

CONSTITUTION AND MEMBERS SERVICES SCRUTINY STANDING PANEL Tuesday, 15th February, 2011

Place: Civic Offices, High Street, Epping

Room: Committee Room 1

Time: 7.30 pm

Democratic Services I Willett - The Office of the Chief Executive

Officer Tel: 01992 564243 Email: 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 - 10)

To agree the notes of the last meeting of the Panel held on 16 December 2010.

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

Constitution and Members Services Scrutiny Standing Panel

Tuesday, 1

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

5. TERMS OF REFERENCE / WORK PROGRAMME (Pages 11 - 14)

(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. APPOINTMENTS AT ANNUAL COUNCIL (Pages 15 - 20)

(Assistant to the Chief Executive) To consider the attached report.

7. STATUTORY OFFICERS - PROTOCOLS (Pages 21 - 44)

(Deputy Monitoring Officer) To consider the attached report.

8. COUNCILLOR ACCOUNTABILITY STATEMENTS (Pages 45 - 70)

(Assistant to the Chief Executive) 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 programmed meeting of the Panel is on Thursday 17 March 2011 at 7.30p.m. in Committee Room 1. This will be the last Panel meeting of the Council year.

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Constitution and Members Services Date: Thursday, 16 December

> Scrutiny Standing Panel 2010

Committee Room 1, Civic Offices, Time: Place: 7.30 - 9.45 pm

High Street, Epping

Mrs M McEwen (Chairman), R Cohen, Ms J Hedges, J Philip, D Stallan, **Members**

Mrs J H Whitehouse and B Rolfe Present:

Other

Councillors:

Apologies: K Chana, Ms C Edwards, J Markham, Mrs M Sartin and Mrs J Sutcliffe

Officers I Willett (Assistant to the Chief Executive), B Bassington (Chief Internal Present:

Auditor), S G Hill (Senior Democratic Services Officer) and M Jenkins

(Democratic Services Assistant)

27. **SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

It was noted that Councillor B Rolfe was substituting for Councillor Ms C Edwards.

28. **DECLARATIONS OF INTEREST**

There were no declarations of interest made pursuant to the Members' Code of Conduct.

29. NOTES OF THE LAST MEETING

RESOLVED:

That the notes of the last meting of the Panel, held on 9 November 2010, be agreed.

30. TERMS OF REFERENCE/WORK PROGRAMME

(1) Terms of Reference

The Panel's Terms of Reference were noted.

- (2) Work Programme
- Item 5 E-Petitions the Members were advised that since a report on E-Petitions had been agreed at Full Council, the Government had indicated that the Localism Bill would contain provisions for mandatory E-Petitions, to be repealed. However the District Council could retain E-Petitions if it so wished. The issue would be resolved in the summer of 2011.
- Item 7 Member Role Accountability Statements this report would be submitted at a later date.
- Item 8 Appointments at Annual Council this was on the current agenda as a scoping report.

- (d) Item 10 Member Training Review this report would be submitted in March 2011 and would include E-Training.
- (e) Item 11 Annual Review of Financial Regulations including E-Invoices this report had been submitted to the current meeting.
- (f) Item 14 Planning/Landowner Roles details to be confirmed. This item needed further clarification from the Member submitting it.
- (g) Item 16 Supply of Water in place of coffee to meetings held in Committee Rooms 1 and 2 Mr I Willett was making arrangements with Mr M Tipping, Assistant Director of Corporate Support Services.

31. FINANCIAL REGULATIONS - INTRODUCTION OF E-INVOICES

The Panel received a report from Mr B Bassington, Chief Internal Auditor, regarding Financial Regulations – Acceptance of E-Invoices.

Following the recommendation of the Constitution and Member Services Scrutiny Standing Panel on 29 March 2010 and the decision of the Overview and Scrutiny Committee on 15 April 2010, a pilot scheme of E-Invoices was set in progress with a number of ICT providers. The process of accepting E-Invoices involved the following:

- (a) invoices were received into a secure internal mailbox. During the course of the pilot, no duplicate invoices were received with no negating issues identified:
- (b) the process was exactly as with the receipt of paper invoices with the exception being that the invoices were received in PDF format and were printed in-house; and
- (c) additionally, with the invoices in PDF format data could be shared easily.

The Panel asked that E-Invoicing was currently accepted by many local authorities within their e-procurement systems. E-Invoicing streamlined and improved the efficiency of the creditor process and assisted in meeting a key requirement of the creditors' policy ensuring invoices were paid to terms. Aside from the time lost by the mail process, it would be more practical for the authority to take advantage of any discounts offered on prompt payment.

Any costs added to invoices by suppliers for printing and posting costs would be avoided. Currently 16,700 invoices had been processed since April 2010.

With the authority supporting its local and small businesses, moving to e-invoicing, the Council would be eradicating some of the suppliers costs by removing the printing and mailing requirements. With the process more time efficient, payments would be swifter.

Security and fraud were high on the list when it came to risk to local authorities from this system. The move to e-invoicing was a much safer method of receiving invoices. Audit gave assurances in the move to e-invoicing, with respect to the receipt of invoices in PDF format into a secure internal mailbox.

RECOMMENDED:

(1) That a report be submitted to the Council recommending that the amendment to Financial Regulations to present Acceptance of E-Invoices be approved.

32. APPOINTMENTS AT ANNUAL COUNCIL

The Panel received a report from Mr S Hill, Senior Democratic Services Officer, regarding Review of Annual Council Meeting and Appointments Procedures.

At the Panel meeting in June 2010, Members agreed that a review should be undertaken on aspects of the Annual Council meeting.

Committee, Sub-Committee and Panel Appointments

Over the last 10 years, the length of Annual Meetings had remained fairly constant. The number of appointments required at the Annual meeting had declined over the years because of a number of reviews of outside bodies, and the introduction of more Leader decision making on executive appointments.

The one exception to the trend was the Annual Meeting in 2009, a county election year, when no new members were elected. On that occasion political groups had more time to sort out their appointment schedules in good time.

Issue 1 – Briefing of Group Leaders and Independent Members Regarding Pro-Rata Requirements before Elections.

The statutory basis for pro-rata memberships came from the Local Government and Housing Act 1989. There were four main principles for appointments to "ordinary committees:"

- (a) not all seats were allocated to the same group.
- (b) a group having a majority on the Council, must have a majority of seats on Committees.
- (c) the total number of seats on Committees must be allocated in the same proportion as the group memberships bear to the Council's membership.
- (d) the number of seats on each Committee must be proportional to each group's membership of the Council.

