the Council from the 2005/06 Council year to date, in chronological sequence, categorised by type and the area which would be applicable, in determining the relevant % population trigger. It will be noted that some issues (such as anti-social behaviour at West Hatch School, smell of foul waste at The Matchings) are clearly locality specific. Other issues cut across a number of wards eg. Loughton Swimmers bookings, household waste collection in Waltham Abbey. There are those that impact on a District – wide basis (Caravan Site Licence Conditions) and some which affect other Districts as well – for instance, Over 60's travel concessions. The list is useful as a means of not only identifying the types of issue raised, but helping the would-be Responding Officer to determine the geographical area which could be used in applying trigger levels.

2.3 Appendix B is a schedule setting out information on population levels for various 'sample' local authority areas and the trigger levels set by the local authorities concerned in their newly agreed petitions schemes.

2.4 The schemes have been chosen on a random basis - in this instance the selection of a family group of authorities would have no more merit than this random selection, although it is recognised that the range of issues dealt with by a County Council (Essex County Council in this instance) is greater than that covered by Districts. As will be seen from this selection, there is a range of % trigger levels being used but it can be noted that many of the authorities set the trigger levels at or about 1% of the population in respect of the requirement for a Council debate and 0.5% for senior officer attendance at Overview and Scrutiny Committee. Both these figures are as per the model scheme provided as part of the statutory guidance. Members are reminded that the maximum trigger level which can be applied is 5%.

2.5 Few local authorities make specific reference to a separate trigger level being applied in respect of local issues. Most schemes are silent in that regard, presumably leaving it to the Responsible Officer as to what constitutes 'local'. One authority which does make reference to local issues, however, is Brentwood and a copy of the Brentwood Scheme is attached at Appendix C for information. This sets a threshold of 200 signatories for a Council debate in respect of local issues and 100 for a local issue to be referred to Overview and Scrutiny Committee with a senior officer required to be in

attendance.

2.6. The Petitions Scheme agreed by Essex County Council is attached, for information, at Appendix D.

### **3. MATTERS FOR DETERMINATION**

3.1 Members are asked to determine the trigger thresholds to be applied in the District Council's Scheme. In the light of information available through the 'benchmarking' exercise comparing various new schemes recently approved by other local authorities as set out in Appendix B, it is suggested that reasonable % thresholds to be applied in the Epping Forest District would be 1% and 0.5% of the population (rounded down to the nearer hundred) for, respectively, items to be referred to Council and for a senior officer attendance at Overview and Scrutiny Committee. The latest figures indicate a population for the District in excess of 120,000 so the figures would be 1,200 and 600 respectively.

3.2. Some local authorities are making a specific reference, within their schemes, to the trigger levels which should apply to more local eg Ward or Parish issues. The figures of 200 (for items to be referred to Full Council) and 100 (requiring Officer attendance at Overview and Scrutiny Committee) used by Brentwood, are a case in point. However, the geographical nature of the Epping Forest District is such that, there are some local issues which might impact on several wards eg in Loughton and Waltham Abbey. Furthermore, setting a local (eg warden or parish) threshold may prove confusing. Including provision for a more local trigger level at this stage would involve additional costs and be difficult to achieve by the December 2010 deadline. It is therefore suggested that no trigger level be set for localised issues at this stage but that the impact of the new scheme, (with trigger levels of 1,200 and 600 requiring reference to council and senior office attendance respectively, along with information on the number of petitions on local levels and how they are dealt with) be reviewed after the new scheme has been in place for twelve months.

### **4. OTHER MATTERS**

4.1 Members of the Panel are asked to refer to Minute 5 of the meeting held on 24 June 2010 for previous recommendations put forward on the new petitions procedure. These, together with decision made in response to this report, will be used to formulate a petitions scheme for approval by Overview and Scrutiny Committee and the Council.

#### **Resource implications:**

Minor costs associated with the introduction of the new petitions scheme.

#### **Legal and Governance Implications:**

The Local Democracy, Economic Development and Construction Act 2009 sets out new requirements for local authorities in terms of dealing with petitions. The proposals, as set out in this report, indicate the means by which the District Council will meet these requirements.

**Consultation Undertaken:**

Discussions with other local authorities regarding their new petitions schemes.

**Background Papers:**

Sample Petitions of other local authorities, Local Democracy, Economic Development and Construction Act 2009 and subsequent guidance on implementation of requirements on petitions.

**Key Decision reference: (if required):** N/A



**PETITIONS – DIFFERENT ISSUES AND TRIGGER LEVELS****ANALYSIS OF PETITIONS RECEIVED 2005 – 2010****LOCALITY LEVEL**

<b>DATE</b>	<b>DETAILS</b>
27/5/2005	Anti-social behaviour – students at West Hatch
2/5/2006	Smell of foul waste – The Matchings
12/5/2006	Potentially Contaminated Land, The Windsors, Buckhurst Hill
23/5/2006	Land off Upshire Road, Waltham Abbey
8/1/2007	Policing – Limes Farm Estate
6/2/2009	Replacement windows – Parsonage Court, Loughton
11/11/2009	Fire Safety Issues – Torrington Drive, Loughton
24/2/2010	Resurfacing of car park, Woodreden Close, Roydon
31/3/2010	Resident's parking permits – Meadow Road, Loughton

**WARD LEVEL**

<b>DATE</b>	<b>DETAILS</b>
13/12/2006	Shop – Lower Queens Road, Buckhurst Hill
6/3/2007	Installation of Telephone Mast, Stonyshotts, Waltham Abbey
27/3/2007	Gas Main – Debden Broadway
15/1/2008	Siting of Bus Terminal – Vere Road, Loughton
31/1/2008	On-street Parking – Colson Road, Loughton
14/5/2008	Car parking – Lambourne End
21/10/2008	Saving Debden's Green Spaces
16/1/2009	Parking Problems – Centre Drive, Epping
21/7/2009	Stockpiling of wood – Birchwood Industrial Estate, Nazeing

**CROSS WARD LEVEL**

<b>DATE</b>	<b>DETAILS</b>
15/8/2006	Household Waste collection
27/2/2008	Request for Residents parking – Sycamore House, Buckhurst Hill
3/3/2008	Loughton Swimmers Bookings

**GENERIC/DISTRICT WIDE**

<b>DATE</b>	<b>DETAILS</b>
6/3/2006	Reduction in Household Refuse Collections
-/6/2009	Extension of Over 60's Underground Concession to Epping
5/11/2009	Free Travel – Underground for Pensioners
5/7/2010	Revised Standard Caravan Site Licence Conditions

## COMPLETE LIST – CHRONOLOGICAL SEQUENCE

Date	Details	Applicable Area
27/5/2005	Anti-social behaviour – Students at West Hatch	Locality specific
6/3/2006	Reduction in Household Refuse Collections	District wide issue
2/5/2006	Smell of Foul Waste – The Matchings	Locality specific
12/5/2006	Potentially Contaminated Land, The Winsdors, Buckhurst Hill	Locality specific
23/5/2006	Land off Upshire Road, Waltham Abbey	Locality specific
15/8/2006	Household Waste Collection, Waltham Abbey	Waltham Abbey Wards
13/12/2006	Shop – Lower Queens Road, Buckhurst Hill	Ward Specific
8/1/2007	Policing – Limes Farm Estate	Locality specific
6/3/2007	Installation of Telephone Mast, Stonyshotts, Waltham Abbey	Ward specific
27/3/2007	Gas Main – Debden Broadway	Ward specific
1/11/2007	Holme Field Nursery, Nazeing	N/A – Planning Matter
15/1/2008	Siting of Bus Terminus – Vere Road, Loughton	Ward specific
31/1/2008	On-street Parking – Colson Rd, Loughton	Ward specific
27/2/2008	Request for residents Parking – Sycamore House, Buckhurst Hill	Town/Parish Specific
3/3/2008	Loughton Swimmers Bookings	Loughton Wards
14/5/2008	Car parking – Lambourne End	Ward specific
21/10/2008	Saving Debden's Green Spaces	Ward specific
16/1/2009	Parking Problems – Centre Drive, Epping	Ward specific
6/2/2009	Replacement Windows – Parsonage Court, Loughton	Locality specific
20/5/2009	Objectives – Opening Indian Restaurant, Buckhurst Hill	N/A Planning matter
-/6/2009	Extension of Over 60's Underground Concession to Epping (several different petitions)	District wide ( but perhaps just pensioners)
21/7/2009	Stockpiling of wood – Birchwood Industrial Estate, Nazeing	Ward specific
5/11/2009	Free Travel – Underground for Pensioners	District wide (but perhaps just pensioners)
11/11/2009	Fire Safety Issues – Torrington Drive, Loughton	Locality specific
24/2/2010	Resurfacing of car park, Woodreden Close, Roydon	Locality specific
31/3/2010	Resident's parking permits – Meadow Road, Loughton	Locality specific
5/7/2010	Revised Standard Caravan Site Licence Conditions	District wide issues
2/8/2010	Alleged Noise Nuisance – Rectory Lane, Loughton	Ward specific
10/8/2010	Closure of Faversham Hall, Chigwell Row	Ward specific

**APPENDIX B**

<b>Local Authority</b>	<b>Population</b>	<b>Trigger Level – Council Debate</b>	<b>Trigger Level Officer Attendance</b>
<b>Essex County Council</b>	<b>1,400,000</b>	<b>14,000 (1%)</b>	<b>2,000 (0.07%)</b>
<b>Aylesbury Vale</b>	<b>165,000</b>	<b>2,000 (1.2%)</b>	<b>1,000 (0.6%)</b>
<b>Basildon</b>	<b>125,000</b>	<b>5,000 (4%)</b>	<b>Not Stated</b>
<b>Brentwood</b>	<b>71,000</b>	<b>1,500 (2.1%)</b>	<b>500 (0.7%)</b>
<b>Cambridge</b>	<b>110,000</b>	<b>500 (0.45%)</b>	<b>50 (0.045%)</b>
<b>Chelmsford</b>	<b>157,000</b>	<b>1500 (1%)</b>	<b>750 (0.5%)</b>
<b>Colchester</b>	<b>181,000</b>	<b>1,800 (1%)</b>	<b>900 (0.5%)</b>
<b>East Herts</b>	<b>135,500</b>	<b>1,355 (1%)</b>	<b>677 (0.5%)</b>
<b>Eastleigh</b>	<b>54,000</b>	<b>5,000 (9.2%)</b>	<b>750 (1.3%)</b>
<b>Epsom &amp; Ewell</b>	<b>72,400</b>	<b>1,500 (2%)</b>	<b>800 (1.1%)</b>
<b>St Albans</b>	<b>133,500</b>	<b>1,000 (0.7%)</b>	<b>500 (0.37%)</b>
<b>Stevenage</b>	<b>80,000</b>	<b>1,000 (1.2%)</b>	<b>500 (0.6%)</b>
<b>Watford</b>	<b>80,000</b>	<b>30 (0.00%)</b>	<b>30 (0.00%)</b>
<b>Wyre Forest</b>	<b>98,700</b>	<b>987 (1%)</b>	<b>493 (0.5%)</b>

## **Brentwood Borough Council's Petitions Scheme**

### **What is a petition**

We treat as a petition any communication which is signed by or sent to us on behalf of a number of people.

For practical purposes, we normally set a requirement for at least 10 signatories or petitioners before we treat it as a petition. Whilst we like to hear from people who live, work or study in Brentwood, this is not a requirement and we would take equally seriously a petition from, for example, 10 visitors to the Borough on the subject of facilities at one of our visitor attractions.

### **Types of petition**

There are five different types of petition, as set out below. How we deal with a petition depends on which type of petition you submit:

- Ordinary petitions

These are petitions which do not come within any of the following specific types. Please note that petitions which raise issues of possible Councillor misconduct will be taken as complaints arising under the Local Government Act 2000 and will be reported to the Standards Assessment Sub-Committee, rather than considered under this Petition Scheme.

- Consultation Petitions

These are petitions in response to an invitation from the authority for representations on a particular proposal or application, for example on planning or licensing applications or proposals for parking restrictions or speed limits. Consultation petitions which are received by the response date in the consultation invitation will be reported to a public meeting of the person or body which will be taking the decision on the application or proposal.

- Statutory Petitions

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a review of Parish Councils, or a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, we will report it to the next available meeting of the Council in accordance with the statutory requirements.

- Petitions for Debate

If you want your petition to be reported to and debated at a meeting of the Council, it must contain at least 1,500 signatories or petitioners (this is reduced to 200 signatories or petitioners where the petition relates to a local issue, affecting no more than two electoral wards within the authority's area).