It was advised that these "rules" be reproduced for the Group Leaders meeting each year. Officers suggested a procedure for sending a reminder to Group Leaders before any election. An Excel spreadsheet should be dispatched to the Groups for filling in with the correct numbers allocated to each committee and/or Panel.

Issue 2 – How Consultation between Political Groups might be Improved

Traditionally, a meeting of Group Leaders was called a few days after the May elections once pro-rata calculations were carried out. The following issues were identified:

(a) It was felt that supplementary agenda with appointments at Full Council should be avoided as much as possible as they caused confusion;

- (b) Within each political group, all candidates should be issued with a list of all the committees and panels before the election.
- (c) An Excel spreadsheet for groups with a list of wards and how many seats per ward would assist.
- (d) The Group Form needed signing early. The number of members signing formed the basis of the pro-rata. It was felt that more than one form could be circulated to speed the process and that officers could deal with the forms at a convenient time.

Issue 3 – Whether the Principle of pro-rata Allocations on Outside Organisations is still fit for purpose.

Allocation to outside organisations was set out in a protocol included within the Council's Constitution.

Outside bodies that fell into the "Executive" category were appointed by the Leader. Last year this left only 21 representations and 4 deputies to appoint at Council.

Members felt that the pro-rata system of making appointments could be discontinued provided all groups could be assured of some seats especially the local ones. Officers suggested reviewing attendance to Outside Bodies, this was usually completed around March/April time. The statistics could be circulated to Group Leaders.

Issue 4 – How voting on appointments to outside organisations can be made easier, including ways of monitoring appointments made easier to avoid mistakes if pro-rata was to be retained.

Voting on appointments to outside bodies had traditionally been made in alphabetical order. This meant that once a group had successfully gained its pro rata allocation of seats it should then withdraw nominations for later bodies. Some suggestions were made about other ways of dealing with this if pro-rata alterations continue. However as the latter was not favoured, it was felt that these were not necessary.

Issue 5 How the paperwork can be made simpler.

Officers needed guidance on the paperwork they provided members with. The solution was to ensure that papers were circulated well before the meeting. Another option was to defer some of the appointments to the June Council meeting. The Panel preferred the former option.

Issue 6 – Whether there were other options for making these decisions which did not require full Council decision making

The Constitution currently specified that these decisions should be made at Council. Any delegation powers to a Committee or Sub-Committee would require any such Committee to be subject to formal pro-rata. The Panel favoured a Sub-Committee but one which recommended appointments to the Council rather than having delegated powers of its own.

Issue 7 – How can the ceremonial aspects of the Annual Council meeting be improved?

In the previous review, members discounted the idea of having a separate meeting for the in-coming Chairman and other civic requirements.

The Panel felt that the following improvements could be made:

- (a) involve Vice Chairman candidates in planning the Annual Meeting;
- (b) a rehearsal for all members and officers involved in organising that meeting;
- (c) declarations of acceptance of office to be agreed during the Annual Meeting at a desk in the well of the Chamber for both new and elected members; and
- (d) consider an earlier start time for the Annual Meeting.

Appointment of Vice Chairman of the Council

Members had requested a review of the current protocol for the appointment of a new Vice Chairman of the Council each year, examining whether the current system of appointing on merit with candidates being nominated by members of more than one group was appropriate.

The current system of appointment was contained within the Constitution. It required any nomination for the office of the Vice Chairman to be supported by 12 Councillors drawn from at least two political groups. The onus was on the Leader to co-ordinate such nominations.

This requirement was not placed on the election of the Chairman of Council who was expected to be the Vice Chairman from the preceding year. Thus there was nothing to prevent further nominations to the position of Chairman.

The Panel felt that the present arrangements were fit for purpose. The only change members felt useful would be to consider setting a deadline for Vice Chairman nominations.

RESOLVED:

That those items listed above for further investigation be included in a further report with detailed proposals.

33. REVIEW OF EXECUTIVE PROCEDURE RULE 1.6

The Panel received a report from Mr I Willett, Assistant to the Chief Executive, regarding Review of Executive Procedure Rule 1.6 of the Constitution.

The Cabinet requested that the Panel review Executive Procedure Rule 1.6 primarily for allowing its meetings to continue past 10.00 p.m. thereby providing the option of completing its business in one evening. Since the beginning of the municipal year there had only been two executive meetings extending past the 10.00 p.m. threshold. The Cabinet had expressed concern about the "guillotine" procedure in operation and had requested that the Panel examine the procedure with a view to removing it.

A number of measures had been implemented for reducing the pressure on Cabinet agendas. These were:

(a) The Cabinet Agenda Planning Group was the first stage of the process in compiling the Cabinet agenda;

- (b) Reports were split according to major and standard priority; and
- (c) Draft Cabinet reports, in some cases, should become Portfolio Holder Decisions and be delegated as such.

With the recent agreement that members of the public could address the Cabinet on items of business for that particular meeting. The removal of the "guillotine" procedure for Cabinet would allow the timely resolution of the Cabinet's business at one meeting.

Executive Procedure Rule 1.6 also contained a requirement to hold at least twelve Cabinet meetings each year. Since then the number of Cabinet meetings have gradually been reduced to the current eight per year, which reflected a desire both to increase the number of delegated decisions taken by Portfolio Holders and to economise in the number of meetings held each year.

The report recommended that this rule should be revised to reflect current practice, and amended to allow for a maximum of twelve meetings per year rather than a minimum. However, the Panel felt that it was more appropriate to delete this reference entirely and thereby leave it to the discretion of the Cabinet and the Leader of Council as to the number of meetings held each year.

RECOMMENDED:

- (1) That the Council be recommended to make the following amendments to Executive Procedure Rule 1.6:
- (a) the requirement to complete all business at a Cabinet meeting by 10.00p.m. being deleted; and
- (b) reference to a maximum number of Cabinet meetings being deleted from the Constitution.

34. PROTOCOLS FOR STATUTORY OFFICERS

It was advised that the report for Protocols for Statutory Officers was not yet ready for discussion and would be submitted to th next meeting of the Panel.

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

The following reports were being submitted to the forthcoming Overview and Scrutiny Committee:

- (a) Financial Regulations Introduction of E-Invoices; and
- (b) Review of Executive Procedure Rule 1.6

36. FUTURE MEETINGS

The Panel was advised that there would be an Extra-Ordinary Meeting in February. Two dates were suggested:

- (a) 10 February 2011; and
- (b) 21 February 2011

Members requested that officers email the suggested dates to all the Panel members and await indications of their preferences.