- Petitions to Hold an Officer to Account

If you want your petition to be considered at a meeting of an Overview & Scrutiny Committee, where an officers, identified either by name or by post title, will be required to answer questions on the conducts of a particular matter, your petition should contain at least 500 signatories or petitioners (this is reduced to 100 where the petition relates to a local issues, affecting no more than two electoral wards within the authority's area). The authority has determined that such petitions must relate to the Chief Executive, a Director or a Head of Service of the authority. Please note that where the petition raises issues of competence or misconduct, the petition will be referred to the Chief Executive (or to the Head of Human Resources in respect of the Chief Executive) and will be considered under the authority's Disciplinary Procedures, and not under this Petition Scheme.

### **How to give us your petition**

1. The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition.

Please send paper petitions to:

The Executive Director (Resources)  
Brentwood Borough Council  
The Town Hall  
Brentwood  
Essex  
CM15 8AY

2. Petitions can also be presented by a Councillor at a meeting of the full Council. A calendar of meetings is available from Brentwood Borough Council on request or on the council's website [www.brentwood.gov.uk](http://www.brentwood.gov.uk). If you would like a Councillor to present your petition, please use the "Your Councillors" pages on the Council's website to find a Councillor's contact details. Also, a "Your Local Councillors" leaflet is available to at the Town Hall which includes all Councillors, their wards and their contact details as well as panel structures. Alternatively contact Leanna Watts or Jean Sharp on 01277 312655/312739 or [democratic.services@brentwood.gov.uk](mailto:democratic.services@brentwood.gov.uk). our Democratic Services Officers who will be able to provide you with the information you

need. Arrangements must be made by at least 7 working days before the meeting takes place.

### **What are the guidelines for submitting a petition?**

3. Petitions must include:

- a clear and concise statement covering the subject of the petition
- a statement of what action the petitioners wish the Council to take
- the name and address (which may be where the signatory lives, works or studies) and the signature of any person supporting the petition

4. Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

5. If the petition does not identify a petition organiser, we will contact the first signatory to the petition to agree who should act as the petition organiser. Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to explain the reasons.

### **What will the Council do when it receives my petition?**

6. An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again.

7. If we can do what your petition asks, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition needs more investigation, we will tell you the steps we plan to take.

8. We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate, and will explain the reasons for this in our acknowledgement of the petition.

- What happens to a Consultation Petition?

Consultations petitions are submitted in response to an invitation from the Council to submit representation on a particular proposal or application such as a planning or licensing application or a proposed traffic regulation order.

The petition will be reported to person or body who will take the decision on the proposal or application at the meeting when they are to take the decision on that application or proposal. The Council's Constitution defines who will take different types of decision, as set out in the Scheme of Delegations and the terms of Reference of Committees and Sub-Committees. However, all

planning and licensing applications are determined by the Planning Development Control and Licensing Committee (with one exception) and traffic regulation orders are determined by the Highways Panel. The one exception in respect of planning applications is that the Head of Planning and Regulatory Services has delegated power to determine domestic planning applications where no objection has been received. So, where a petition has been received objecting to the grant of planning permission, the application would be reported to the Planning Development Control and Licensing Committee for decision. Where the petition supports the planning application, it may be determined by the Head of Planning.

Where the petition relates to a matter which is within the delegated power of an officer, the officer will not exercise those delegated powers but will automatically refer the matter up to the relevant Committee, Panel or Board for decision.

Where the petition relates to a matter which is within the delegated powers of a Chairman, s/he may decide not to exercise those delegated powers but to refer the matter to Council for decision.

**At the meeting, when the matter to which the petition relates is considered:**

Petitions which do not relate to an ordinary item of business will be considered before the normal business of the meeting, and will be considered in the order in which they were received, unless the Chairperson at the meeting determines otherwise. A maximum of 30 minutes will be allowed at each meeting for considering such petitions and any petitions not reached in the time allowed will be referred to the relevant Panel for consideration or deferred until the next meeting.

Any petitions relevant to particular items of business, such as petitions relating to planning applications or proposed traffic regulation orders, will be taken together with that item of business, in the normal order of business.

The decision-taker or the Chairman of the meeting may invite a relevant officer to set out the background to the issue before inviting the petition organiser to address him/her for up to three minutes. The Chairman may then ask questions of the petition organiser, and will then invite any relevant Ward Councillors present to address him/her on the matter for up to three minutes (each). The Chairman will then invite a relevant Officer(s) to advise him/her/the meeting, after which the matter will be open for debate among members of the decision-making body. Where the matter is to be determined by a Chairman, s/he will take a decision on the matter. That decision may be a determination of the matter, or may be a decision to refer the matter for investigation and report back or to refer it up to a meeting of Council or a Committee of the Council for determination.

Within five working days of the consideration of the petition by the relevant Chairman, the Council will notify the petition organiser of the Chairman's

decision and advise him/her that if s/he is not satisfied with that decision, s/he may require the matter to be reported to the next convenient meeting of the appropriate Overview & Scrutiny Committee for review

At each stage, the Council will enter the relevant information on the website at the same time as it is sent to the petition organiser.

### **Appeal to an Overview & Scrutiny Committee**

If the petition organiser is not satisfied with the outcome of the authority's consideration of his/her petition, he/she may appeal to an Overview & Scrutiny Committee by notifying the Council of his/her intention to appeal within 20 working days of being notified of the authority's decision on the petition.

Within five working days of receipt of intention to appeal, the Council will determine which is the relevant Overview & Scrutiny Committee and will notify the petition organiser of the time, date and place of the next convenient meeting of that Overview & Scrutiny Committee and will invite the petition organiser to attend the meeting and to address the Committee for up to three minutes on why he considers that the authority's decision on the petition is inadequate.

At that meeting, the Overview & Scrutiny Committee will invite the petition organiser and Ward Councillors to make their representations and to explain why s/he considers that the Panel's response was insufficient.

### **How will the Council respond to petitions?**

9. Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:
  - taking the action requested in the petition
  - considering the petition at a council meeting
  - holding an inquiry into the matter
  - undertaking research into the matter
  - holding a public meeting
  - holding a meeting with petitioners
  - writing to the petition organiser setting out our views about the request in the petition
  
10. If your petition is about something over which the Council has no direct control (for example, the local railway station or hospital), we may make representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible, we will work with these partners to respond to your petition. If we are not able to do this for any reason (for example, if what the petition calls for should conflict with Council policy), then we will set out the reasons for this to you.



11. If your petition is about something that a different council is responsible for, we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

#### **Officer evidence**

12. Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

#### **What can I do if I feel my petition has not been dealt with properly?**

13. If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's relevant overview and scrutiny committee review the steps that the Council has taken in response to your petition.
14. The Committee will consider your request within 30 days of receiving it. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter.
15. Once your request has been considered, the petition organiser will be informed of the results within seven days.

This scheme is subject to review by the Council.

#### **Petitions which will not be reported**

- Duplicate Petitions

Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

- Repeat Petitions

Where a petition will not normally be considered where they are received within six months of another petition being considered by the authority on the same matter.

- Rejected Petitions

Petitions will not be reported if in the opinion of the Council, they are rude, offensive, defamatory, scurrilous or time-wasting, or do not relate to something which is the responsibility of the authority, or over which the authority has some influence.

### **Accessing this information in other formats**

Please contact us if you would a copy of this scheme (or other documents relating to petitions) in a particular format suited to your needs e.g. large print - contact the Council (see below for details). We are pleased to discuss arrangements which will make accessing or understanding our information easier for you, so do get in contact with us.

### **Contact details for Brentwood Borough Council**

Brentwood Borough Council  
Town Hall  
Ingrave Road  
Brentwood  
CM15 8AY

Email: [enquiries@brentwood.gov.uk](mailto:enquiries@brentwood.gov.uk)  
Telephone: 01277 312500  
Fax: 01277 312743  
Minicom: 01277 312890

## ESSEX COUNTY COUNCIL PETITIONS POLICY

### **Background**

The Local Democracy, Economic Development and Construction Act, 2009 (hereafter referred to as 'the 2009 Act') received Royal Assent in November 2009. Local Authorities have a new statutory duty under Part 1, Chapter 2 of the 2009 Act, to have a scheme for handling petitions. This Scheme must be approved by Full Council and publicised on the Council's website.

Consultation took place between 2 December 2009 and 24 February 2010, and statutory guidance was published on 30 March 2010. The core elements of the petitions duty came into force on 15 June 2010 with a further requirement to provide facilities for e-petitions coming into force on 15 December 2010. Once published the Council must comply with the petitions scheme and can revise it at any time by taking the steps set out in Section 11 of the 2009 Act.

### **The Petition Scheme**

Section 12 of the 2009 Act sets out the types of petitions the petition scheme must apply. These are petitions which:

- request the authority to take action or to cease taking an action
- are signed by at least the number of people specified in the petition scheme (see below)
- are not made under, or in accordance with, any other enactment
- if made in electronic form, are made using the Council's e-petitions facility.

The 2009 Act requires the petition scheme to define three categories of petition, and set a minimum number of signatures for each type. A maximum threshold of 5% of the total population is stipulated in the statutory guidance. The Council is given flexibility to set the threshold number of signatures as high or low as it wishes, and to determine how such petitions are dealt with.

The Council welcomes petitions and recognises they are one way in which people can let us know of their concerns. All petitions sent or presented to the Council will receive an acknowledgement within 10 working days of receipt. Such acknowledgement will set out what the Council plans to do with the petition.

The Council will take account of the signatures of people who provide valid addresses where they live, work or study within the administrative boundaries of the County, but the Council reserves the right to take account of signatures of people who do not supply such information if it is appropriate to do so.

Paper petitions can be sent to:

Governance Team  
Essex County Council  
County Hall  
Market Road  
Chelmsford, CM1 1QH

From December 2010 people will be able to create, sign and submit electronic petitions, we would refer you to the E-petitions section for further information.

### **Petitions not covered by this scheme**

The following petitions are not covered by this scheme:

- those that the Governance Team consider to be rude, offensive, defamatory, scurrilous or vexatious
- petitions made under any enactment other than the 2009 Act
- petitions about issues for which this Council is not responsible or cannot influence
- petitions relating to any individual or the personal circumstances of individual Councillors or employees of the Council.

If the Council decides that a petition does not fall within this scheme, the petitioner will be informed and an explanation why it has not been accepted will be provided.

Additionally, a petition will not normally be considered if it is received within six months of another petition on the same matter. However, if two or more petitions on the same subject are received at the same time, each will be treated as a separate petition.

### **Guidelines for submitting a petition**

The Council will accept a petition if it is signed by the required number of people who live, work or study within the administrative boundaries of the County. The minimum age of a petition signatory is designated as 12 years of age.

A petition to the Council must include:

- a clear, concise statement covering the subject of the petition
- a statement explaining what action the petitioners wish the Council to take
- the name, address and signature of any person supporting the petition.

The contact details of the petitioner must accompany the petition. It is this person who we will contact to explain how we will respond to the petition. These contact details will not be placed on the Council's website. If the petition does not identify a petition organiser, we will contact the first signatory to the petition to agree who should act as the petitioner.

If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. If this were to be the case, the petitioner will be informed and

an explanation why it has not been processed will be provided.

The Council strongly recommends that prior to submitting a petition the petitioner should first check with their local Councillor:

(<http://www.essexcc.gov.uk/vip8/ecc/ECCWebsite/dis/guc.jsp?channelOid=14341&guideOid=14337&guideContentOid=14336>) or with the Council, to ascertain whether the Council is already acting on the concerns, including any expressed within a similar petition. If you are unsure who your local county councillor is then please check on the Council website. The petitioner should also ascertain that the County Council is the most appropriate body to receive the petition.

If the Council receives a petition which relates to the jurisdiction of another legislative body (such as a Primary Care Trust, or a District/Borough Council) the lead petitioner will be contacted and advised to submit the petition to the more appropriate body.

### **What will the Council do with received petitions?**

All petitions received by the Council will be logged by the Governance Team and they will take responsibility for acknowledging receipt, co-ordinating a response, publishing details on the website and monitoring progress of the petition through to its conclusion.

Within 10 working days of the receipt of a petition an acknowledgement will be sent to the petitioner. It will let them know what we plan to do with the petition and when they can expect to hear from the Council again. The petition will also be published on the Council website.

If the Council is able to action the petitioners wishes, the acknowledgement may set out what action has been taken and that the petition has been closed.

If the petition has enough signatures (see below) to trigger a full Council debate, or to call a senior officer to give evidence at a Policy and Scrutiny Committee, then the acknowledgement will confirm this and inform the petitioner of the date and venue the meeting will take place.

If the petition needs further investigation, the Council will inform the petitioner the steps the Council intends to take. If the petition refers to a specifically local issue, then the petition will be placed on the relevant Area Forum agenda.

To ensure that people know what we are doing in response to the petitions any correspondence and accompanying documentation will be published on the County website. There may be circumstances where it would be inappropriate to publish a petition, and in these cases the Council reserves the right not to do so. When e-petitioning goes live the information can be received via e-mail if required. Only information relevant to the e-petition will be sent in this way.

### **How will the Council respond to petitions?**

The Council's response to a petition will depend on what the petition asks for and how many signatures it has, but may include one or more of the following:

- taking the action requested in the petition

- considering the petition at a Council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition to a Policy and Scrutiny Committee, with a senior officer/Cabinet Member held to account
- referring the petition to an Area Forum
- writing to the petition organiser setting out the view of the Council about the request in the petition.

If a petition relates to something over which the Council has no direct control an acknowledgement of receipt will still be sent to the petitioner. However, the acknowledgement will inform the petitioner that they should re-direct the petition to the body responsible. More information on the services for which the Council is responsible can be found at: [www.essex.gov.uk](http://www.essex.gov.uk) .

Every effort will be taken, where appropriate, to consider the petition at the next available meeting of the Council or relevant Policy and Scrutiny Committee, but there may be circumstances where this is not possible. In such circumstances, consideration will take place at the following meeting.

### **Petitions**

A low threshold is suggested as these are likely to be about issues related to a specific locality. The threshold for such petitions will reflect the minimum number of signatures the Council will consider constitutes a petition. The Council has set this threshold at a minimum of **10** signatures.

### **Full Council debates**

The Council highly values the opinion of its citizens and has therefore chosen to set the thresholds considerably lower than the 5% of the population suggested by the Secretary of State.

If a petition contains more than **14,000** signatures (approximately 1% of the Essex population) it will be debated by Full Council, unless it is a petition calling for a senior Council officer/Cabinet Member to give evidence at a public meeting<sup>1</sup>, in which case the threshold of 2,000 signatories will apply (see below).

This means that the issue raised in the petition will be discussed in public at a meeting which all Councillors can attend. The petition organiser will be given five minutes to present the petition at the meeting, and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. The Council may decide to take the action the petition requests, not to take

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<sup>1</sup> A public meeting, in this instance, is designated as any of the Policy and Scrutiny Committees of the County Council or any of the Area Forums of the County Council

the action requested for reasons put forward during the debate, or to commission further investigation into the matter, for example by referring the matter to a relevant committee. The petitioner will receive written confirmation of any decision. The decision will also be published on the Council's website.

A petition with between 10,000 and 13,999 signatures on a County-wide issue will be forwarded to the relevant Cabinet Member who will provide a written response to the petitioner.

### **Officer/Cabinet Member evidence at Policy and Scrutiny Committees**

If the petition requests a senior Council officer/Cabinet Member to give evidence at a public meeting about something for which the officer is responsible and is supported by at least **2,000** signatures then the relevant officer will give evidence at a public meeting of the appropriate Policy and Scrutiny Committee. The senior employees who can be called to give evidence are:

- Cabinet Members
- Chief Executive; Deputy Chief Executive and Commissioning Director, Adult Social Services; Executive Director, Commercial Services; Director, Customer Services; Executive Director, Environment, Sustainability and Highways; Director for Finance; Chief Information Officer; Director, People and Transformation; Assistant Chief Executive, Policy, Community Planning and Regeneration; Executive Director, Schools, Children and Families; and the County Monitoring Officer
- Any Deputies who report directly to the above officers.

Petitioners should be aware that the appropriate Policy and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of the one named in the petition – for instance if the named officer has changed jobs. The petition organiser will be given five minutes to present the petition at the meeting, and the petition will then be discussed by Committee Members for a maximum of 15 minutes. Committee Members will ask the questions at this meeting, but the petitioner will be able to suggest questions to the Committee Chairman by contacting the Designated Scrutiny Officer up to five working days prior to the meeting.

### **Area Forums**

The most likely destination for the receipt of petitions is the Council Area Forums, as many issues will be local in nature. If after due consideration the Council refers the petition to an Area Forum the petition organiser will be given five minutes to present the petition at the Area Forum meeting, and the petition will then be discussed by Councillors for a maximum of 15 minutes.

Where the Council consider it appropriate to do so (e.g. the matter raised in the petition is locality based) the Area Forum will discuss the petition falling within the threshold of discussion by a Policy and Scrutiny Committee. The Council will contact the petitioner with the reason the petition will be received by the Area Forum.

The table below denotes the Area Forum which a petition related to a specific locality

would be discussed.

<b>Area Forum</b>	<b>District</b>
East Area Forum	Colchester, Tendring
Mid Area Forum	Braintree, Chelmsford, Maldon
South Area Forum	Basildon, Castle Point, Rochford
West Area Form	Brentwood, Epping Forest, Harlow, Uttlesford

Therefore, if a petition relates to a locality matter within the administrative district of Braintree it would, ordinarily, be referred to the Mid Area Forum etc. The petitioner will be advised if the petition is to be referred to an alternative Forum, and the reasons why.

### **Disclaimer regarding Signature Thresholds**

The Council reserves the right to amend any of the above thresholds, and will publish any such amendments, with immediate effect, on the website.

### **E-petitions**

An e-petitions scheme will be in place by December 2010. It will be possible to create and submit petitions through the Council's website using our hosted e-petitions [Committee Management System](#).

E-petitions must follow the same guidelines as paper petitions, and set out within this policy. The petitioner will need to provide us with their name, postal address and email address. The petitioner will need to decide how long they would like the petition to be open for signatures. Most petitions would run for six months, but a shorter or longer timeframe can be requested, up to a maximum of 12 months.

Once created it may take up to five working days before the e-petition is published online, in order to check the suitability and content of the petition prior to it being made available for signature. If the Council feels it cannot publish the petition for some reason, the petitioner will be contacted within this time and provided with an explanation. The petition could then be changed and resubmitted for publication. If the petitioner does not resubmit within 10 working days, a summary of the petition and the reasons as to why it has not been accepted for publication will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signatures, it will automatically be submitted to the Governance Team in the same way as a paper petition. The petitioner will be sent an acknowledgement within 10 working days.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and who has elected to receive this information. The acknowledgement and response will also be published on the website.

Details of how to sign an e-petition, and the signature thresholds for these will be given on the Council website when it is possible to create and submit them from December 2010.

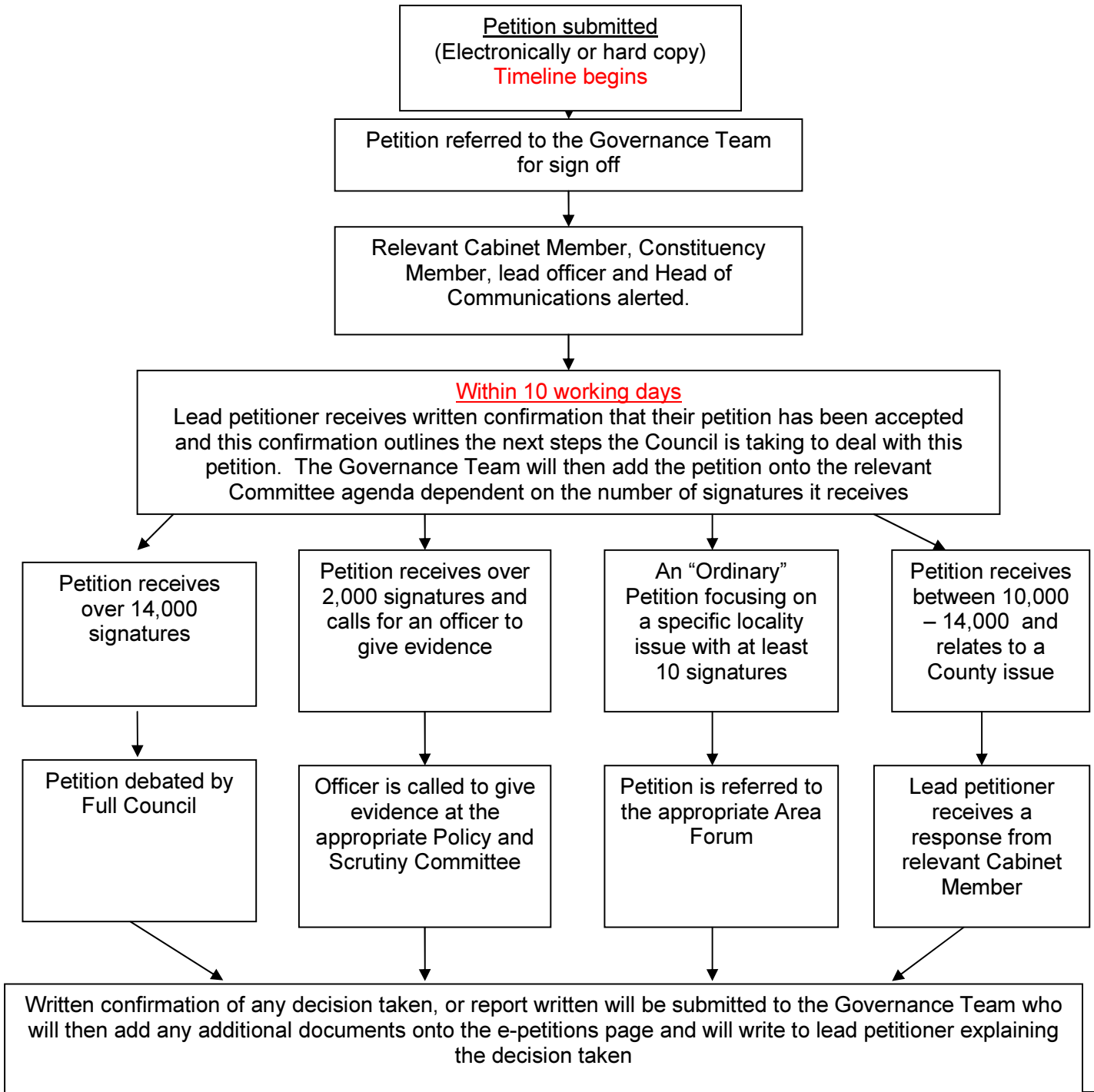


**What the petitioner can do if they feel their petition has not been dealt with in accord with this policy**

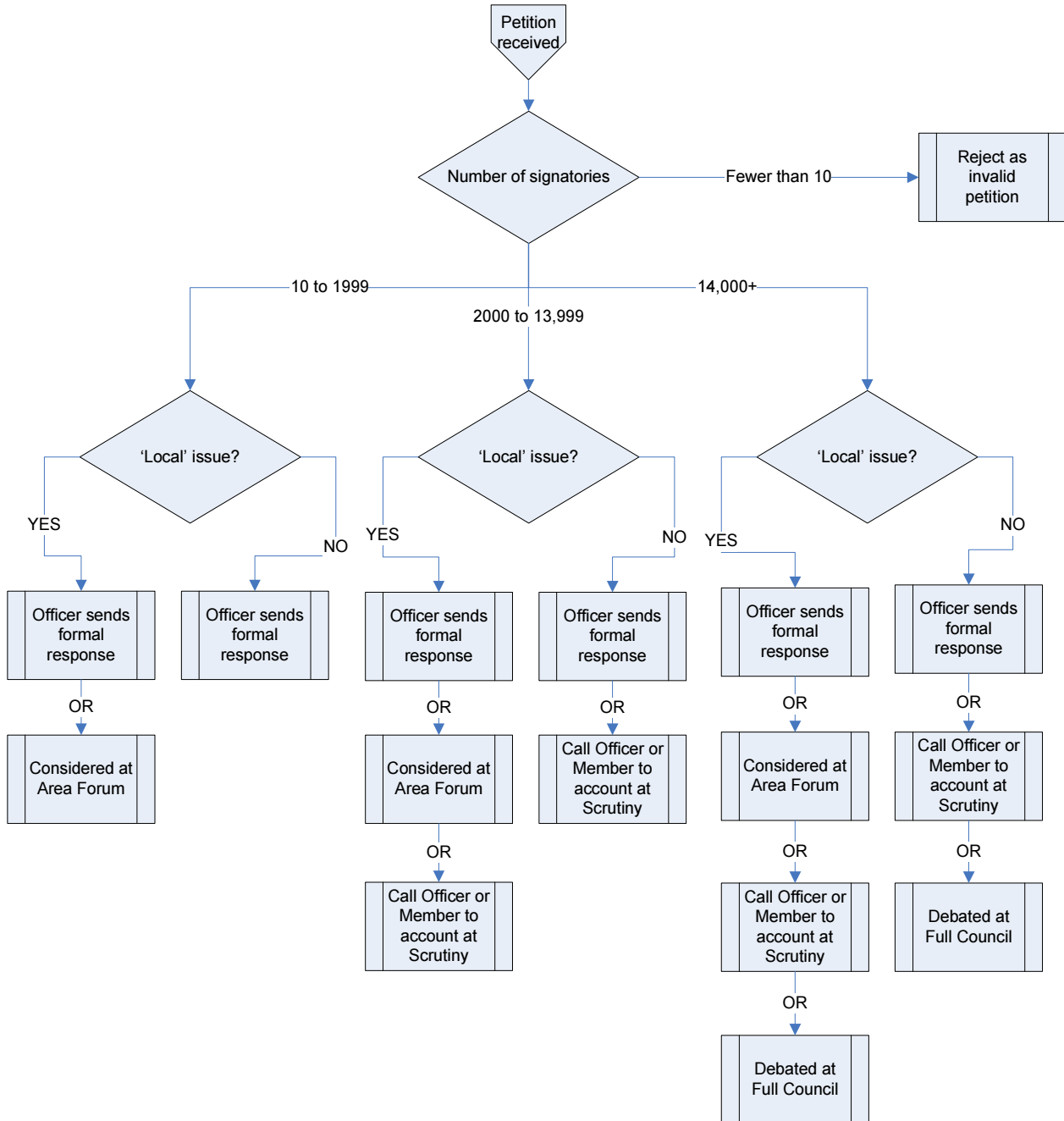
If the petitioner feels that their petition has not been dealt with properly, they have the right to request that the appropriate Policy and Scrutiny Committee reviews the steps that the Council has taken in response to their petition. This request will be considered within 30 working days of receiving it. Should it be determined that the Council has not dealt with the petition adequately, it may use any of its powers to deal with the matter. This may include, amongst other things, instigating an investigation, making recommendations to the Cabinet, or arranging for the matter to be dealt with at Full Council. Once the appeal has been considered the petitioner will be informed of the results within seven working days. The results of any such review will also be published to the website.