CHAIRMAN

This page is intentionally left blank

Agenda Item 5

TERMS OF REFERENCE - STANDING PANEL

Title: Constitution and Member Services

Status: Standing Panel

Terms of Reference:

- 1. To undertake reviews of constitutional, civic, electoral and governance matters and services for members on behalf of the Overview and Scrutiny Committee.
- 2. To report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.

Chairman: Cllr Mrs M McEwen

This page is intentionally left blank

Constitution and Member Services Standing Panel 2010/11 (Chairman – Cllr Mrs M McEwen) Report **Progress / Comments Programme of Future Item Deadline/Priority** Meetings 24 June 2010: **COMPLETED at OSC Meeting on 12 July** (1) Review of May 2010 Elections 24 June 2010 2010 23 September: (2) Cancellation of meetings because 9 November (Extra-23 September 2010 COMPLETED of inclement weather Ordinary Meeting): 16 December (3) Executive Procedure Rules -COMPLETED - To be reviewed in 12 months 23 September 2010 Speakers at Cabinet time 15 February 2011 (Extra-Ordinary Meeting) (4) Assistants to Portfolio Holders 23 September 2010 COMPLETED 17 March 2011 **COMPLETED** – Discussed at the Overview and Scrutiny Committee on 29 November 2010 9 November 2010 and to be considered at the Council meeting on (5) E Petitions 14 December 2010. To be revisited in the summer of 2011. (6) Head of Paid Service. Monitoring A further draft will be considered at this Officer & Chief Finance Officer (Draft 15 February 2011 meeting. Protocol) (7) Member Role Accountability A further draft will be considered at this 15 February 2011 Statements meeting. Further report submitted to this meeting. (8) Appointments at Annual Council 15 February 2011 COMPLETED – To be considered at the (9) Cabinet Meetings - "Guillotine" 16 December 2010 Council meeting in February 2011. (10) Member Training Review Deferred to March 2011 meeting 16 December 2010

(11) Annual Review of Financial Regulations including E Invoices	16 December 2010	COMPLETED – To be submitted to the Council meeting on 22 February 2011.	
(12) Annual Review of Contract Standing Orders	17 March 2011	Report on target for March 2011 meeting.	
(13) Annual Review of Officer Delegation	17 March 2011	Report on target for March 2011 meeting.	
(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 (Information Report)	15 February 2011		
(16) Supply of water in place of coffee to meetings held in Committee Rooms 1 & 2	To be dealt with at officer level.	Minute Item 51 29 March 2010 Panel	

Agenda Item 6

Report to Constitution and Members Services Standing Scrutiny Panel

Date of meeting: 15 February 2011

Subject: Appointments at Annual Council

Officer contact for further information: Simon Hill Ext 4249

Committee Secretary: Mark Jenkins Ext 4607



Recommendations/Decisions Required:

- (1) That a report be made to Council recommending:
- (a) the introduction of an Appointments Panel as set out in Annex 1;
- (b) the approval of the Terms of Reference of the Appointments Panel set out at Annex 1;
- (c) the agreement of the following dates for the Appointments Panel for 2011:

Thursday 12 May 2011 and Tuesday 17 May 2011 (Provisional)

- (d) nominations be made to the Panel in accordance with the Terms of Reference subject to the post-election receipt of a notice made under regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 of the proper constitution of a Political Group under the Local Government and Housing Act 1989;
- (e) that to allow the envisaged Appointments Panel to make recommendations to Annual Council on all appointments, the operation of the protocol on the Allocation of Chairmanships and Vice-chairmanships and Outside Organisations be suspended for the period of one year and then reviewed;
- (f) that the Assistant to the Chief Executive ensure the distribution of advice to all Panel members, Group Leaders and non-affiliated members on pro rata requirements and details of all Committee Places, Outside Organisation appointments in advance of the electoral period and provide pro rata allocations immediately following the elections;
- (g) the introduction of the following new arrangements for the Annual Council meeting:
- (i) the involvement of all Chairman and Vice-Chairman candidates in planning the Annual Meeting;
- (ii) a rehearsal for all members and officers involved in organising that meeting;

- (iii) declarations of acceptance of office to be made during the Annual Meeting at a desk in the well of the Chamber for both new and elected members; and
- (iv) an earlier start time of 7.00 p.m. for the Annual Meeting;
- (v) to agree in principle that supplementary tabled schedules of nominations should not be tabled at the Annual Council meeting and that a deadline for nominations be set to ensure that they are made in advance of the Appointments Panel.
- (h) that for the purposes of introducing a new system of Group constitution and membership signing this year, new forms under regulation 8 and 9 of the Local Government (Committees and Political Groups) Regulations 1990 be developed to allow individual members to sign to join a political group for introduction from May 2011; and
- (i) that no changes be made to the Vice Chairman appointment process contained in Article 5 of the Constitution save all nominations to be notified by Group Leaders to the Appointments Panel by the date of their meeting.

Introduction for the Panel:

At the meeting of the Panel held on 16 December 2010 the Panel expressed their initial views on how the process of the annual meeting could be improved.

This report sets out how the proposals would work. It is drafted in terms of a report to the Overview and Scrutiny Committee for expedience but the Panel are invited to alter or comment on its contents.

Report:

- 1. This report sets out the response of the Panel to the request made regarding the process of the annual Council meeting and addresses both issues that require changes to the constitution and those of a procedural nature.
- 2. The original request covered a number of issues which included briefing information; liaison and consultation between political groups, pro rata on outside organisations and the process of appointment; simplifying paperwork at the Annual Meeting; suggestions for improvement of the civic ceremonial aspects of the annual meeting and a review of the appointment process of the Vice-Chairman of Council.
- 3. We make a number of recommendations to Council.