Joanna Killian  
Chief Executive, Essex County Council  
July 2010

**Petitions Process**



**Petitions Flowchart**





## **Report to the Constitution and Member Services Standing Scrutiny Panel**



**Report reference:**

**Date of meeting:** 9 November 2010



**Portfolio Holder:** Leader

**Subject:** Protocols for Statutory Officers – Head of Paid Service, Monitoring Officer and Chief Finance Officer

**Responsible Officer:** I Willett (01992 564243)

**Democratic Services Officer:** M Jenkins (01992 564607)

### **Recommendations:**

**(1) To consider the attached draft protocols to regulate relations between Statutory Officers and the Council as follows:**

**Appendix 1 – Head of Paid Service**

**Appendix 2 – Monitoring Officer**

**Appendix 3 – Chief Finance Officer**

**(2) That subject to consultation with the Standards Committee a report be submitted to the Overview and Scrutiny Committee and the Council recommending the adoption of these protocols.**

### **Report:**

1. The Panel considered a draft protocol relating to the role of Monitoring Officer at its meeting on 11 January 2010. This followed a request by the Chairman of the Audit and Governance Committee for such a document to be prepared. This followed concerns expressed in August 2009 at a Council meeting regarding access by the Monitoring Officer to all meetings and the issue of a report under the Local Government and Housing Act 1989 and related legislation.

2. The previous draft was compiled from a number of examples found on the websites of other Councils. These were then “tailored” to the particular approach adopted at this Council. However, apart from the reservations expressed by the Panel, the previous version was not based on a model form provided by the Audit Commission previously. On further checking of websites, it is apparent that many Councils have adopted the model protocol suggested by District Audit without major alteration.

3. There are also protocols for the Council’s two other Statutory Officers (Chief Financial Officer and Head of Paid Service) which are promoted by the Audit Commission and based on a similar format as the Monitoring Officer’s.

4. The protocols set out the following:

(a) the basic statutory responsibilities of each Statutory Officer;

- (b) their working arrangements;
  - (c) schedules listing their statutory responsibilities in detail.
5. It is suggested that the Standards Committee be consulted about these protocols.
  6. The final adoption of these protocols is a matter for the Council.

Z:/C/CONSTITUTION AND MEMBERS SERVICES SCRUTINY STANDING PANEL/2010/9 November 2010 – PROTOCOLS FOR STATUTORY OFFICERS

## **EPPING FOREST DISTRICT COUNCIL – PROTOCOL REGULATING THE DUTIES OF THE HEAD OF PAID SERVICE**

### **A GENERAL INTRODUCTION TO STATUTORY RESPONSIBILITIES**

1. The Head of Paid Service is a statutory appointment pursuant to Section 4 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged in Epping Forest District Council.
2. The current responsibilities of the Head of Paid Service role rest with the Chief Executive, who should discharge these statutory responsibilities in a positive way and in a manner that enhances the overall reputation of the Council.
3. A summary list of the statutory responsibilities appears in the table annexed to this document. In general terms, the Head of Paid Service's ability to discharge the following duties and responsibilities will depend, to a large extent, on elected members and officers:
  - (a) addressing the staffing needs of the authority;
  - (b) meeting the staffing needs of the Council;
  - (c) the appointment and proper management of the staff.

### **B WORKING ARRANGEMENTS**

4. Having excellent working relations with members and officers will assist in the discharge of the statutory responsibilities of the Head of Paid Service. Equally, a speedy flow of relevant information and access to debate (particularly at the early

stages of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and officers should, therefore, work with the Head of Paid Service to discharge the Council's statutory and discretionary responsibilities.

5. The following arrangements and understandings between the Head of Paid Service, Members and Directors are designed to ensure the effective discharge of the Council's business and functions. The Head of Paid Service will:
  - (a) be alerted by Members and officers to any issue(s) that may become of concern to the Council, including the manner in which the discharge by the Council of its different functions is co-ordinated, the number and grades of staff required for the discharge of its functions, the organisation of the Council's staff and the appointment and proper management of the Council's staff;
  - (b) have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Council at which a decision may be made (including a failure to take a decision where one should have been taken) at or before the Council, Executive, Committee meetings and Sub-Committee meetings (or equivalent arrangements);
  - (c) have the right to attend any meeting of the Council (including the right to be heard and report to the Executive) before any decision is taken (including a failure to take a decision where one should have been taken) at or before the Council, Executive, Committee meetings and Sub-Committee meetings (or equivalent arrangements);



- (d) in carrying out any investigation(s) and exercising any duties have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of the functions;
- (e) ensure that other statutory officers (Chief Finance Officer and the Monitoring Officer) are kept up-to date with relevant information regarding the manner in which the Council discharges its various functions, the corporate approach of the Council, the staffing needs of the Council, the organisation of the staff and the appointment and proper management of the staff;
- (f) meet regularly with the Chief Finance Officer and the Monitoring Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern described in (e) above;
- (g) report to the Council, from time to time, on the corporate approach of the Council and any necessary or desirable changes following consultation, in particular, with the Chief Finance Officer and Monitoring Officer;
- (h) in accordance with the statutory requirements, make a report to the Council, as necessary, on the staff, accommodation and resources required to discharge his statutory functions;
- (i) develop a relationship based on respect and trust with the Leader, Deputy Leader and the Chairmen of the Standards, Regulatory, and Scrutiny Committees with a view to ensuring the effective and efficient discharge of Council business;
- (j) develop effective working liaison and relationship with the External Auditor;

- (k) in consultation, as necessary, with the Chairman of the Council, the Executive and the External Auditor, defer the making of a formal report under Section 4 of the Local Government and Housing Act 1989 where another investigative body is involved;
  - (l) have sufficient resources to address any matter concerning his Head of Paid Service functions.
6. To ensure the effective and efficient discharge of the arrangements set out in paragraph 5 above, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other legal or constitutional concerns to the Head of Paid Service, as soon as practicable.
  7. The Head of Paid Service is also available for Members and Officers to consult on any issues of the corporate approach of the Council, staffing needs, appointment and management of staff.
  8. To ensure the effective and efficient discharge of this Protocol, the Head of Paid Service will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Council and the proper discharge of the Head of Paid Service role.
  9. The Head of Paid Service will record details of any advice given.

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**EPPING FOREST DISTRICT COUNCIL – PROTOCOL REGULATING  
THE DUTIES OF THE ROLE OF MONITORING OFFICER**

1. The Monitoring Officer undertakes to discharge the responsibilities outlined in this Protocol with determination and in a manner which will enhance the reputation of the Council. In general terms the ability to discharge these duties depends on excellent working relations with colleagues and elected Members of the Council, but also on the flow of information and access to debate, particularly at early stages.
  
2. The following arrangements and understandings between the Monitoring Officer and colleagues and Councillors are designed to help ensure the effective discharge of the Monitoring Officer's functions:-
  - (a) the Monitoring Officer will be a member of the Council's Management Board;
  - (b) the Monitoring Officer will be given advance notice of meetings (whether formal or informal) between Chief Officers, Committee and Sub Committee Chairmen where any procedural, vires or other constitutional issues are likely to arise;
  - (c) the Monitoring Officer will have access to all meetings;
  - (d) members of Management Board (the Chief Executive and Directors) will be responsible for alerting the Monitoring Officer to all emerging issues of concern including legality, probity, vires and constitutional issues;
  - (e) the Monitoring Officer will be provided with a copy of all reports to Councillors;
  - (f) the Monitoring Officer is expected to develop good liaison and working relations with the Standards Board for England, its Ethical Standards Officers, the District Auditor and the Local Government Ombudsman, including giving and receiving relevant information, whether confidential or otherwise, whether requested or not;
  - (g) the Monitoring Officer will develop effective relationships with all Members of the Council. He/she will ensure that the Head of the Paid Service and the

Chief Financial Officer have up-to-date information regarding emerging issues;

- (h) the Monitoring Officer will be expected to make or commission enquiries into allegations of misconduct by Councillors;
- (i) the Head of the Paid Service, Chief Financial Officer and Monitoring Officer will meet regularly to consider and recommend action in connection with current governance issues and other probity matters;
- (j) in carrying out any investigation the Monitoring officer will have unqualified access to any information held by the Council and any employee who can assist in the discharge of his/her functions.
- (k) the Monitoring Officer will have control of a budget sufficient to enable him/her to seek Counsel's opinion on any matter concerning their functions;
- (l) the Monitoring Officer will be responsible for preparing a training programme for Members of the Council on the ethical framework, for approval by the Standards Committee;
- (m) the Monitoring Officer will report to the Council from time to time on the Constitution and any necessary or desirable changes following consultation, in particular with the Head of the Paid Service and the Chief Financial Officer;
- (n) the Monitoring Officer may defer the making of a formal report under Section 5 of the LGHA 1989 where another investigative body is involved;
- (o) the Monitoring Officer may make an annual report to the Council on the staff, accommodation and resources required to discharge his/her functions;
- (p) the Monitoring Officer will appoint a deputy to act in his/her absence and will ensure that he/she is briefed on emerging issues;
- (q) the Monitoring Officer will make arrangements to ensure good communication and the Clerks to the Town and Parish Councils in the District;

- (r) when a conflict of interests arises on any issue that requires his/her advice, the Monitoring Officer will remove him/herself from the consideration of the issue.

### Summary of Monitoring Officer Functions

Description		Source
1.	Report on contraventions or likely contraventions of any enactment of rule of law	Section 5, Local Government and Housing Act 1989
2.	Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5, Local Government and Housing Act 1989
3.	Personal appointment of Deputy	Section 5, Local Government and Housing Act 1989
4.	Report on resources	Section 5, Local Government and Housing Act 1989
5.	Investigate misconduct in compliance with regulations made and directions of Ethical Standards Officers	Regulations when made. Directions when made in individual cases. LGA 2000 Section 66 (1) + 66 (6)
6.	Establish and maintain registers of Members' interests and gifts and hospitality	Section 81 LGA 2000 and Model Code of Local Government Conduct
7.	Advice to Members on the interpretation of the Code of Conduct and Local Protocols	Model Code and title of Regulations
8.	Key role in promoting and maintaining high standards of conduct through support to the ? Standards Board	Statutory Guidance, paragraph 8.20
9.	Liaison with Standards Board and Ethical Standards Officers	New ethical framework, practical implications
10.	New ethical framework functions in relation to Town and Parish Councils	Section 83 (12) LGA 2000
11.	Compensation for maladministration	Section 92 LGA 2000
12.	Advice on vices issues, maladministration, financial impropriety, probity and policy framework and budget issues to all elected Members	DETR guidance; Council Constitution 2007

3. The Monitoring Officer is to be the primary qualified person in respect of advice on the application of Section 36 of the Freedom of Information Act 2000 in accordance

with the Secretary of State's decision of December 2004. Where the Monitoring Officer is absent responsibility for carrying out the functions of the qualified person will fall to the Deputy Monitoring Officer, subject to consultation with the Chief Executive.

**EPPING FOREST DISTRICT COUNCIL – PROTOCOL FOR REGULATING THE  
DUTIES OF THE CHIEF FINANCE OFFICER’S  
(SECTION 151 OFFICER) ROLE**

**A. General Introduction to Statutory Responsibilities**

1. The Chief Finance Officer is a statutory appointment pursuant to Section 151 of the Local Government Act 1972. This Protocol provides some general information on how those statutory requirements will be discharged at Epping Forest District Council.
  