Proposals for the Creation of an Appointments Panel

4. Traditionally, a meeting of the Group Leaders has been called a few days after the May elections once pro rata calculations are carried out. The Panel is proposing the creation of an 'Appointments Panel' meeting on a pre-arranged date between the Elections and the Annual or next Council meeting. This Panel would have the following characteristics:

- (i) Timetabled meetings between the election and Annual Council.
- (ii) Receive and recommend appointments to the Annual Council. This would have the effect for formalising the appointments process with only those areas of real contention being passed to Council to vote upon.
- (iii) Its terms of reference to include all appointments made by Council at the Annual meeting (Leader, Ordinary Committees, Chairman/Vice Chairman, outside bodies) and receive those being made by the Leader.
- (iv) As a recommending Panel, it would not be subject to pro rata but would its membership would include representation from all political groups and an open invitation for un-affiliated members to attend and make proposals for seats etc.;
- (v) It would be essential that group representatives have a mandate from their group to make appointments and come armed with relevant nominations;
- (vi) Clear principles and reports from Officers circulated mostly in advance of the elections with only the seats breakdown to be circulated after;
- (vii) Clear mandatory timetable from officers for Council report avoiding the recent practice of tabling nominations at the annual meeting creating confusion.
- 5. We have suggested at Annex 1 to this report proposals for the establishment of such a committee and have tried to encompass protections for minority groups and unaffiliated members within their scope. The Council would also need to make appropriate appointments to the Panel subject to post-election validation.
- 6. We have also suggested that this year, to facilitate this new Panel, the existing protocol on the Allocation of Chairmanships and Vice-chairmanships and Outside Organisations be suspended for the period of one year and then reviewed in the light of operational experience.

Changes to the Ceremonial Element of Annual Council

- 7. We have reviewed the ceremonial procedures at our Annual Meeting. Analysis over the last 10 years shows that the Annual Meeting length has remained fairly constant. Appointment requirements at the Annual meeting have declined over the years for a number of reasons including (i) a number of reviews of outside bodies; and (ii) the introduction of more Leader decision making on appointments. There have been representations that, along with our proposals for making the general appointments process easier, there is a wish to improve the ceremonial aspects.
- 8. We are suggesting that it is essential that (all) Candidates for Chairman and Vice Chairman should be involved in the planning of the meeting and attend a 'rehearsal' on the afternoon of the meeting. It is suggested that the process of signing the declarations of acceptance of office should be made at a desk in front of members in the well of the chamber. An earlier start time for this meeting is also recommended.

Review of Constitution of Political Groups

9. In response to a request of the Panel, Officers are suggesting some changes to the way Political Groups are formerly constituted and members then join those groups. The changes (subject to a legal view) would allow Groups to formally reconstitute themselves each year by notice signed by two (or more) members of the Authority asking to be treated as a political group. Other Group members could then sign an individual form avoiding the need for one form to travel around each group for signature. All forms would need to be lodged with the proper officer by the date of the Appointments Panel for the purposes of pro rata calculation. New forms will be circulated in due course.

Appointment of Vice Chairman of the Council

- 10. Members have requested a review of the current protocol for the appointment of a new Vice Chairman of the Council each year, examining whether the current system of appointing on merit with candidates being nominated by members of more than one group is appropriate.
- 11. The current system of appointment is contained within the attached Article 5 of the Constitution. It requires any nomination for the office of the Vice-Chairman to be supported by 12 Councillors drawn from at least two political groups (i.e. this would seem to preclude individuals from being 'the other group'). The onus is on the Leader to co-ordinate such nominations.
- 12. We have reviewed this protocol and believe that the principle of having cross party support for such an appointment is still appropriate. We are therefore not suggesting any changes to the article but are recommending that nominations are settled by the date of the Appointments Panel.

Resource implications:

Budget provision: Nil none required

Personnel: existing

Land: none

Community Plan/BVPP reference: none

Relevant statutory powers: Local Government and Housing Act 1989 sec 15 and 16

Background papers:

Environmental/Human Rights Act/Crime and Disorder Act Implications: none

Key Decision reference: (if required) not a key decision

APPOINTMENTS PANEL Draft TERMS OF REFERENCE

1. Title

The Panel shall be known as the "Appointments Panel".

2. Terms of Reference

- (a) To receive and make recommendations to the Annual Council on nominations for the following appointments from political groups and non-affiliated members:
- (i) Leader; Deputy Leader and Cabinet members;
- (ii) Chairmen; Vice-Chairmen and membership of Cabinet Subcommittees:
- (iii) Chairmen; Vice-Chairmen and members of Committees and Sub-Committees (including Scrutiny Committees); Panels; Boards Working Groups and similar bodies;
- (iv) Outside body appointments falling to the Council to fill;
- (b) In recommending appointments to the Council, the Panel will:
- (i) Propose nominations based on the entitlement of each political group in accordance with the statutory pro rata;
- (ii) Ensure that consideration is given to any nominations made by non-affiliated members for any position or appointment;
- (iii) Ensure, so as far is practicable, an equitable allocation of Chairmanships and Vice Chairmanships across the political groups or to non-affiliated members having majority support; and
- (iii) Permit schedules of recommended appointments to be circulated to all members prior to the date of the Council meeting.
- (c) The Panel shall, in recommending outside body appointments to the Council, do so as to give precedence to local ward members for those that have a 'local' designation and an equitable allocation of places across the political groups of the Council;

3. Membership

- (a) The Council shall appoint two members from each statutory Political Group on the Council to form the Panel;
- (b) Where an appointed member ceases to be a member of the Council, the appropriate Political Group Leader may nominate a substitute from within their membership;
- (c) All unaffiliated members of the Council shall have the right to attend the Panel meetings and/or submit nominations in accordance with statutory provision.

4. Chairman

- (a) The Chairman of the Panel shall be determined at each meeting; and
- (b) The Chairman shall be responsible for reporting the recommendations of the Panel to full Council.

5. Meetings

- (a) Meetings of the Panel shall be held as required following elections each Council year at the Civic Offices, Epping at the date and time indicated on the agenda timed so as to enable the prior circulation of their recommendations for nominations to the Council.
- (b) Minutes and agenda of the Panel meetings shall be circulated to the following:
- Panel Members
- Group Leaders or Deputy Group Leader not members of the Panel
- Unaffiliated Members of the Council

6. Effect of Nominations

Nothing in these Terms of Reference precludes any Political Group or non-affiliated member of the Authority from making nominations directly at full Council or from any group or non-affiliated members changing or withdrawing previously made nominations.

7. Officers

The Panel will be supported by the attendance of relevant officers from the Office of the Chief Executive and such other officers as may, from time to time, be required.

Epping Forest District Council

Report to the Constitution and Member Services Standing Scrutiny Panel

Date of meeting: 15 February 2011

Subject: Statutory Officers - Protocols

Responsible Officer: I Willett (01992 564243)

(Deputy Monitoring Officer)

Democratic Services Officer: Mark Jenkins (01992 564607)

Democratic Services Officer



To consider revised protocols for the three Statutory Officers and their relationship with the Council.

Report:

1. The Constitution and Members Services SSP considered a report on draft Protocols for the three Statutory Officers at the last meeting, namely:

Head of Paid Service (HOPS), Monitoring Officer (MO) and Chief Finance Officer (CFO).

- 2. The Panel asked for consideration to be given to incorporating within each Protocol details of how those functions will be carried out in the event that any of the designated officers has a conflict of interest which would rule them out of involvement. The arrangements for Deputies are as follows:
 - (a) HOPS the Head of Paid Service would nominate a Director to carry out the function of the Head of Paid Service in the event that he was absent.
 - (b) MO the Monitoring Officer had an appointed Deputy who would undertake the duties attaching to the Monitoring Officer position insofar as this did not involve detailed legal advice on the any point, in which case the DMO might need to obtain specialist legal advice either from within the Council or externally; and
 - (c) CFO that there was a nominated Deputy Chief Finance Officer who would undertake the duties of the CFO.
- 3. Reference to Deputies has been included in all three Protocols.
- 4. The Panel also raised the question of how "perceived" or actual conflicts of interest should be raised in relation to the Statutory Officers. This has been discussed with the Corporate Governance Group (CGG) which suggests:
 - (a) that concerns should be raised either with HOPS or with the statutory officer concerned with a requirement for the question to be discussed and, if necessary,

advice from CGG taken. CGG stresses that the question of whether a conflict of interest exists is a matter for the statutory officer concerned, as is the case with Councillors.

- 5. In the event that the concerns centre on HOPS, it is suggested that concerns should be raised with officers concerned directly or via the Monitoring Officer. Advice and discussion would then follow, if necessary involving CGG.
- 6. On the question of raising concerns at meetings, it is the view of CGG that it is undesirable for these questions to be raised at any formal meeting of the Authority. Such issues benefit from discussion in advance of meetings in the manner suggested above.

Budgets

7. The Panel raised further questions about budgets. CGG advises that these officers do not have dedicated budgets specifically for those functions. Each designated officer is of Director status, with access to other budgets for their Directorate, or could discuss use of other Council budgets.

Review

8. The Panel indicated that they wished to review these Protocols every two years.

Conclusion

9. The points raised at the last meeting have been incorporated in the revised protocols attached. (Appendices 1-3)

Z:/C/CONSTITUTION & MEMBERS SERVICES SCRUTINY STANDING PANEL\2010\ 16 December 2010 Statutory Officers Protocols.do

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

- 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 1.

- 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);
- 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 access to sufficient resources from within corporate or service budgets to carry out the responsibilities of the Chief Finance Officer's functions but without a designated budget being provided;

- (I) 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;
- (m) the Council shall appoint a suitably qualified officer to act as Deputy

 Chief Finance Officer; and
- (n) 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.

Conflicts of Interest

- 11. If any member of the Council has concerns about any conflict of interest concerning the duties of the Chief Finance Officer they shall:
 - (a) raise those concerns with the Head of Paid Service or with the Chief Finance Officer directly; and
 - (b) the Chief Finance Officer will undertake to review the issue (if necessary taking advice of the Council's Corporate Governance Group) and respond to the concerns with action proposed;
 - (b) Such concerns about possible conflicts of interest shall be expressed on the understanding that:
 - (i) it is for the Chief Finance Officer to determine whether a conflict of interest exists; and
 - (ii) that such concerns should not be raised in formal meetings of the Authority without prior consultation with the Chief Finance Officer.
- 12. In the event that the Chief Finance Officer acknowledges that a conflict of interest exists he/she will make arrangements for the matter concerned to be undertaken by the Deputy Chief Finance Officer, if necessary after discussion with CGG members.

Review of Protocol

13. This protocol shall be reviewed every two years or more frequently if necessary.

This page is intentionally left blank

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

A GENERAL INTRODUCTION TO STATUTORY RESPONSIBILITIES

- 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);
 - 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;
- 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;
- (I) have access to an appropriate budget (whether corporate or serviced based) to address any matter concerning the Head of Paid Service's 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.

Conflicts of Interest

10. In the event that the Head of Paid Service acknowledges that a conflict of interest exists on a matter which requires action he or she will not be involved in the consideration of that matter and will make arrangements for the action to be taken by one of the other statutory or another Director.

Review of Protocol

11. This protocol shall be reviewed every two years or more frequently if necessary.

Z:/C/WILLETT/L2010/HEAD OF PAID SERVICE PROTCOL.DOC

This page is intentionally left blank

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

- 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 for England (or any successor body), 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 ensure that the Head of the Paid Service and the Chief Financial Officer have up-to-date information regarding emerging issues;
- the Monitoring Officer will be expected to make or commission enquiries into allegations of misconduct by Councillors;
- 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 access to an appropriate budget (whether corporate or service based) sufficient to enable him/her to seek Counsel's opinion or take appropriate action on any matter concerning his/her functions;
- (I) 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 with the Clerks to the Town and Parish Councils in the District;

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 Standards for England	Statutory Guidance, paragraph 8.20
9.	Liaison with Standards for England 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 vires 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.

Conflicts of Interest

- 4. If any member of the Council has concerns about any conflict of interest concerning the duties of the Monitoring Officer they shall:
 - (a) raise those concerns with the Head of Paid Service or with the Monitoring Officer directly; and
 - (b) the Monitoring Officer will undertake to review the issue (if necessary taking advice of the Council's Corporate Governance Group) and respond to the concerns with action proposed;
 - (c) such concerns about possible conflicts of interest shall be raised on the understanding that:
 - (i) it is for the Monitoring Officer to determine whether a conflict of interest exists;
 - (ii) that such concerns should not be raised in formal meetings of the Authority without prior consultation with the Monitoring Officer; and
 - (d) in the event that the Monitoring Officer acknowledges that conflict of interest exists, he/she will make arrangements for the matter concerned to be undertaken by the Deputy Monitoring Officer, if necessary after discussion with CGG members.

Review of Protocol

5.	This protocol shall be reviewed every two years or more frequently if
	necessary.

This page is intentionally left blank

SUMMARY OF CHIEF FINANCE OFFICER FUNCTIONS

	Description	Source
1	Report on decisions incurring unlawful expenditure, unlawful loss or deficiency or unlawful item of account.	Section 114, 114a, 115, 116 Local Government and Finance Act 1988.
2.	Appointment of Deputy	Section 114 Local Government and Finance Act 1988.
3.	Report on resources.	Section 114 Local Government and Finance Act 1988.
4.	Responsibility for the administration of financial affairs.	Section 151 Local Government Act 1972.
5.	Borrowing, investment accounts and financial administration.	Local Government Act 2003 Sections 1-92.
6.	Responsibility to determine the form of the Council's accounts and records, provide internal audit and statement of accounts.	The Accounts and Audit Regulations 2003. Local Authorities (Capital Finance and Accounting) (England) Regulations 2003.
7.	Report to the Council on the robustness of the estimates for the purposes of the budget and the adequacy of reserves.	Local Government Act 2003 Section 25.