2. The current responsibilities of the Chief Finance Officer role rest with the Director of Finance and ICT, who undertakes to discharge these statutory responsibilities in a positive way and in a manner that enhances the overall reputation of the Council. In doing so, the Chief Finance Officer will also safeguard, so far as is possible, elected members and officers whilst acting in their official capacities, from financial difficulties.
  
3. A summary list of the statutory responsibilities appears in the table annexed to this document. In general terms, the Chief Finance Officer’s ability to discharge the following duties and responsibilities will depend, to a large extent, on members and officers:-
  - (a) complying with the Council’s financial procedures;
  - (b) making lawful payments; and

- (c) not taking action that would result in unlawful payments or unlawful action.

**B. Working Arrangements**

4. According to the Chartered Institute of Public Finance and Accountancy (CIPFA), there are five key roles that are critical to the achievement of a Chief Finance Officer's statutory responsibilities:-

- (a) maintaining strong financial management underpinned by effective financial controls;
- (b) contributing to corporate management and leadership;
- (c) supporting and advising democratically elected representatives;
- (d) supporting and advising officers in their operational roles; and
- (e) leading and managing an effective and responsive financial service.

The key activities for each of these roles are set out in Annex 2.

5. Having good working relations with Members and Officers will assist in the discharge of the statutory responsibilities of the Chief Finance Officer. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and officers should, therefore, work with the Chief Finance Officer to discharge the Council's statutory and discretionary responsibilities.



6. The following arrangements and understandings between the Chief Finance Officer, Members and Directors are designed to ensure the effective discharge of the Council's business and functions. The Chief Finance Officer will:-

- (a) be alerted by Members and Officers to any issue(s) that may become of concern to the Council, including in particular, issues concerning financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
- (b) have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Council particularly those at which a decision may be made (including a failure to take a decision where one should have been taken) at or before the Council, Cabinet, Committee meetings and Sub-Committee meetings (or equivalent arrangements);
- (c) have the right to attend any meeting of the Council (including the right to be heard and report to the Cabinet) before any decision is taken (including a failure to take a decision where one should have been taken) at or before the Council, Cabinet, Committee meetings and Sub-Committee meetings (or equivalent arrangements);
- (d) in carrying out any investigation(s) and excising any fiduciary duties, have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of his functions;

- (e) ensure the other statutory officers (Head of Paid Service and the Monitoring Officer) are kept up-to-date with relevant information regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
- (f) meet regularly with the Head of Paid Service and the Monitoring Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
- (g) report to the Council, from time to time, on Financial Regulations and any necessary or desirable changes following consultation, in particular with the Head of Paid Service and Monitoring Officer;
- (h) as per the statutory requirements, make a report to the Council, as necessary, on the staff, accommodation and resources required to discharge his statutory functions;
- (i) develop effective working liaison and relationship with the External Auditor (including having the authority, on behalf of the Council, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);

- (j) In consultation, as necessary, with the Chairman of the Council, the Executive and the External Auditor, defer the making of a formal report under Section 114, 115 and 116 of the Local Government and Finance Act 1988 where another investigative body is involved;
  - (k) have sufficient resources to carry out the responsibilities of the Chief Finance Officer's functions;
  - (j) nominate a suitably qualified deputy and keep the deputy briefed on any relevant issues that the deputy may be required to deal with in the absence of the Chief Finance Officer; and
  - (k) appoint an appropriate adviser in cases where the Chief Finance Officer is precluded from offering advice and the deputy is unable to advise.
7. To ensure the effective and efficient discharge of the arrangements sets out in paragraph 5 above, members and officers will report any breaches of statutory duty or of Council policies or procedures and other legal or constitutional concerns to the Chief Finance Officer, as soon as practicable.
8. The Chief Finance Officer is also available for members and officers to consult on any issues relating to the Council's financial powers, possible unlawful payments, or general advice on the financial arrangements.

9. To ensure the effective and efficient discharge of this Protocol, the Chief Finance Officer will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Council and the proper discharge of the Chief Finance Officer role.
  
10. The Chief Finance Officer or deputy will record details of any advice given.

## SUMMARY OF HEAD OF PAID SERVICE FUNCTIONS

	Description	Source
1	Report on decisions incurring unlawful expenditure, unlawful loss or deficiency or unlawful item of account	Section 4 Local Government and Housing Act 1989
2	Report on resources	Section 4 Local Government and Housing Act 1988
3	All staff to be appointed on merit	Section 7 Local Government and Housing Act 1989
4.	Duty to adopt Standing Orders with respect to staff	Section 8 Local Government and Housing Act 1989
5.	Confidentiality of staff records	Section 11 Local Government and Housing Act 1989
6.	Conflicts of interest in staff negotiations	Section 12 Local Government and Housing Act 1989
7.	Appointment of staff	Section 112 Local Government Act 1972

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### **Report to Constitution and Member Services Standing Scrutiny Panel**

**Date of meeting: 9 November 2010**

**Subject: Councillor Accountability Statements**

**Responsible Officer: I Willett (01992 564243)**

**Democratic Services Officer: Mark Jenkins (01992 564607)**

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#### **Recommendations:**

- (1) That the revised Member Accountability Statements based on the model provided by the Improvement and Development Agency (IDeA) be considered with a view to recommending their adoption by the Council;**
- (2) That those Accountability Statements included in the Council's Constitution be reviewed in the same way and submitted for adoption;**
- (3) To consider whether an Accountability Statement in respect of the Chairman of the Standards Committee should be pursued and, if so, to consider that Committee accordingly;**
- (4) To consider whether an Accountability Statement for the Chairman of the Audit & Governance Committee be submitted to future meetings of that Committee for consideration and adoption by the Council; and**
- (5) That all Accountability Statements be referred to the Remuneration Panel to assist them in advising the Council on Member Remuneration in the future.**

#### **Report:**

1. At the Council meeting on 20 April 2010, the following resolution was adopted (Minute 169(18)):

"That Overview and Scrutiny be asked to refer the Member Role Accountability Statements which had been revised in order to reflect the changing role of members, to the Constitution and Member Services Standing Scrutiny Panel with a view to recommendations being made for their adoption after consultation with the Remuneration Panel and the Standards Committee as appropriate".

2. This resolution was referred for consideration by this Panel at the Overview and Scrutiny Committee meeting on 12 July 2010 (Minute 23).
3. Copies of the revised Statements which had been drafted on the basis of the advice given by Audit commission are attached as follows:

- (a) Leader of Council.
- (b) Deputy Leader.
- (c) Member of Council.
- (d) Chairmen of Area Plans Sub-Committee.

- (e) Chairman of Panels.
  - (f) Portfolio Holders.
  - (g) Chairman of Overview and Scrutiny.
  - (h) Chairman of Standards Committee.
  - (i) Group Leaders.
  - (j) Members of Overview and Scrutiny Committee.
4. In the Council's Constitution, a number of other Accountability Statements which are not included in the IDeA's list are published. These date back to 2001 and are as follows:
- (a) Chairman of Council;
  - (b) Vice-Chairman of Council;
  - (c) Vice-Chairman of Committee Panels or Boards; and
  - (d) Vice-Chairman of Overview and Scrutiny Committee.

... Copies of these Statements are also enclosed.

5. The Panel will recall that a further statement in respect of a Deputy Portfolio Holder has already been recommended to the Council and is due for consideration on 2 November 2010.
6. The IDeA model Accountability Statement was drawn to the Council's attention by the Remuneration Panel in its last annual report. They were commended to the Council in that they sought to bring the role of Councillors up-to-date since the original versions were published in 2001 and also because the Panel felt that these new statements offered a good benchmark for future discussions between the Council and the Panel regarding member remuneration.
7. The Panel will note that one of the IDeA Statements relates to the Chairman of the Standards Committee and it is suggested that before this is put forward to the Council, the Standards Committee should be consulted as to the content. Similarly, there is no Statement at present for the Chairman of the Audit and Governance Committee and it is suggested that officers draft an Accountability Statement for submission to the Audit and Governance Committee at a future meeting for their consideration and report onto Council.
8. The Panel is asked to consider the recommendation set out at the commencement of this report.



# MEMBER ROLE ACCOUNTABILITY STATEMENT

**Role Title: Member of the Council**

**Responsible to: The Council**

**Contact with: Members, Officers, media, external organisations and representatives, Members of Parliament and community**

## **Principal Accountabilities:**

### **Leadership at Ward Level**

- (a) To lead and champion and interests of the local community and effectively represent the interests of the ward and its constitutions.
- (b) To meet and liaise regularly with local interested parties and involve and consult them on key council decisions.
- (c) To support and promote citizenship locally and empower the community to participate in the governance of the area.
- (d) To undertake case work for constituents and act as an advocate in resolving concerns or grievances.
- (e) To communicate with local people and answer enquiries:
  - about decisions that affect them
  - about opportunities in the community
  - regarding the rights of constituents within the ward
  - as to why decisions are taken

### **Localism**

- (f) To participate constructively in the good governance of the area.
- (g) To use influence as a councillor to develop links between groups and communities in the ward and local area.

### **Representation**

- (h) To inform the debate at full Council meetings and contribute to the effectiveness of the Council meeting as the focus of visible leadership.
- (i) To contribute to the formation and scrutiny of the Council's policies, budget, strategies and service delivery.

- (j) To contribute to the scrutiny of decision-making and review of policies/services of the Council.
- (k) To participate in non-executive Boards, Panels, Committees and Sub-Committees as appointed by the Council.
- (l) To represent the Council to the community and the community to the Council.
- (m) To develop and maintain knowledge of how the Council works and develop working relationships with its officers.
- (n) To participate in the activities of any political group of which the Councillor is a member.
- (o) To represent the Council on outside bodies to which the member is appointed by the Council or Leader.

**Other**

- (p) To fulfil the legal (in accordance with the Members' Code of Conduct and local requirements placed on a Councillor.
- (q) To be responsible for personal development and undergo appropriate development and continuous improvement for any role undertaken.

**Leadership Skills**

- Ability to lead and champion the interests of the local community

**Chairing Skills**

- Ability to chair meetings in the community and facilitate discussions.

**Organisational Skills and Personal Effectiveness**

- Manage casework (including the use of information technology (IT) to support the process).
- Basic administration skills.

**Team Working & Relationship Building**

- Ability to develop relationships with key Council officers and representatives from partner agencies.
- Ability to build effective relationships with all sections of the community (in order to be able to represent their needs to the Council).

**Communication Skills**

- Community engagement skills.
- Influencing, persuading and negotiation skills.
- Managing conflict and mediation skills.
- Ability to work with the media and to identify when additional support from public relations specialists is required, to ensure the Council is positively represented.
- Ability to communicate with a range of audiences, including partners.
- Active listening and questioning skills.
- Ability to make an effective presentation and public speaking skills.

**Other Skills and Abilities**

- Ability to use IT to access agendas, minutes, reports, etc.
- Ability to interpret Council budgets and accounts.

## **Knowledge**

- Understanding of national policies and their impact on the ward.
- Knowledge of the issues within the ward and the wider locality.
- An understanding of how the Council works.
- Knowledge of the Council structure, key contact officers and services procedures and eligibility criteria (in relation to schemes and services administered by the Council).
- Knowledge of the political decision-making structures of the Council and partners.
- Understanding of the Members' Code of Conduct including ethics and standards.
- Knowledge of the strategic priorities and key policies of the Council.
- Understanding of legislation and Council policies to which Councillors must adhere.
- Basic understanding local government finances and audit processes.
- Knowledge of the Council's standards of customer care and complaints procedure.
- Knowledge of partner agencies in the context of the ward.

**Date: October 2009**

**Note: This Role Accountability Statement is issued as a guide to the duties of this position. It may be varied from time to time to meet new working requirements.**

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# MEMBER ROLE ACCOUNTABILITY STATEMENT

<b>Role Title: Leader</b>
<b>Responsible to: The Council</b>
<b>Contact with: Members, Officers, media, external organisations and representatives, Members of Parliament and community, other Councillors.</b>
<b>Principal Accountabilities:</b>  <b>This role profile identifies the responsibilities, skills and knowledge required of the Leader of the Council, which are in addition to those set out for a Cabinet member.</b>  (a) To undertake the role of 'community leader', building a vision for the area and leading the Council and its partners towards that vision.  (b) To represent the Council and provide leadership of the Local Strategic Partnership and other key local partnerships.  (c) To chair the Cabinet meetings and to take responsibility for its performance, individually and collectively.  (d) To represent the authority, and be accountable for, discussions and negotiations with the community and with regional, national and international organisations.  (e) To undertake political executive responsibility for proposing and directing the overall strategy, budget, policy arrangements and service reviews.  (f) To provide the principal point of contact to all forms of media on areas of Executive activity, as well as the wider Council, to ensure appropriate information is provided on Council activity.  (g) To provide the principal link between the Executive and the Chief Executive/Head of Paid Service.  (h) To ensure the work of the Cabinet is conducted in accordance with the Council's Constitution and with due regard for any statutory provisions set out in legislation.  (i) To facilitate good communication so that people within and outside the authority are able to contribute constructively to the decision-making processes of the Council.  (j) To main effective liaison with the Chairman of Overview and Scrutiny.  (k) To work with the Deputy Leader on matters affecting relevant portfolios.  (l) To exercise powers in relation to the nominated portfolio area, within the scheme of delegation operated by the Council.  (m) To serve on non-executive Committees, Sub-Committees, Panels, Boards and Working Groups as appointed.  (n) To be responsible for personal development and undergo appropriate development and continuous improvement for any role undertaken.

### **Leadership Skills**

- Advanced leadership skills.
- Ability to develop a vision for the District and drive the Council and its partners towards achieving that vision.
- Advanced 'ambassadorial' skills (to be able to represent the Council both within and outside the Council, particularly at the sub-regional, regional and national level).
- Ability to lead the Council towards continuous improvement.
- Ability to provide political leadership for their Group.
- Ability to, when necessary, discipline members of their political Group.

### **Chairing Skills**

- Advanced chairing skills.

### **Organisational Skills and Personal Effectiveness**

- Ability to plan and prioritise the business of Council, Cabinet and its committees (having regard to the terms of reference and the key challenges facing the Council).

### **Knowledge**

- A detailed understanding of the strategic role of the Leader of the Council.
- Detailed understanding of the legally defined role of the Chief Executive and other senior officers.
- Detailed knowledge of the work of national, regional and sub-regional bodies and the role of the Leader and Council within them.
- Detailed understanding of the national policy framework and its impact on local policy development.
- Detailed knowledge of the role of local partners and the services they deliver.
- Detailed understanding of the Council's Constitution, Code of Conduct, budget and audit processes and key internal policies.
- Understanding of the relationship between national policies and local political leadership.

### **Communication Skills**

- Ability to facilitate effective communication within and across the Council and to ensure the community are able to engage in the Council's decision making processes.
- Advanced skills in working with the media and an ability to identify when additional support from public relations specialists is required, to ensure the Council is positively represented.
- Advanced listening and questioning skills.
- Advanced presentation skills.
- Advanced public speaking skills.

### **Team Working & Relationship Building**

- Tact and diplomacy to be able to work across the full range of Council services, partners and political groups, to the benefit of the community.
- Ability to build effective relationships with other parts of the political management structure e.g. full Council, Overview and Scrutiny, and other political Groups.
- Political sensitivity to be able to address difficult issues across all Groups.

- Understanding of the wider, national issues facing Councillors and the practical implications for the District's Councillors.
- An understanding of project management principles.

**Date: October 2009**

**Note: This Role Accountability Statement is issued as a guide to the duties of this position. It may be varied from time to time to meet new working requirements.**

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# MEMBER ROLE ACCOUNTABILITY STATEMENT

**Role Title: Deputy Leader**

**Responsible to: Leader of Council, Executive and the Council**

**Contact with: Members, Officers, media, external organisations and representatives, Members of Parliament and community, other Councillors.**

**Principal Accountabilities:**

- (a) To assist the Leader of the Council in the formal processes and matters of leadership of the authority (specifically set out in the Role Profile of the Leader of the Council).
- (b) To work with the Leader of the Council on the budget and policy development.
- (c) To ensure that appropriate developmental steps are taken to equip them with the knowledge and skills to carry out the role of the Leader when called upon.
- (d) To deputise for the Leader in his/her absence and undertake the above mentioned duties set out in the Role Profile for the Leader of the Council.
- (e) To exercise powers delegated by the Leader in relation to the nominated portfolio area, within the scheme of delegation operated by the Council.
- (f) To serve on non-executive Committees, Sub-Committees, Panels, Boards and Working Groups as appointed.
- (g) To be responsible for personal development and undergo appropriate development and continuous improvement for any role undertaken.

### **Leadership Skills**

- Advanced leadership skills.
- Ability to develop a vision for the District and drive the Council and its partners towards achieving that vision.
- Advanced 'ambassadorial' skills (to be able to represent the Council both within and outside the Council, particularly at the sub-regional, regional and national level).
- Ability to lead the Council towards continuous improvement.
- Ability to provide political leadership for their Group.
- Ability to, when necessary, discipline members of their political Group.

### **Chairing Skills**

- Advanced chairing skills.

### **Organisational Skills and Personal Effectiveness**

- Ability to plan and prioritise the business of Council, Cabinet and its committees (having regard to the terms of reference and the key challenges facing the Council).

### **Knowledge**

- A detailed understanding of the strategic role of the Leader of the Council.
- Detailed understanding of the legally defined role of the Chief Executive and other senior officers.
- Detailed knowledge of the work of national, regional and sub-regional bodies and the role of the Leader and Council within them.
- Detailed understanding of the national policy framework and its impact on local policy development.
- Detailed knowledge of the role of local partners and the services they deliver.
- Detailed understanding of the Council's Constitution, Code of Conduct, budget and audit processes and key internal policies.
- Understanding of the relationship between national policies and local political leadership.

### **Communication Skills**

- Ability to facilitate effective communication within and across the Council and to ensure the community are able to engage in the Council's decision making processes.
- Advanced skills in working with the media and an ability to identify when additional support from public relations specialists is required, to ensure the Council is positively represented.
- Advanced listening and questioning skills.
- Advanced presentation skills.
- Advanced public speaking skills.

### **Team Working & Relationship Building**

- Tact and diplomacy to be able to work across the full range of Council services, partners and political groups, to the benefit of the District.
- Ability to build effective relationships with other parts of the political management structure e.g. Full Council, Overview and Scrutiny, and other political Groups.
- Political sensitivity to be able to address difficult issues across all Groups.

- Understanding of the wider, national issues facing Councillors and the practical implications for Epping Forest District Councillors.
- An understanding of project management principles.

**Date: October 2009**

**Note: This Role Accountability Statement is issued as a guide to the duties of this position. It may be varied from time to time to meet new working requirements.**

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# MEMBER ROLE ACCOUNTABILITY STATEMENT

**Role Title: Member of the Executive (Portfolio Holder)**

**Responsible to: Leader of Council, Executive and Council**

**Contact with: Members, Officers, media, external organisations and representatives, Members of Parliament and community, other Councillors.**

## **Principal Accountabilities:**

- (a) To have the strategic responsibility for, and provide a lead on, a named portfolio of services.
- (b) To have the responsibility for, and provide a lead on, the initiation of policy in respect of the relevant portfolio.
- (c) To contribute to the development of strategic policy as part of the cabinet collective.
- (d) To decide the executive action to be taken in implementing those matters of Council policy allocated to them within their portfolio, seeking advice from Directors of Service, where appropriate.
- (e) To be a member of, and attend, Cabinet meetings and to share the collective responsibility for decisions taken by Cabinet.
- (f) To take personal responsibility, and to be held accountable, for any decisions taken, and to share with the appropriate service managers responsibility for the performance of services within their portfolio.
- (g) To respond to or deal with any issues arising at Council meetings relating to their portfolio, to include reporting on progress made against portfolio priorities.
- (h) To act as spokesperson or advocate within and outside the authority on those services and functions within their portfolio.
- (i) To provide regular reports on progress and to undertake consultation on decisions as required.
- (j) To attend Overview and Scrutiny Committee and Scrutiny Panels to share priorities, discuss decisions taken and/or support the policy formulation process.
- (k) To develop partnership working with other agencies and contribute as a key player to delivering a partnership agenda.
- (l) To represent the Council on outside bodies, as appointed and provide feedback as appropriate.
- (m) To consult ward councillors and other stakeholders as part of the development and review of policy.
- (n) As part of the Cabinet, to be involved in:
  - leading the community planning process for the Council;
  - the consultation on, and drawing up of, the revenue and capital budgets, and monitoring budget under/over spends.
  - leading the search for continuous improvement;
  - taking decisions on resources and priorities to deliver the strategies and budget approved by Full Council;
  - promoting and participating in Councillor Development.
- (o) To serve on non-executive Committees, Sub-Committees, Panels, Boards and Working Groups as appointed.
- (p) To be responsible for personal development and undergo appropriate development and continuous improvement for any role undertaken.

### **Leadership Skills**

- Advanced leadership skills for areas of individual responsibility and, the ability to work with the Leader of the Council and Deputy Leader as an executive team.
- High level decision-making.
- Ability to challenge the status quo and deal with complex strategic issues and problems.
- Ambassadorial skills to be able to represent the Council both within and outside the Council.

### **Chairing Skills**

- Intermediate chairing skills to be able to chair meetings relating to their portfolio and local public service boards.

### **Team Working & Relationship Building**

- Relationship building - with other Cabinet colleagues, senior officers, Overview and Scrutiny, Partners etc.
- Ability to work as part of an executive team to drive forward the continuous improvement of the Council.

### **Knowledge**

- Knowledge of the key areas relating to their Cabinet portfolio and its relationship with other portfolios within the Cabinet.
- A detailed understanding of the strategic role of Cabinet within the Council.
- Understanding of the role of a portfolio holder as part of the executive team.
- Detailed understanding of Council strategy, policies and operations.
- Understanding of the legally defined role of certain senior officers.
- Detailed knowledge of the challenges facing local government.
- Understanding of the national policy framework and its impact on local policy development.
- Knowledge of the work of national, regional and sub regional bodies and the role of the Council within them.
- Knowledge of community needs and their priorities for action.

### **Communication Skills**

- Advanced communication skills to be able to work constructively with officers, councillors and partners.
- Advanced listening, questioning and negotiation skills.
- Advanced presentation and advanced public speaking skills.
- Advanced skills in working with the media and an ability to identify when additional support from public relations specialists is required, to ensure the Council is positively represented.

### **Organisational Skills**

- Ability to manage a busy and complex workload, often to tight timescales and deadlines.

### **Other Skills and Abilities**

- Research skills and policy development skills.
- Ability to assimilate and analyse complex information.

- Knowledge of the role of local partners and the services they deliver.
- Understanding of the Council's Constitution, Code of Conduct, budget and audit processes and key internal policies.
- Understanding of the principles and importance of making sound, evidenced-based decisions.
- An understanding of project management principles.

Date: October 2009

**Note: This Role Accountability Statement is issued as a guide to the duties of this position. It may be varied from time to time to meet new working requirements.**

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# MEMBER ROLE ACCOUNTABILITY STATEMENT

**Role Title: Chairman of Overview and Scrutiny Committee**

**Responsible to: The Council**

**Contact with: Members, Officers, media, external organisations and representatives, Members of Parliament and community.**

## **Principal Accountabilities:**

### **Leading and Promoting the Overview and Scrutiny Function**

- (a) To maintain effective liaison with the Leader of the Council, the Chief Executive and the Deputy Chief Executive to ensure that overview and scrutiny contributes to effective decision-making.
- (b) To represent overview and scrutiny in Council and be accountable to Council for the actions of overview and scrutiny.
- (c) To ensure that overview and scrutiny is publicised and communicated to build understanding of its role both within and outside the Council.
- (d) To represent the Council at regional and national forums concerned with overview and scrutiny.
- (e) To be responsible for the constitutional arrangements relating to the waiving of call-in where decisions are 'urgent' and/or not on the forward plan.

### **Managing and Co-ordinating the Overview and Scrutiny Function**

- (f) To Chair the meetings of the Overview and Scrutiny Committee.
- (g) To ensure that scrutiny work is properly co-ordinated.
- (h) To maintain an overview of the work of all the panels in order to ensure effective co-ordination and progress of all work.
- (i) To monitor progress of all scrutiny reviews and ensure that they are completed in reasonable time.
- (j) To support and advise the Chairmen of the Overview and Scrutiny Panels.
- (k) To receive all requests for scrutiny and ensure initial investigation to inform consideration at the Committee.
- (l) To monitor the use of 'call-in' procedures to advise on whether the procedure is being used appropriately.

### **Development of Overview and Scrutiny**

- (m) To maintain an overview of scrutiny and to learn from practice elsewhere.
- (n) To ensure the continuing development of overview and scrutiny through improving both practice and how it is organised.
- (o) To encourage the involvement of all interested parties and stakeholders, individuals, voluntary and community groups in overview and scrutiny matters.
- (p) To be responsible for personal development and undergo appropriate development and continuous improvement for any role undertaken.

### **Leadership Skills**

- Leadership of the scrutiny function within and outside the Council.
- Ambassadorial skills through the representation and championing of the scrutiny function inside and outside the authority.
- Objective setting and progressing those objectives on behalf of the scrutiny function.

### **Chairing Skills**

- Advanced chairing skills.

### **Team Working & Relationship Building**

- Relationship building with senior officers, Panel Lead Members, Cabinet, partners etc.
- Building effective relationships with other parts of the political management structure e.g. Cabinet, Full Council, etc.
- Ensuring effective contributions from each member of the Committee.