Z:/C/WILLETT/L 2010/ANNEX 1.doc

This page is intentionally left blank

Report to Constitution and Member Services Standing Scrutiny Panel

Date of meeting: 15 February 2011



Subject: Councillor Accountability Statements

Responsible Officer: I Willett (01992 564243)

Democratic Services Officer: Mark Jenkins (01992 564607)

Recommendations:

(1) To consider further drafts of the Member Accountability Statements with a view to recommending their adoption by the Council; and

(2) That when adopted by the Council, all Accountability Statements be referred to the Remuneration Panel to assist them in advising the Council on Member Remuneration.

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). Draft statements were considered at the Panel meeting on 9 November 2010 and various changes requested.
- 3. Copies of the revised Statements are attached in the Appendix to this report.
- 4. The Panel will recall that a further statement in respect of Deputy Portfolio Holders has already been recommended to the Council and was adopted on 2 November 2010.
- 5. As agreed at the last meeting, the Statement relating to the Chairman of the Standards Committee has been deferred. Similarly, it was agreed that officers draft Accountability Statements for submission to the Audit and Governance Committee at a future meeting for their consideration and report to Council.
- 6. The Panel is asked to consider the recommendations set out at the commencement of this report.

This page is intentionally left blank

Role Title: Member of the Council

Responsible to: The Council

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

Ward Roles

- (a) Lead and champion the interests of the local community and ward constituents and be accountable to them.
- (b) Meet and liaise regularly with local community including individuals and groups and involving and consulting them on Council matters.
- (c) Support and promote good citizenship locally and encourage community participation in the work of the Council.
- (d) Act as advocate for constituents' concerns so as to assist in resolving their concerns where possible.
- (e) Communicate with local people and answer enquiries on:
 - decisions that affect them
 - opportunities arising in the community
 - the rights of constituents within the ward
 - reasons for Council decisions
- (f) Contribute as a Councillor in promoting good governance of the District.

Representative Role

- (h) Participate in debates at full Council meetings on District-wide and local issues as follows:
 - Formulation of the Council's budget, strategies and policies for service delivery requiring the approval of the Council.

- Scrutiny of decision-making and review of policies/services through Overview & Scrutiny
- Participation in the work in non-executive Boards, Panels, Committees and Sub-Committees as appointed by the Council.
- (i) To represent the Council on outside bodies to which the member is appointed by the Council or by Leader of the Council.

Political Role

(j) To participate in the activities of any political group of which they are members.

Personal Roles

- (k) To fulfil the obligations under the Members' Code of Conduct and the law of local government and to maintain high standards of behaviour and ethics as applies to the public office of Councillor.
- (l) To be responsible for personal development and undergo appropriate development and continuous improvement for any role undertaken.

Skill Requirements

Organisational Skills and Personal Effectiveness Communication Skills

- develop skills for the management of casework relating to the role of Councillor
- develop skills to organise diary and other commitments as a Councillor.
- develop ways of keeping informed about Council activities

Team Working & Relationship Building

develop effective working relationships with key Council officers, other Councillors and representatives from partner agencies and all sections of the community.

- develop skills in communication appropriate to a range of audiences, including formal meetings and other settings,.
- develop listening and questioning skills.
- learn effective presentation and public speaking skills.

Other Skills and Abilities

- ability to use IT to access agendas, minutes, reports, etc.
- familiarity with Council budgets.

Training

to utilise training in order to enhance skills development for any role taken.

Knowledge

- Keep informed about national policies and their impact on the District.
- Keep informed about issues within the ward and the wider locality.
- Keep informed and enhance understanding of how the Council works.
- Seek information of the Council structures, key contact officers, services procedures and eligibility criteria in relation to schemes and services administered by the Council when necessary.
- Achieve an understanding of the political decision-making structures of the Council.
- Be aware of the Members' Code of Conduct in relation to ethics and standards and apply the knowledge gained.
- Keep informed of the strategic priorities and key policies of the Council.
- Achieve an understanding of the legislation and Council policies to which Councillors must adhere.
- Gain a basic understanding of local government finance and what the audit process entails.
- Gain awareness of the Council's standards of customer care and complaints procedure.
- Knowledge of other agencies in the context of the ward.
- Understanding of the proper roles of Councillors, namely representative, political, civic and decision making

Date:

This page is intentionally left blank

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.

Executive Roles:

- (a) To contribute to the development of strategic policy for the Council as a member of the Cabinet.
- (b) To be responsible for the allocated portfolio and its services including policy initiatives affecting those activities.
- (c) To consult with Service Directors on matters of policy and service delivery within the allocated portfolio and the purpose of keeping informed about current issues.
- (d) To attend Cabinet meetings and share collective responsibility for decisions taken by Cabinet.
- (e) To be personally responsible and accountable for any decisions taken as portfolio holder and to share with the appropriate Directors responsibility for the performance of services within their portfolio.
- (f) To respond to or deal with any issues arising at Council meetings relating to their portfolio including reports on progress made against portfolio priorities.
- (g) To act as spokesperson or advocate within and outside the authority on those services and functions within their portfolio for collective decisions made by the Cabinet.
- (h) To provide regular reports on progress with relevant executive decisions when and where requested and to undertake consultation on proposed decisions when desirable.
- (j) To attend all Overview and Scrutiny Committee meetings and Scrutiny Panel meetings when necessary to provide information, views and explanations on portfolio holder issues so as to assist the Overview & Scrutiny function.
- (k) To assist partnership working with other agencies and contribute to delivering a partnership objectives.
- (I) To represent the Council on outside bodies, as appointed by the Leader or the Council and report back on matters of relevance or interest to the Council.
- (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.

Skills Required

Leadership Skills

- Development of leadership skills appropriate for a portfolio
- Ability to challenge the status quo and deal with complex strategic issues and problems.
- Development of skills necessary to represent the Cabinet both within and outside the Council.

Chairing Skills

 Achieve chairing skills relating to their portfolio and any external Council activities.

Team Working & Relationship Building Skills

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

Communication Skills

- Enhanced communication skills to be able to work constructively with officers, councillors and partners.
- High level skills in listening, questioning and negotiation.
- High level presentation and public speaking skills suitable for a variety of settings.
- Skills in working with the media and developing awareness of ways of ensuring that the Council is positively represented.

Organisational Skills

 Ability to manage a portfolio workload, against deadlines and pressure on time.

Other Skills and Abilities

- Development research skills to aid policy development.
- Ability to assimilate and analyse complex information.

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 executive functions and the difference between these and non-executive roles.
- Understanding of the role of a portfolio holder as part of the executive team.
- Detailed understanding of Council strategy, policies and operations for the allocated Portfolio.
- Understanding of the roles of certain statutory officers namelythe Head of Paid Service, the Monitoring Officer and the Chief Financial Officer.
- Awareness of the national policy framework for the Local Government and its impact on the Council.
- Knowledge of community needs and their priorities for action.
- Understanding of the statutory role of Overview and Scrutiny within the Council
- Knowledge of the role of local partners and the services they deliver, relevant to the allocated portfolio

	Date:
•	Understanding of the principles and importance of making evidenced-based decisions.
•	Understanding of the Council's Constitution, Code of Conduct, budget and audit processes and key internal policies.

This page is intentionally left blank

Role Title: Leader

Responsible to: The Council

Contact with: Members, Officers, the Cabinet, Overview & Scrutiny members, media, external organisations and representatives, Members of Parliament and community, other Councillors.

Roles:

- (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 overall 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 where appropriate.
- (e) To propose to the Council the overall strategy, budget, policy arrangements and performance for executive and council functions and to be accountable for their delivery.
- (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.
- (g) To provide the principal link between the Executive and the Chief Executive, the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer.
- (h) To facilitate good communication so that Cabinet members, Councillors and others who are outside the authority are all able to contribute constructively to the decision-making processes of the Council.
- (i) To ensure the work of the Cabinet is conducted in accordance with the Council's Constitution and with due regard for any statutory provisions in legislation.
- (j) To maintain effective liaison with the Chairman of Overview and Scrutiny on behalf of the Cabinet.
- (k) To work with the Deputy Leader on matters affecting Cabinet portfolio management.
- (I) To exercise powers in relation to the allocated portfolio of Cabinet functions.
- (m) To serve on non-executive Committees, Sub-Committees, Panels, Boards and Working Groups as appointed by the Council.

- Ability to develop a vision for the District and drive the Council and its partners towards achieving that vision.
- Ability to represent the Council at the subregional, regional and national level.
- Ability to lead the Council towards continuous improvement.
- Ability to lead Cabinet members is the pursuit of Council objectives

Political Skills

- Ability to provide political leadership for the political group.
- Ability, when necessary, to resolve differences within and between members of their political Group.

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).

Team Working & Relationship Building

- Tact and diplomacy to be able to work across the full range of Council services, partners and political groups and directorates, 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 enable difficult issues to be addressed across all Groups.

Knowledge

- A detailed understanding of the strategic role and powers of the Leader of the Council.
- Detailed understanding of the legally defined role of the Chief Executive and other senior officers.
- Understanding of the wider, national issues facing Councillors and the practical implications for all Councillors.

	_	_		_	_
ı		а	т	ρ	•

Role	Role Title: Deputy Leader		
Resp	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.			
Princi	ipal 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 portfolio activities across the Cabinet, budget and policy development.		
(c)	To deputise in the role of the Leader when necessary, including duties set out in the latter's Role statement .		

 Skills to assume the Leadership skills required of Leader of the Council when required.

Chairing Skills

None additional.

Organisational Skills and Personal Effectiveness

 Ability to assist the Leader to plan and prioritise the business of Council, Cabinet and its committees and maintaining the knowledge required to deputise where necessary.

Communication Skills

None additional.

Team Working & Relationship Building

Ability and awareness to deputise for the Leader of the Council and secure team working and relationship building.

Knowledge

A detailed understanding of the strategic role of the Leader of the Council.

Date:

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:** To support the Chairman of the Overview and Scrutiny Committee to ensure effective Overview and (a) Scrutiny within the Council. (b) To assist in publicising and communicating the role of Overview and Scrutiny both within and outside the Council. (c) To help manage and co-ordinate the Overview and Scrutiny work programme and forward plan including the work of Scrutiny Panels (d) To contribute to the continuing development of both the organisation and the enhancement of overview and scrutiny from the experience both in this District and elsewhere. (e) To encourage the involvement of all interested parties and stakeholders, individuals, voluntary and community groups in Overview and Scrutiny matters. (f) To review the quality of the outcomes from reviews by the Overview & Scrutiny Committee or its Panels in considering proposals to be recommended to the Council or the Cabinet. (g) To participate in the call in the call in of Cabinet and Portfolio Holder on a non party political basis.

Team Working & Relationship Building

Ability to contribute to building effective working relationships within the Committee - with senior officers, Panel Chairmen, the Cabinet and partner agencies and public bodies.

Ability to call those individuals and bodies to account through the Overview & Scrutiny process.

Communication Skills

- Development of listening and questioning skills, in an Overview and Scrutiny context.
- Effective public speaking, in a Committee context.

Organisational Skills and Personal Effectiveness

Ability to monitor and prioritise scrutiny work taking account of available resources.

Other Skills and Abilities

- Ability to assimilate and analyse complex information weighing up evidence and making decisions and recommendations based on that evidence.
- Ability to deal with strategic issues, needs and problems within the Council through the Overview & Scrutiny activity.

Knowledge

- An awareness of the strategic importance of the Overview and Scrutiny function within the Council.
- Awareness of the Epping Forest DC approach to Overview and Scrutiny and its relationship with the the Council's decision-making structures, including the Cabinet.
- An awareness of changes facing local government and an understanding of how these might impact on the Council's scrutiny function.
- An awareness of project management principles applicable to the work of Overview and Scrutiny.
- Understanding of the legal status and operational arrangements for the "call in" process in respect of Cabinet and Portfolio holder decisions.

Date:

Role Title: Chairman of Overview and Scrutiny Committee

Responsible to: The Council

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

Principal Accountabilities:

Leading and Promoting the Overview and Scrutiny Function

- (a) To be responsible for maintaining effective liaison with the Leader of the Council, Portfolio Holders, the Chief Executive and Directors to ensure that overview and scrutiny contributes to effective decision-making.
- (b) To represent Overview & Scrutiny at Council meetings and be accountable to Council for its activities.
- (c) To represent the Council at regional and national forums concerned with Overview and Scrutiny.
- (d) 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

- (e) To Chair the meetings of the Overview and Scrutiny Committee.
- (f) To be responsible for the proper co-ordination of scrutiny work including an overview of the work of all the panels in order to ensure progress of all work.
- (g) To monitor progress of all scrutiny reviews and ensure that they are completed in reasonable time.
- (h) To support and advise the Chairmen of the Overview and Scrutiny Panels.
- (i) To ensure that the Overview and Scrutiny Committee reviews all requests for scrutiny and ensure initial scoping so as to assess proposals.
- (j) To make arrangements for the use of 'call-in' procedures to advise on whether the procedure is being used appropriately.