### **Knowledge**

- A detailed awareness of the strategic importance of the scrutiny function within the Council.
- A detailed awareness of the constitutional arrangements relating to the scrutiny function and particularly those of the Chairman of the Committee.
- A detailed awareness of the Council's approach to overview and scrutiny and its relationship with the other parts of the Council's decision-making structures.
- Detailed knowledge of the challenges facing the scrutiny function and the role of the Chairman in addressing them.
- An awareness of changes facing local government and an understanding of how these might impact on the Council's scrutiny function.
- An understanding of project management principles.

### **Communication Skills**

- Advanced listening skills and questioning skills.
- High standard of communication skills with officers, councillors, co-optees, partners, external bodies and members of the public.
- Advanced presentation skills.
- Advanced public speaking skills.

### **Organisational Skills and Personal Effectiveness**

- Assimilating and analysing complex information.
- Overseeing and prioritising scrutiny work, taking account of available resources.
- Planning and co-ordinating the work of the Overview and Scrutiny Committee and its agenda.
- Co-ordinating the work of Standing and Task and Finish Scrutiny Panels.

### **Other Skills and Abilities**

- Ability to deal with complex strategic issues and problems on behalf of the Committee and the scrutiny function as a whole.
- Ability to obtain and weigh up evidence and make decisions and recommendations based on that evidence.

**Date: October 2009**

**Note: This Role Accountability Statement is issued as a guide to the duties of this position. It may be varied from time to time to meet new working requirements.**

# MEMBER ROLE ACCOUNTABILITY STATEMENT

**Role Title: Member of Overview and Scrutiny Committee**

**Responsible to: The Council**

**Contact with: Members, Officers, media, external organisations and representatives, Members of Parliament and community.**

**Principal Accountabilities:**

- (a) To be responsible for supporting the Chairman of the Overview and Scrutiny Committee to ensure effective scrutiny in the Council.
- (b) To lead, with the Chairman of Overview and Scrutiny, the overview and scrutiny function in the Council.
- (c) To ensure that Overview and Scrutiny is publicised and communicated to build understanding of its role both within and outside the Council.
- (d) To manage and co-ordinate the Overview and Scrutiny work programme and forward plan.
- (e) To maintain an overview of the work of all the panels, in order to ensure effective co-ordination and progress of all work.
- (f) To monitor progress of all scrutiny reviews and ensure completion in reasonable time.
- (g) To support and advise the Chairmen of Scrutiny Panels.
- (h) To be responsible for the continuing development of both the organisation and practice of overview and scrutiny learning from the experience both in the District and elsewhere.
- (i) To encourage the involvement of all interested parties and stakeholders, individuals, voluntary and community groups in overview and scrutiny matters.
- (j) To provide a quality check on the outcome of reviews.
- (k) To develop and maintain constructive relationships with Cabinet.
- (l) To be responsible for personal development and undergo appropriate development and continuous improvement for any role undertaken.

### **Leadership Skills**

- Leadership of the scrutiny function within and outside the Council including sharing and learning from best practice.
- Objective setting and progressing those objectives on behalf of the scrutiny function.

### **Team Working & Relationship Building**

- Relationship building within the Committee context - with senior officers, Panel Chairmen, the Executive etc.
- Effective relationship building with other parts of the political management structure e.g. Cabinet, Full Council etc.
- Ensuring an effective contribution from each Panel Chairman.

### **Knowledge**

- An awareness of the strategic importance of the scrutiny function within the Council.
- A detailed awareness of the Epping Forest approach to Overview and Scrutiny and its relationship with the other parts of the Council's decision-making structures.
- An awareness of changes facing local government and an understanding of how these might impact on the Council's scrutiny function.
- An awareness of the changes facing the Council and an understanding of how these might impact on the scrutiny function.
- Detailed knowledge of the challenges facing the scrutiny function and the role of Committee in addressing them.
- An awareness of project management principles as relevant to the Panel.

### **Communication Skills**

- Advanced listening and questioning skills.
- High standard of communication with officers, councillors, partners and co-optees.
- Intermediate presentations skills.
- Intermediate public speaking.

### **Organisational Skills and Personal Effectiveness**

- Overseeing and prioritising scrutiny work taking account of available resources.

### **Other Skills and Abilities**

- Ability to assimilate and analyse complex information.
- Ability to deal with complex strategic issues and problems.
- Ability to obtain and weigh up evidence and make decisions and recommendations based on that evidence.

**Date: October 2009**

**Note: This Role Accountability Statement is issued as a guide to the duties of this position. It may be varied from time to time to meet new working requirements.**

## **LIST A**

### **NEW ACCOUNTABILITY STATEMENTS**

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# MEMBER ROLE ACCOUNTABILITY STATEMENT

**Role Title: Chairman of Area Plans Sub-Committee**

**Responsible to: The Council**

**Contact with: Members, Officers, media, external organisations and representatives, Members of Parliament and community.**

**Principal Accountabilities:**

- (a) To chair the Plans Sub-Committee in accordance with its terms of reference.
- (b) To foster and maintain a disciplined approach by the councillors involved having regard to high standards of behaviour and ethics including the Planning Protocol.
- (c) To ensure that contributions by the public to meetings are facilitated and controlled in accordance with the agreed procedure.
- (d) To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Sub-Committee.
- (e) To be responsible for personal development and undergo appropriate development and continuous improvement for any role undertaken.

<p><b>Leadership Skills</b></p> <ul style="list-style-type: none"> <li>• Ability to represent the Plans Sub-Committee to the community and the media.</li> </ul> <p><b>Team Working &amp; Relationship Building</b></p> <ul style="list-style-type: none"> <li>• Relationship building particularly with senior officers involved in the Planning function.</li> </ul> <p><b>Organisational Skills</b></p> <ul style="list-style-type: none"> <li>• Ability to plan and prioritise the business of the Plans Sub-Committee, having regard to its terms of reference and key challenges facing the Planning function.</li> </ul>	<p><b>Communication Skills</b></p> <ul style="list-style-type: none"> <li>• Advanced listening, questioning and negotiation skills.</li> <li>• Communication skills - particularly with councillors, officers and the public involved with the Plans Sub-Committee.</li> <li>• Advanced presentations skills.</li> <li>• Advanced public speaking.</li> <li>• Advanced skills in working with the media and an ability to identify when additional support from public relations specialists is required, to ensure the Plans Sub-Committee and the Council are positively represented.</li> </ul> <p><b>Chairing Skills</b></p> <ul style="list-style-type: none"> <li>• Advanced chairing skills, including the ability to manage conflict.</li> <li>• Impartiality and objectivity.</li> </ul>
<p><b>Knowledge</b></p> <ul style="list-style-type: none"> <li>• In-depth understanding of Planning issues and Planning Protocol.</li> <li>• Understanding of the role of ward councillors in the Planning process and how to handle conflicts of interest.</li> <li>• Understanding of the role of Planning Officers.</li> </ul>	
<p><b>Date: October 2009</b></p>	

**Note: This Role Accountability Statement is issued as a guide to the duties of this position. It may be varied from time to time to meet new working requirements.**



## MEMBER ROLE ACCOUNTABILITY STATEMENT

**Role Title: Chairman of Panel**

**Responsible to: The Council**

**Contact with: Members, Officers, media, external organisations and representatives, Members of Parliament and community.**

**Principal Accountabilities:**

- (a) To chair meetings of the Panel in accordance with the relevant terms of reference.
- (b) To foster and maintain a disciplined approach by the members of the Panel, having regard to high standards of behaviour and ethics.
- (c) To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Panel.
- (d) To respond to consultation on matters, which are the subject of the Panel between meetings to provide a speedy resolution to urgent matters.
- (e) To discuss with officers matters which are being researched and developed to ensure that appropriate recommendations are achieved.
- (f) To maintain, develop and build upon good relationships between political and managerial processes to maximise the benefit gained by the community.
- (g) To be responsible for personal development and undergo appropriate development and continuous improvement for any role undertaken.

<p><b>Team Working &amp; Relationship Building</b></p> <ul style="list-style-type: none"> <li>Relationship building particularly with senior officers supporting/advising on the processes of the Council and Panel members.</li> </ul> <p><b>Chairing Skills</b></p> <ul style="list-style-type: none"> <li>Advanced chairing skills.</li> <li>Impartiality and objectivity.</li> </ul> <p><b>Organisational Skills and Personal Effectiveness</b></p> <ul style="list-style-type: none"> <li>Ability to plan and prioritise the business of the Panel having regard to its terms of reference.</li> </ul>	<p><b>Communication Skills</b></p> <ul style="list-style-type: none"> <li>Advanced listening and questioning skills.</li> <li>Communication skills - particularly with councillors and officers involved with the Panel.</li> <li>Intermediate presentations skills.</li> <li>Intermediate public speaking.</li> </ul> <p><b>Other Skills and Abilities</b></p> <ul style="list-style-type: none"> <li>Ability to obtain and weigh up evidence to reach conclusions and make recommendations based on that evidence.</li> </ul>
<p style="text-align: right;"><b>Date: October 2009</b></p>	

**Note: This Role Accountability Statement is issued as a guide to the duties of this position. It may be varied from time to time to meet new working requirements.**

# MEMBER ROLE ACCOUNTABILITY STATEMENT

**Role Title: Group Leader**

**Responsible to: Political Group**

**Contact with: Political group members, officers, Members of Parliament**

**Principal Accountabilities:**

- (a) To establish and represent the views of the Group on issues of policy and priority, and develop group policies that are credible and could be implemented by the Council.
- (b) To lead an Opposition Group within the Council.
- (c) To manage the work of councillors within the Group, and the overall co-ordination of opposition spokespersons and the business of the Group.
- (d) To shadow and scrutinise the Leader of the Council and the Cabinet in their duties.
- (e) To act as the principal spokesperson for an Opposition Group of which he/she is leader and as a representative of the authority to external bodies and organisations as appropriate.
- (f) To comment on, challenge and review the Council's administration performance in the co-ordination and implementation of its policies and procedures.
- (g) To champion and participate in Councillor Development to ensure the smooth running of the Group and the personal development of its councillors.
- (h) To advise the Leader of the Council of the Group's position on issues relating to external relationships.
- (i) To represent the Group on relevant formal and informal working groups.
- (j) To maintain effective liaison with the Chairman of the Overview and Scrutiny Committee.
- (k) To participate in the development of corporate strategies and policies.
- (l) To be responsible for personal development and undergo appropriate development and continuous improvement for any role undertaken.

### **Leadership Skills**

- Ability to provide political leadership of their Group and manage the tensions between the political demands and expectations of the Group, and the needs of the Council.
- Ability to hold Cabinet to account.
- Ambassadorial skills to be able to represent the Council both within and outside the Council including at regional and national level.
- Ability to discipline members of their political Group, when necessary.
- Political sensitivity to be able to address difficult issues with other Groups.

### **Team Working & Relationship Building**

- Tact and diplomacy to be able to work across the full range of Council services, partners and political groups, to the benefit of the District.
- Ability to build effective relationships with other parts of the political management structure e.g. full Council, Overview and Scrutiny, and other political Groups.
- Political sensitivity to be able to address difficult issues across all Groups.

### **Knowledge**

- Understanding of the roles of the Leader of the Council, Cabinet members and the Leader of an Opposition Group within the Council.
- Understanding of the legally defined role of certain senior officers.
- Detailed knowledge of the work of national, regional and sub-regional bodies and the role of the Council within them.
- Detailed understanding of the national policy framework and its impact on local policy development.
- Detailed knowledge of the challenges facing local government.
- Understanding of Council strategy, policies and operations.

### **Communication Skills**

- Ability to facilitate effective communication within and across the Council and ensure the community is given the opportunity to engage in policy development of the opposition Group.
- Advanced skills in working with the media and an ability to identify when additional support from public relations specialists is required, to ensure the Council is positively represented.
- Advanced listening and questioning and negotiation skills.
- Advanced presentation and public speaking skills.

### **Organisational Skills and Personal Effectiveness**

- Ability to plan and prioritise the business of the Group.

### **Other Skills and Abilities**

- Ability to assimilate and analyse complex information.
- Research skills and policy development.

- Knowledge of the role of local partners and the services they deliver and their relationship with the Council.
- Detailed understanding of the Council's Constitution, Code of Conduct, budget and audit processes and key internal policies.
- Detailed knowledge of community needs and their priorities for action.
- Understanding of the relationship between national politics and local political leadership.
- Understanding of the wider, national issues facing councillors and the practical implications for the councillors in their Group.

**Date: October 2009**

**Note: This Role Accountability Statement is issued as a guide to the duties of this position. It may be varied from time to time to meet new working requirements.**

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## MEMBER ROLE ACCOUNTABILITY STATEMENT

**Role Title: Chairman of Standards Committee (a role not undertaken by an elected councillor but by a person who is independent from the Council).**

**Responsible to: The Council.**

**Contact with: Members (District and Parish/Town and members of the Standards Committee), Chief Executive, Monitoring Officer, Deputy Monitoring Officer and other officers supporting the Committee, media, members of the community.**

### **Principal Accountabilities:**

- (a) To chair the Standards Committee in accordance with its terms of reference.
- (b) To chair panels as appointed dealing with allegations of breach of the Council's Code of Conduct.
- (c) To foster and maintain a disciplined approach by the Members involved having regard to high standards of behaviour and ethics.
- (d) To work with the Council's Monitoring Officer in promoting and supporting standards of behaviour and ethics among all Councillors on the District and parish and town councils in the area.
- (e) To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Committee.
- (f) To ensure that all matters referred to it are dealt with promptly and in accordance with local and national guidance and on an entirely apolitical basis.
- (g) To act as a spokesperson for the Standards Committee.
- (h) To present any reports or findings to the relevant bodies within the Council.
- (i) To establish and maintain the necessary knowledge and understanding of the Council's structures and processes to facilitate this role.

<p><b>Leadership Skills</b></p> <ul style="list-style-type: none"> <li>• Ability to represent the Standards Committee to Members, the community and the media.</li> </ul> <p><b>Chairing Skills</b></p> <ul style="list-style-type: none"> <li>• Advanced chairing skills.</li> </ul> <p><b>Organisational Skills</b></p> <ul style="list-style-type: none"> <li>• Prioritising and managing the work of the Standards Committee including the deployment of available resources.</li> </ul> <p><b>Other Skills</b></p> <ul style="list-style-type: none"> <li>• Assimilating and analysing complex and contradictory information.</li> <li>• Obtaining and weighing up evidence and making decisions based on that evidence.</li> </ul>	<p><b>Team Working &amp; Relationship Building</b></p> <ul style="list-style-type: none"> <li>• Relationship building - with the Council's Monitoring Officer, members of the Standards Committee, other councillors, including parish and town councillors, senior officers.</li> </ul> <p><b>Communication Skills</b></p> <ul style="list-style-type: none"> <li>• Advances listening and questioning skills.</li> <li>• Intermediate presentation skills.</li> <li>• Intermediate public speaking.</li> <li>• Ability to work with the media and to identify when additional support from public relations specialists is required, to ensure the Council is positively represented.</li> </ul>
<p><b>Knowledge</b></p> <ul style="list-style-type: none"> <li>• Broad knowledge of the role and functions of the Council and its members and of its structures and procedures.</li> <li>• Broad knowledge of the role and function of town and parish councils.</li> <li>• A detailed awareness of the national and local importance and role of the Standards Committee, and the role of the Standards Board for England.</li> <li>• An understanding of the Council's Code of Conduct and the constitutional arrangements relating to the Standards Committee.</li> </ul>	
<p style="text-align: right;"><b>Date: October 2009</b></p>	

**Note: This Role Accountability Statement is issued as a guide to the duties of this position. It may be varied from time to time to meet new working requirements.**



## **LIST B**

**EXISTING ACCOUNTABILITY STATEMENTS**

**(NOT INCLUDED IN LIST A)**

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# MEMBER ROLE ACCOUNTABILITY STATEMENT

**Role Title: Chairman of the Council**

**Responsible to: The Council**

**Contact with: Members, Officers, media, external organisations and representatives, Members of Parliament and community.**

**Purpose of role: To provide civic representation on behalf of the Council at internal and external functions. To chair the Council. To promote the Council and its work. To provide information to the Council and the Cabinet on the views of the community.**

**Principal Accountabilities:**

1. Represent the Council on a non-political basis and fulfil role as the Epping Forest District's first citizen to maintain the civic standing of the Authority and to represent and promote the Council within the community.
2. Attendance at appropriate civic functions as well as community events to fulfil the role of first citizen.
3. Act as non-political chair of meetings of the Council to ensure that order is preserved and that matters are considered effectively.
4. Maintain, develop and build upon good relationships between political and managerial processes to maximise the benefit gained by the community.
5. Provide a point of contact with the community on civic matters to ensure appropriate information is provided on Council activity.
6. To provide the principal link between the Council's civic functions and the Chief Executive/Head of Paid Service, the Cabinet, the Leader of the Council, with particular emphasis on the feedback of views of the community as raised through the conduct of civic functions.
7. To serve on non-executive Committees Sub-Committees Working Groups, Panels Working Groups and Boards as appointed by the Council.

**Date: February 2001**

**Note: This Role Accountability Statement is issued as a guide to the duties of this position. It may be varied from time to time to meet new working requirements.**

**W3**

# MEMBER ROLE ACCOUNTABILITY STATEMENT

<b>Role Title: Vice-Chairman of the Council</b>
<b>Responsible to: The Council</b>
<b>Contact with: Members, Officers, media, external organisations and representatives, Members of Parliament and community.</b>
<b>Purpose of role: To deputise for the Chairman of the Council. In conjunction with the Chairman of the Council, to promote the Council and its work.</b>
<b>Principal Accountabilities:</b> <ol style="list-style-type: none"><li>1. Represent the Council as Vice-Chairman of the Council on a non-political basis and assist the Chairman of the Council in the role as the Epping Forest District's first citizen to maintain the civic standing of the Authority and to represent and promote the Council within the community.</li><li>2. Attendance at appropriate civic functions as well as community events to fulfil the role of Vice-Chairman.</li><li>3. Act as non-political chair of meetings of the Council (in the absence of the Chairman) to ensure that order is preserved and that matters are considered effectively.</li><li>4. Maintain, develop and build upon good relationships between political and managerial processes to maximise the benefit gained by the community.</li><li>5. Provide a point of contact with the community (in the absence of the Chairman) on civic matters to ensure appropriate information is provided on Council activity.</li><li>6. To support and deputise for the Chairman of the Council in providing a link between the Council's civic functions and the Chief Executive/Head of Paid Service, the Cabinet and the Leader of the Council with particular emphasis on the feedback of views of the community as raised through the conduct of civic functions.</li><li>7. To serve on non-executive Committees Sub Committees Working Groups, Panels Working Groups and Boards as appointed by the Council.</li></ol>
<b>Date: February 2001</b>

**Note: This Role Accountability Statement is issued as a guide to the duties of this position. It may be varied from time to time to meet new working requirements.**

**W4**

# MEMBER ROLE ACCOUNTABILITY STATEMENT

<b>Role Title: Group Leader</b>
<b>Responsible to: Political Group</b>
<b>Contact with: Political group members, officers, Members of Parliament</b>
<b>Purpose of role: To lead political groups as notified to the Council</b>
<b>Principal Accountabilities:</b>  1. In addition to their role of elected Councillor and to the duties attaching to any other position of office to which they are appointed by the Council or the Executive:  (a) to chair meetings of the relevant political group.  (b) to provide leadership and act as spokesperson for the political views of that group.  (c) to be responsible for matters of internal group discipline and the conduct and behaviour of individual members.  (d) to act as the point of contact for the group with the Chief Executive on matters relating to Council business.  (e) to act as the point of contact for the group with the Monitoring Officer on all matters relating to the conduct of individual members of that group in relation to the National Code.  (f) to act as spokesperson for the group in consultations with other political groups and officers regarding matters covered by the Council protocol covering appointment of the Cabinet, Committees, and the Chairmen of those and similar bodies together with arrangements for representation on outside bodies.  (g) to keep the Executive and Chief Executive informed of group policy and views on specific issues.  <p style="text-align: right;"><b>Date: February 2001</b></p>

**Note: This Role Accountability Statement is issued as a guide to the duties of this position. It may be varied from time to time to meet new working requirements.**

**W8**

## MEMBER ROLE ACCOUNTABILITY STATEMENT

<b>Role Title: Vice-Chairman of Overview and Scrutiny Committee</b>
<b>Responsible to: The Council</b>
<b>Contact with: Members, Officers, media, external organisations and representatives, Members of Parliament and community</b>
<b>Purpose of role: To deputise for the Chairman of the appropriate Overview and Scrutiny Committee in all aspects of its work including the call in, service review and monitoring role of that Committee</b>
<b>Principal Accountabilities:</b> <ol style="list-style-type: none"><li>1. To chair meetings of an Overview and Scrutiny Committee in the absence of the Chairman to which appointed to ensure that they operate in an efficient and effective manner, and deputise for the Chairman in the following aspects of the Committee's responsibilities.<ol style="list-style-type: none"><li>(a) the five-year service review programme for Best Value purposes is agreed, monitored and achieved within the agreed timescales.</li><li>(b) arrangements for the Committee to review performance, scrutinise Executive decisions, facilitate the "call in" procedure when activated in accordance with the Council's constitution and statutory requirements.</li><li>(c) liaison with appropriate Executive members, the full Cabinet or the Leader or Deputy Leader in respect of matters within the terms of reference of the Overview and Scrutiny Committee concerned.</li><li>(d) acting as a point of contact in respect of all non-executive Councillors in respect of all aspects of the Overview Committee's brief.</li><li>(e) consultation with the Leader of the Council in relation to any proposal of the Executive to make a key decision on grounds of urgency which affects the terms of reference of the Committee.</li></ol></li><li>2. To act as spokesperson (in the absence of the Chairman) for the Overview and Scrutiny Committee with the media, taking officer advice as necessary.</li><li>3. To liaise with relevant officers concerning the work of the Committee.</li></ol>
<b>Date: February 2001</b>

**Note: This Role Accountability Statement is issued as a guide to the duties of this position. It may be varied from time to time to meet new working requirements.**

W10

## MEMBER ROLE ACCOUNTABILITY STATEMENT

<b>Role Title: Chairman of Panel/Committee/Board/Area Plans Sub-Committees</b>
<b>Responsible to: The Council</b>
<b>Contact with: Members, Officers, media, external organisations and representatives, Members of Parliament and community</b>
<b>Purpose of role: To chair effectively meetings of appropriate Boards Panels and Committees</b>
<b>Principal Accountabilities:</b> <ol style="list-style-type: none"><li>1. Responsible for efficient conduct of Board/Panel Committee meetings etc ensuring that decisions are properly taken, and are in accordance with the Council's Standing Orders and statutory requirements.</li><li>2. Provide the opportunity for effective and appropriate contributions to be made by Board/Panel/Committee members on all approved subject areas under consideration within the Panel/Committee remit.</li><li>3. Act as Lead Member for the Group where appointed on the subject area of Panel/Committee.</li><li>4. Respond to consultation on matters, which are the subject of the Panel/Committee between meetings to provide a speedy resolution to urgent matters.</li><li>5. Discuss with officers matters which are being researched and developed to ensure that appropriate recommendations are achieved.</li><li>6. Maintain, develop and build upon good relationships between political and managerial processes to maximise the benefit gained by the community.</li><li>7. Provide a point of contact to media on areas within the remit of the Panel/Committee to provide a clear well-informed response as required.</li><li>8. Provide a link with the Head of Paid Service in relation to the work of the Panel/Committee.</li></ol>
<b>Date: February 2001</b>

**Note: This Role Accountability Statement is issued as a guide to the duties of this position. It may be varied from time to time to meet new working requirements.**

W11

# MEMBER ROLE ACCOUNTABILITY STATEMENT

<b>Role Title: Vice-Chairman of Panel/Committee/Board/Area Plans Sub-Committee</b>
<b>Responsible to: The Council</b>
<b>Contact with: Members, Officers, media, external organisations and representatives, Members of Parliament and community</b>
<b>Purpose of role: Deputise for Chairman of Board, Panel, Committee or Sub-Committee concerned.</b>
<b>Principal Accountabilities:</b> <ol style="list-style-type: none"><li>1. In the absence of the Chairman be responsible for efficient conduct of Panel/Board/Committee or Sub-Committee meetings ensuring that decisions are properly taken, in accordance with the Council's Standing Orders and statutory requirements.</li><li>2. In the absence of the Chairman provide the opportunity for effective and appropriate contributions to be made by Board/Panel/Committee members on all approved subject areas under consideration within the Board/Panel/Committee/Sub-Committee remit.</li><li>3. In the absence of the Chairman, respond to consultation on matters, which are the subject of the Panel/Committee between meetings to provide a speedy resolution to urgent matters.</li><li>4. In the absence of the Chairman to discuss matters with officers which are being researched and developed to ensure that appropriate recommendations are achieved.</li><li>5. Maintain, develop and build upon good relationships between political and managerial processes to maximise the benefit gained by the community.</li><li>6. Provide, in the absence of the Chairman of the Board, Panel, Committee or Sub-Committee concerned, a point of contact with the media on areas within the remit of the Panel/Committee etc to provide a clear well-informed response as required.</li><li>7. In the absence of the Chairman provide a link with the paid service in relation to the work of the Panel/Committee.</li></ol>
<b>Date: February 2001</b>

**Note: This Role Accountability Statement is issued as a guide to the duties of this position. It may be varied from time to time to meet new working requirements.**

W12