Development of Overview and Scrutiny

- (k) To maintain an overview of scrutiny and to learn from practice elsewhere.
- (I) To ensure the continuing development of overview and scrutiny through improving both practice and how it is organised.
- (m) To encourage the involvement of all interested parties and stakeholders, individuals, voluntary and community groups in overview and scrutiny matters.

- Ability to lead 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

- Developed chairing skills which can deliver clear Overview and Scrutiny decisions.
- Developed understanding of the principles of effective scrutiny.

Team Working & Relationship Building

Skills in developing productive working relationships with the Cabinet, the Leader and Portfolio holders, recognising their statutory role within the Council.

Communication Skills

- Developed listening skills and questioning skills.
- Developed communication skills with officers, councillors, co-optees, partners, external bodies and members of the public.
- Developed Presentation Public speaking skills.

Organisational Skills and Personal Effectiveness

 Ability to lead in planning and co-ordinating the work of the Overview and Scrutiny Committee and its agenda, including its 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 seek a consensus from situations where there are conflicting opinions.

Knowledge

- The statutory role and strategic importance of the Overview & Scrutiny function within the Council.
- Detailed awareness of the constitutional arrangements relating to the scrutiny function and those of the Chairman of the Committee.
- Detailed knowledge of the statutory relationship between the Cabinet and executive functions and the Overview & Scrutiny role.
- An awareness of changes facing local government and an understanding of how these might impact on the Council's scrutiny function.

Date:

Role Title: Chairman of the Council

Responsible to: The Council

Contact with: Members (including Leader of the Council and Cabinet and Group Leaders), Officers, media, external organisations and representatives, Members of Parliament and the 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.

None specific.

Chairing Skills

 Achievement of a working knowledge of procedures for debates at Council meetings.

Team Working and Relationship Building

 Ability to inspire confidence of all groups in the impartiality of the Chairman.

Communication Skills

Developed public speaking skills.

Organisation Skills

Personal Effectiveness.

Developed skills in managing debates in Council meetings to allow all opinions to be expressed and to deliver decisions.

Other Skills and Abilities

None specific.

Knowledge

- 1. The rules for debate at Council meetings.
- 2. Protocols regarding the Chairman as first citizen of the District, precedence and the non-political nature of the position.

Date:

Role Title: Vice-Chairman of the Council

Responsible to: The Council

Contact with: Members (including the Leader of Council, the Cabinet and Group Leaders), Officers, media, external organisations and representatives, Members of Parliament and the community.

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.

Principal Accountabilities:

- 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.
- 2. Attendance at appropriate civic functions as well as community events to fulfil the role of Vice-Chairman.
- 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.
- 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 (in the absence of the Chairman) on civic matters to ensure appropriate information is provided on Council activity.
- 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.

None specific.

Chairing Skills

 Achievement of a working knowledge of procedures for debates at Council meetings.

Team Working and Relationship Building

 Ability to inspire confidence of all groups in the impartiality of the Chairman.

Communication Skills

Developed public speaking skills.

Organisation Skills

Personal Effectiveness.

Developed skills in managing debates in Council meetings to allow all opinions to be expressed and to deliver decisions.

Other Skills and Abilities

None specific.

Knowledge

- 1. The rules for debate at Council meetings.
- 2. Protocols regarding the Chairman as first citizen of the District, precedence and the non-political nature of the position.

Date:

Role 1	Title: Group Leaders
Respo	onsible to: Political Group
Conta	act with: Other Group Leaders, Political group members, officers, Members of Parliament
Princi	ipal Accountabilities:
(a)	To facilitate and represent the views of the Group on issues of policy service delivery and priorities, within the Council.
(b)	To lead the Political Group within the Council.
(c)	To manage the work of Councillors within the Group and the business of the Group.
(d)	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.
(e)	To comment on, challenge and review the Council's administration performance in the co-ordination and implementation of its policies and procedures.
(f)	To champion and participate in Councillor Development to ensure the smooth running of the Group and the personal development of its councillors.
(g)	To maintain effective liaison with the Chairman of the Overview and Scrutiny Committee.

- Ability to provide political leadership of their Group and manage the political demands and expectations of the Group, and the needs of the Council.
- 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

 Ability to build effective relationships with other parts of the political management structure e.g. full Council, Overview and Scrutiny, and other political Groups.

Communication Skills

Developed communication skills which enable internal cohesion of the political group.

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

- Understanding of the role of the Leader of the Council and the Leader of Political Groups within the Council, and where these roles differ from the role of the Council itself
- 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.
- Working knowledge of the operation of the Council's constitution.

Date:

Role Title: Chairman of Area Plans Sub-Committee and District Development Control Committee and other non executive Panels and Working Groups.			
Resp	Responsible to: The Council		
Contact with: Members, Officers, media, external organisations and representatives, Members of Parliament and community.			
Princ	ipal Accountabilities:		
(a)	To chair meetings in accordance with their terms of reference.		
(b)	To ensure that contributions by the public to meetings are facilitated and controlled in accordance with the agreed procedure and normal courtesy.		
(c)	To ensure that the decisions required at meetings are properly summarised before votes are taken.		
(d)	To represent the Council in all dealings with the public, media and other bodies in respect of the work of the body concerned.		

 Ability to explain the role of Committees ets to the community.

Team Working & Relationship Building

 Relationship building particularly with senior officers involved in the Planning function.

Organisational Skills

 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.

Communication Skills

- Advanced chairing in relation to members of the council and in particular where there is involvement by the public in meetings.
- Communication skills particularly with Councillors, officers and the public
- Developed public speaking ability.

Chairing Skills

- Developed chairing skills, including the ability to manage conflict and contributions by the public to meetings.
- Impartiality and objectivity.

Knowledge

- In-depth understanding of council policies and procedures relevant to the body concerned including planning processes, the Planning Protocol and how planning decisions are to be reached.
- Understanding of the role of ward councillors and how to handle conflicts of interest.

Understanding of the role of officers including the roles of professional planning staff at Area plans Sub and District Development Control Committee meetings.

Knowledge of the Council's procedures for dealing with permitted contributions by members of the public at meetings of the body concerned.

Date: