

EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

Committee: Council **Date:** 26 July 2011

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.20 pm

Members Present: Councillors K Angold-Stephens (Chairman), B Rolfe (Vice-Chairman), R Bassett, A Boyce, W Breare-Hall, Ms R Brookes, K Chana, Mrs T Cochrane, R Cohen, Mrs D Collins, D Dodeja, C Finn, Mrs R Gadsby, Mrs A Grigg, Ms J Hart, D Jacobs, P Keska, Ms Y Knight, Mrs J Lea, L Leonard, Mrs M McEwen, J Markham, A Mitchell MBE, G Mohindra, S Murray, J Philip, Mrs C Pond, Mrs P Richardson, Mrs M Sartin, Mrs P Smith, P Spencer, D Stallan, Ms S Stavrou, Mrs J Sutcliffe, H Ulkun, Mrs L Wagland, G Waller, Ms S Watson, A Watts, Mrs E Webster, Mrs J H Whitehouse, J M Whitehouse, D Wixley and J Wyatt

Apologies: Councillors R Barrett, P Gode, J Hart, D C Johnson, Mrs S Jones, J Knapman, A Lion, R Morgan, S Packford, W Pryor, B Sandler and C Whitbread

Officers Present: D Macnab (Acting Chief Executive), C O'Boyle (Director of Corporate Support Services), R Palmer (Director of Finance and ICT), I Willett (Assistant to the Chief Executive), G Lunnun (Assistant Director (Democratic Services)), P Seager (Chairman's Secretary), R Perrin (Democratic Services Assistant) and J Boreham (Assistant Public Relations and Information Officer)

38. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

39. FORMER DISTRICT COUNCILLOR JOHN PLEDGE

It was with much sadness that the Chairman informed the Council of the death of former District Councillor John Pledge.

Members were informed that John Pledge had been a District Councillor for 26 years representing the Stanford Rivers, Stapleford Tawney, Theydon Mount and Theydon Garnon Ward from 1974-1979 and the Passingford Ward from 1979-2000. He had been Chairman of the Council in 1982/83. He had also been a member of the former Epping and Ongar Rural District Council for 10 years.

The Chairman advised the Council that he had attended John Pledge's memorial service on behalf of the District Council.

Councillors D Collins, S Murray, A Watts, D Jacobs and Mr I Willett, Assistant to the Chief Executive, paid tribute to the memory of John Pledge.

The Council stood for a minute's silence in tribute to the memory of former District Councillor John Pledge.

40. MINUTES**RESOLVED:**

That the minutes of the Council meeting held on 28 June 2011 be taken as read and signed by the Chairman as a correct record.

41. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Staff Code of Conduct, Mr D Macnab, Acting Chief Executive declared a personal interest in agenda item 20 (Report of the Audit and Governance Committee – Former Chief Executive – Contract of Employment) by virtue of having provided the external auditor with information for his report.

(b) Pursuant to the Council's Staff Code of Conduct, Miss C O'Boyle, Director of Corporate Support Services declared a personal interest in agenda item 20 (Report of the Audit and Governance Committee – Former Chief Executive – Contract of Employment) by virtue of having provided the external auditor with information for his report.

(c) Pursuant to the Council's Staff Code of Conduct, Mr D Macnab, Acting Chief Executive declared a personal interest in agenda item 15 (Report of the Committee for the Appointment of a Chief Executive) by virtue of the references to him in that report. He advised that he had determined that his interest was prejudicial and that he would leave the meeting for the consideration and voting on the matter.

42. ANNOUNCEMENTS**(a) Announcements by the Chairman of the Council****(i) Work of Art**

The Chairman showed the Council the photographic design work provided by Epping Forest College which would be displayed in the Chairman's Office for the duration of the municipal year 2011/12.

(ii) Attendance at Events

The Chairman advised that the Members' and Officers' Golf Day on 19 July had been a great success and had raised over £700 for his charity. He thanked members and officers for their support for this event.

The Chairman announced that a provisional booking had been made for 6 October 2011 for the White Water Rafting Challenge at the London Olympics 2012 venue. He stated that so far 16 members and officers had volunteered to participate and there was still 2 places available. He encouraged members to volunteer, particularly those representing Waltham Abbey wards which were closest to the venue. He reminded members that the sponsorship raised from this event would be for his charity.

The Chairman advised the Council that he had greatly enjoyed attending primary schools to present certificates on behalf of the West Essex Partnership. He praised the initiative and referred to the tremendous welcome he had received from the children at all of the schools he had attended.

The Council noted that the Chairman had opened the Bobbingworth Nature Reserve on 15 July together with the Environment Portfolio Holder. The Chairman encouraged members to visit this landfill site which had been transformed into a nature park for the enjoyment of local people and the enhancement of the environment.

The Chairman advised that he had been privileged to start the Race for Life in aid of Cancer Research at North Weald Airfield which had attracted approximately 2,500 runners and an overall attendance of approximately 5,000.

The Chairman referred to the recent sad events in Norway and reminded members of the close relationships between this Council and Norway since the use of North Weald Airfield as a World War Two Airfield. The Chairman read a letter of condolence which he had sent to the Norwegian Ambassador.

Councillor Grigg, immediate past Chairman of the Council, advised that she had also sent a letter to the Norwegian Ambassador and copied it to the Mayor of Bodo.

(iii) Floral Display

The Chairman announced that he intended to send the flowers from tonight's meeting to Rosemary Padfield, daughter of the late John Pledge.

(b) Announcements by the Leader of Council

The Leader advised that she had no announcements to make under this heading.

(c) Announcements by Portfolio Holders

The meeting noted that there were no announcements to be made under this heading.

(d) Telecare Services Accreditation – Epping Forest Careline

The Chairman reported that the Council's Careline Centre based at Parsonage Court, Loughton offered a twenty-four hour, 365 day per year, emergency alarm service to older and disabled people living within the District. The service was also offered to other vulnerable groups including victims of domestic violence and younger people with disabilities.

Members noted that following a rigorous audit process undertaken by an external assessor, Careline had been awarded the coveted Telecare Services Association's Accreditation, being a Quality Award for services provided in the emergency alarm industry. The Chairman drew attention to the assessor's overall conclusion that Careline provided a quality service and had a structured document control system in place.

The Chairman presented the Accreditation certificate to Councillor M McEwen, Housing Portfolio Holder, Jackie Ratcliffe, Assistant Housing Manager – Older People's Services and Jacqui Parker, Senior Scheme Manager.

43. PUBLIC QUESTIONS (IF ANY)

The Council noted that there were no public questions for this meeting.

44. REPORTS FROM THE LEADER, CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE AND MEMBERS OF THE CABINET

The Council received written reports from the Leader and Legal Portfolio Holder, the Chairman of the Overview and Scrutiny Committee, the Environment Portfolio Holder, the Finance and Economic Development Portfolio Holder, the Housing Portfolio Holder, the Leisure and Wellbeing Portfolio Holder, the Planning and Technology Portfolio Holder, the Safer and Greener Portfolio Holder, and the Support Services Portfolio Holder.

The Chairman invited the Leader, the Chairman of the Overview and Scrutiny Committee and Portfolio Holders to give oral updates of their written reports.

(a) Leader and Legal Portfolio Holder

The Leader advised that she had attended a Board meeting of the Local Enterprise Partnership covering East Sussex, Essex, Kent, Medway, Southend and Thurrock which had agreed to adopt South East Local Enterprise Partnership as its working title. She advised that this would be underpinned by a mission statement to create the most enterprising economy in England. The Leader advised that she had volunteered to join a sub-group on broadband. She also advised that the LEP had recognised that it had not made as much progress as some other LEPs but was now considering substantive matters rather than working procedures. She stated that the Board had accepted that it would be best to have a private sector chairman.

The Leader also reported that she had attended a meeting of the North London Strategic Alliance. At that meeting the Redbridge London Borough Council representative had expressed concern about an increase in hardship in its borough evidenced by increased benefit claims and food bank client numbers. The Council noted that this meeting had been advised of a greater interest in apprenticeships by businesses and one large organisation initially offering four apprenticeships had increased that number to 100 places.

The Leader advised that she had attended a meeting together with the Acting Chief Executive of Essex Leaders and Chief Executives. Reference had been made to the County Council consultation on an Essex-wide vision for Essex Works to which the District Council would be responding. The meeting had also been advised of a proposed annual contract in excess of £80 million for older people in residential homes including those previously accommodated by Southern Cross. The Leader advised that a preferred supplier ranked list would be produced with quality being a key factor. The Council noted that the meeting had also referred to the responses being prepared by all councils regarding the proposed reform of business rates. The meeting had been advised that a £1 million fund had been agreed to implement a prototype to tackle families with complex needs.

The Leader advised that she had attended a meeting with the Federation of Small Businesses which had expressed a desire to work with the Council in order to promote local retailers. The Leader reported that there had been an increase in Federation membership of 21% from businesses within the Epping Forest District compared with a minus trend nationally.

(b) Finance and Economic Development Portfolio Holder

Councillor Mohindra reported that the Department for Communities and Local Government had launched a consultation paper on proposals for the Reform of Business Rates. The consultation period would run until 24 October 2011 and it was

intended that the proposals would be considered by the Overview and Scrutiny Committee on 18 October 2011. The Council noted that the consultation paper would be supported by technical papers which would not be published until August.

(c) Leisure and Wellbeing Portfolio Holder

Councillor Gadsby referred to a young peoples event which had been held at Waltham Abbey. She advised that approximately 300 young people had participated taking part in numerous activities including skateboarding, BMX cycling and football freestyle skills. She advised that staff from the Council's Community Services had been present to give advice to the young people on their lifestyles. Councillor Gadsby reported that the event had been a great success and was likely to become an annual event.

The Portfolio Holder also referred to an Olympic Games media briefing which had been held at North Weald on 22 July. The briefing had explained the likely impact of the games on local people and businesses.

(d) Safer and Greener Portfolio Holder

Councillor Smith referred to her written report regarding the proposals for changing the structure of policing in Essex and advised that arrangements had been made for the Overview and Scrutiny Committee, at its meeting on 6 September 2011, to receive a presentation from the Police on the consultation document "Blueprint for Essex Policing". She encouraged all members and the public to attend this meeting.

(e) Chairman of the Overview and Scrutiny Committee

Councillor Bassett repeated the invitation extended by Councillor Smith to attend the Overview and Scrutiny Committee on 6 September 2011. He advised that Chief Superintendent Simon Williams would be making the presentation and that he would be accompanied by County Councillor Anthony Jackson, Chairman of the Essex Police Authority.

45. QUESTIONS BY MEMBERS WITHOUT NOTICE

(i) Changing the Structure of Policing in Essex

Councillor Murray asked the Safer and Greener Portfolio Holder what would be the effect on this district of recurring revenue savings for Essex Police of approximately £41 million per year by 2014/15 including a loss of 388 Police Officer posts and over 100 Police Community Support Officer posts across the County bearing in mind that research suggested such reductions would result in an increase in crime.

Councillor Smith, Safer and Greener Portfolio Holder, stated that the combination of cuts in grant and other financial pressures necessitating the revenue savings of £41 million by 2014 were regrettable. She continued that whilst she did not have details of the operational impact of the changes on this district, it was clear the Police would have to adjust to a different way of working. She drew attention to the detail contained in the foreword written by the Chief Constable to the consultation document which included an aim to make communities even safer and she said she expected that the Police would continue to maintain a good service for the district.

(ii) Waste Management Partnership Board

Councillor Stellan asked a question in relation to the Environment Portfolio. He stated that he had attended the Safer, Cleaner, Greener Scrutiny Standing Panel meeting on 7 July 2011 and had asked two questions in relation to the minutes of Waste Management Partnership Board meetings. He advised that he had not yet received responses and sought an undertaking to provide such answers.

In the absence of the Environment Portfolio Holder, the Leader undertook to arrange for replies to be sent to Councillor Stellan.

(iii) North Essex Parking Partnership

Councillor Jacobs asked the Safer and Greener Portfolio Holder if surpluses acquired by the Council in relation to its car parking arrangements would be kept and spent within the district and not be transferred to the North Essex Parking Partnership.

Councillor Smith, Safer and Greener Portfolio Holder, advised that it was her understanding the surpluses would be retained and spent within the district but she would check this point with officers and if the position was any different she would advise Councillor Jacobs accordingly.

(iv) Sustainability

Councillor Markham asked the Safer and Greener Portfolio Holder when the results of the investigations referred to in paragraphs 7 (suitability of the Council's commercial waste to Sita's waste separation/recycling process) and 8 (Council's energy and fuel use for the past three years) would be available.

Councillor Smith, Safer and Greener Portfolio Holder, stated that work was ongoing and that she would ensure the results were made available to members as soon as possible either via the Safer, Cleaner, Greener Scrutiny Panel or the Council Bulletin.

(v) Epping New Road – Speed Limits

Councillor Spencer asked the Safer and Greener Portfolio Holder if the proposals to introduce speed limits on the Epping New Road would be accompanied by the installation of speed cameras.

Councillor Smith, Safer and Greener Portfolio Holder, advised that she was aware of discussions between Essex County Council and the Corporation of London regarding the introduction of traffic regulation orders aimed at reducing speeds on the Epping New Road but that at present she had no information as to how such restrictions would be enforced.

(vi) North Weald Airfield Maintenance

Councillor Grigg asked the Finance and Economic Development Portfolio Holder when work on the embankment adjoining the M11 motorway would be undertaken bearing in mind that this work had been included in the Council's Corporate Risk Register.

Councillor Mohindra, Finance and Economic Development Portfolio Holder advised that a sum of £5,000 had been approved for this work. He continued that he would

speak to officers about the timescale for undertaking the work and that when he had obtained these details they would be published in the Council Bulletin.

(vii) Langston Road Development

Councillor Jennie Hart asked the Leader of the Council to give an undertaking that the Council as joint landlord with Polofind of land in Langston Road would not give permission for a food hall or supermarket to trade on the land and that only one or two small coffee shops would be provided in association with fashion outlets.

Councillor Wagland, Leader of Council, stated that she could give an undertaking in relation to permission not being granted for a food store or supermarket on the land. In relation to refreshment outlets she advised that there were no proposals for a destination restaurant but she would need to see what was required. She said she envisaged sufficient refreshment availability to enable the stores in Langston Road to function. She continued that this was her view and it would be a matter for the Cabinet and/or Council to determine. The Leader referred to discussions with the Federation of Small Businesses and she asked members not to talk down The Broadway or suggest that it would not survive competition with new outlets. She said The Broadway had already shown its resilience during difficult times and she encouraged members to promote a compact between the Broadway shopkeepers and local shoppers aimed at encouraging expenditure to be retained within the locality and not taken out of the district.

(viii) Forward Planning Team – Staff Shortages

Councillor J M Whitehouse drew attention to the written report of the Planning and Technology Portfolio Holder that further consultation on the core Planning Strategy Issues and Options consultation document had been delayed due to staff shortages within the Forward Planning team. He asked the Portfolio Holder what steps were being taken to address this issue.

Councillor Philip, Planning and Technology Portfolio Holder advised that interviews were to be held later in the week following which it was hoped that some of the vacancies would be filled. He also advised that an exception could be made to the current external recruitment freeze if a vacant post resulted in regulatory problems or it could be shown that an appointment would be income-generating.

(ix) Lake in the Roding Valley

Councillor Wixley asked a question in relation to the lake. He expressed concerns about disabled access whilst the platform remained fenced off and stated that it did not seem to him that the reed beds would recover. He asked what proposals the Portfolio Holder had for addressing these problems and repeated the view he had expressed at a previous meeting that there was a need for increased publicity in relation to the current position.

Councillor Wagland, Leader of the Council, in the absence of the Environment Portfolio Holder advised that the lake appeared to be filling quite well. She agreed to establish the position in relation to disabled access and the reed beds and to advise the councillor accordingly. She also stated that she would ensure up to date publicity was provided on the notice board in the vicinity of the lake.

(x) Food Banks

Councillor Murray referred to the oral report of the Leader of Council regarding evidence of increased hardship in an adjoining borough. He asked the Leader if she shared his view that this was unacceptable in 2011.

Councillor Wagland, Leader of the Council, said that she shared Councillor Murray's views. She advised that she was well aware of these problems and had been dealing with such an issue for several hours earlier in the day.

(xi) Footpath between Traps Hill and Brooklyn Avenue, Loughton

Councillor Leonard referred to the redevelopment of the swimming pool at Traps Hill some seven years ago and asked the Safer and Greener Portfolio Holder if she would arrange for the footpath between Traps Hill and Brooklyn Avenue to be dedicated as a public right of way.

Councillor Smith, Safer and Greener Portfolio Holder, asked Councillor Leonard to send her full details of this issue following which she would discuss the matter with officers and respond.

(xii) Parking Reviews

Councillor Richardson referred to the question asked by Councillor Jacobs and asked the Safer and Greener Portfolio Holder why parking reviews had been shelved due to a lack of money when it was apparent a surplus had been acquired from parking.

Councillor Smith, Safer and Greener Portfolio Holder, pointed out that the Buckhurst Hill and Loughton Parking Reviews had been delayed not shelved. She advised that a report would be submitted to the Cabinet later in the year after the completion of the Epping Parking Review.

(xiii) North Weald Airfield – Halcrow Report

Councillor Stallan asked the Finance and Economic Development Portfolio Holder for an update on the aviation intensification study being undertaken by Halcrow in order to examine the potential for an intensification of flying activity at the airfield.

Councillor Wagland, Leader of Council advised that she would respond to this question. She stated that she was looking at the ability to get professional advice in relation to property aspects and that a report would be submitted for consideration by members in due course.

46. MOTIONS

The Council was advised that there were no motions for consideration at this meeting.

47. QUESTIONS BY MEMBERS UNDER NOTICE

There were no questions by members of the Council under notice in respect of this item.

48. REPORT OF THE CABINET - COUNCIL'S TREASURY MANAGEMENT STRATEGY AND INVESTMENT STRATEGY 2011/12 TO 2013/14

Mover: Councillor Mohindra – Finance and Economic Development Portfolio Holder.

Councillor Mohindra submitted a report advising that following the Government announcement to proceed with the Housing Self Financing through the Localism Bill it had been necessary to amend the Council's Treasury Management Strategy and Prudential Indicators.

Amendment moved by Councillor Collins and seconded by Councillor Stavrou

“(1) That quarterly reports be made to the Finance and Performance Management Scrutiny Panel to enable them to review the Strategy on a regular basis; and

(2) That advice be sought from Arlingclose, the Council's treasury advisers, that the amended strategy is the right way to move forward and that giving up the Council's debt-free status is necessary”.

Lost

By leave of the Council, Councillor Mohindra advised that he would be prepared to arrange for quarterly reports to be made to the Finance and Performance Scrutiny Panel if the Council thought this necessary. The Council agreed that such reports should be made.

RESOLVED:

(1) That the amended 2011/12 Treasury Management Strategy Statement and Annual Investment Strategy 2011/12 to 2013/14 including amended Treasury Management Prudential Indicators as attached to the report of the Cabinet be approved; and

(2) That quarterly reports be made to the Finance and Performance Management Scrutiny Panel to enable them to review the Strategy on a regular basis.

49. REPORT OF THE CABINET - SELF FINANCING FOR THE HOUSING REVENUE ACCOUNT - SUPPLEMENTARY ESTIMATE

Mover: Councillor Mohindra, Finance and Economic Development Portfolio Holder

Councillor Mohindra submitted a report seeking a supplementary Housing Revenue Account revenue estimate to cover additional consultancy and treasury management advice and the initial cost of obtaining a credit rating.

Report as first moved ADOPTED**RESOLVED:**

That a supplementary Housing Revenue Account revenue estimate in the sum of £50,000 be approved for 2011/12 to cover additional consultancy and treasury management advice in relation to the introduction of self-financing for the Housing Revenue Account and the initial cost of obtaining a credit rating.

50. REPORT OF THE CABINET - SUPPLEMENTARY ESTIMATE - FLEET OPERATIONS - NEW EQUIPMENT

Mover: Councillor Wyatt, Support Services Portfolio Holder

Councillor Wyatt submitted a report seeking a supplementary capital estimate for the purchase of a new vehicle lift and ancillary equipment to enable additional MOT vehicle testing to be undertaken.

Report as first moved ADOPTED

RESOLVED:

That a supplementary capital estimate in the sum of £24,000 be approved for 2011/12 for the purchase of a new vehicle lift and ancillary equipment to increase capacity for undertaking MOT tests.

51. REPORT OF THE OVERVIEW & SCRUTINY COMMITTEE - SUBSTITUTE MEMBERS

Mover: Councillor Bassett, Chairman of the Committee

Councillor Bassett submitted a report proposing changes to the arrangements for notifying member substitutes at committees. He advised that since the report had been written the officers had established that it would be possible for the Council's Committee Management System to indicate the substitution deadline on the appropriate agenda. Accordingly, with the leave of the Council, recommendation (3) of the Committee could be altered to reflect that fact.

Report as amended ADOPTED

RESOLVED:

(1) That Procedural Standing Order 14(4)(i) and (ii) be amended as follows:

(a) to permit a Leader, Deputy Leader or other appointed member of a political group to notify the Assistant to the Chief Executive of any substitute members to attend a meeting;

(b) to require that any political group member so appointed be notified to the Assistant to the Chief Executive at the beginning of each Council year;

(c) to amend the deadline for notifying substitutes from "not later than 10 am" to "not later than 60 minutes before the commencement of the meeting concerned";

(2) That these alterations be published in the Constitution;

(3) That the substitution notification deadline be included on every agenda where this is permitted under the Constitution; and

(4) That this process be reviewed after one year.

52. REPORT OF OVERVIEW & SCRUTINY COMMITTEE - TERMS OF REFERENCE OF THE COMPLAINTS PANEL

Mover: Councillor Bassett, Chairman of the Committee

Councillor Bassett submitted a report proposing revisions to the terms of reference of the Complaints Panel.

Report as first moved ADOPTED

RESOLVED:

(1) That revisions to the limits of jurisdiction of the Complaints Panel be approved; and

(2) That Annex 1 (Section 1) to the terms of reference of the Complaints Panel be amended as set out in paragraph 3 of the report of the Committee and be published in the Constitution.

53. REPORT OF THE DISTRICT DEVELOPMENT CONTROL COMMITTEE - ESSEX COUNTY COUNCIL DEVELOPMENT MANAGEMENT POLICIES - ADOPTION AS SUPPLEMENTARY GUIDANCE

Mover: Councillor Bassett, Vice Chairman of the Committee

Councillor Bassett submitted a report following consideration of a revised policy document dealing with the highway and transport aspects of new development which had recently been adopted by Essex County Council as County Council supplementary guidance.

Report as first moved ADOPTED

RESOLVED:

That the Development Management Policies attached to the report of the Committee be adopted as supplementary guidance.

54. REPORT ON THE COMMITTEE FOR THE APPOINTMENT OF A CHIEF EXECUTIVE

Mover: Councillor J M Whitehouse, Chairman of the Committee

Councillor Whitehouse submitted a report on the work of the Committee and on the current position regarding the contract of the Acting Chief Executive.

Report as first moved ADOPTED

RESOLVED:

(1) That the contract of the Acting Chief Executive be extended by a period of 12 months from the end of his current contract extension (ie until 31 August 2012);

(2) That the terms and conditions of this contract remain as previously agreed by the Council subject to the condition regarding an earlier date for termination being amended to read:

“... subject to this appointment being terminated at an earlier date if it proves possible to appoint a Chief Executive or the Council decides to pursue alternative arrangements for a Chief Executive”;

(3) That the following work now being undertaken by the Committee be noted:

(a) researching the procurement of advisers to assist the Committee in any recruitment process;

(b) further review of the job description, person specification, remuneration and recruitment process;

(c) further review of joint management and any alternative arrangements;

(d) a provisional timetable for achieving the appointment of a Chief Executive by 31 August 2012;

(4) That the Council notes that no further resources will be committed to any of the steps set out in (3) above, pending consideration by the Council of the Ernst and Young report on value for money and service efficiencies, which is provisionally due to be submitted to the Council meeting on 1 November 2011; and

(5) That paragraph (d) of the Committee's terms of reference be amended to refer to the new deadline of 31 August 2012.

55. RODING VALLEY MEADOWS NATURE RESERVE TRUST - REPRESENTATION BY THE COUNCIL

Members were informed that at the Annual Council meeting, Councillor Murray had been appointed to the newly constituted Roding Valley Meadows Local Nature Reserve Trust as a member of the Management Committee and of its Working Group. However, since the Annual Meeting, the terms of the Trust's constitution had been checked and it had become clear that the Working Group was to comprise frontline staff who were working directly in the Reserve. The Council noted that the matter had been discussed with Councillor Murray who had accepted that it would be inappropriate for him to continue as a representative on the Working Group.

RESOLVED:

(1) That the current position in respect of Councillor Murray's membership of the Roding Valley Meadows Management Committee and Working Group be noted and that Councillor Murray continue to be the Council's representative on the Management Committee; and

(2) That the Council's representative on the Working Group be an officer.

56. REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE - BRIBERY ACT 2010 - CORPORATE POLICY

Mover: Councillor Watts, Chairman of the Committee

Councillor Watts submitted a report proposing a policy to ensure that due diligence procedures were applied, taking a proportionate and risk-based approach to mitigate

the risk of bribery. Councillor Watts emphasised that following adoption of the policy all members and employees would be made aware of their responsibilities to adhere strictly to the policy at all times and that training would be included within the Finance training currently given. In addition, consideration would be given to the development of an e-learning module as resources allowed.

By leave of the Council, Councillor Watts included a further recommendation proposing that the policy be reviewed as and when necessary and in any event on a regular basis by the Audit and Governance Committee.

Report as amended ADOPTED

RESOLVED:

(1) That the policy attached to the report of the Committee be approved and implemented; and

(2) That the policy be reviewed as and when necessary and in event on a regular basis by the Audit and Governance Committee.

57. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

There were no reports on the business of joint arrangements and external organisations under this item.

58. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting for the item of business set out below as it would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Act indicated and the exemption is considered to outweigh the potential public interest in disclosing the information:

| <u>Agenda Item No.</u> | <u>Subject</u> | <u>Exempt Information Paragraph No.</u> |
|------------------------|--|---|
| 20 | Report of the Audit and Governance Committee – Former Chief Executive – Contract of Employment | 1, 2 and 3 |

59. REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE - REPORT OF EXTERNAL AUDITOR - CONTRACT OF FORMER CHIEF EXECUTIVE

Pursuant to the Council's Staff Code of Conduct, Mr I Willett, Assistant to the Chief Executive declared a personal interest in this item by virtue of having provided the external auditor with information for his report. He advised that he had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration and voting on the matter.

Mover: Councillor Watts, Chairman of the Committee

Councillor Watts submitted a report of the Committee following consideration of a report from the Council's external auditor, PKF which had been commissioned for a

review of the legal basis of the contract of employment of the former Chief Executive. Councillor Watts advised the Council that the Committee was asking the Council to consider the conclusions set out in the report from the Council's external auditor, to agree that procedures be put in place to prevent a re-occurrence of this situation and to agree that a report should be made to a future meeting of the Committee advising that the necessary procedures had been put in place.

First amendment moved by Councillor Watts and seconded by Councillor Wagland

"That recommendation (3) of the Committee (report to a future committee meeting) be amended to read:-

"That a report be made to a future Audit and Governance Committee as to the procedures which have been or are proposed to be put in place".

Carried

By leave of the Council Councillor Wagland amended further as follows an amendment, notice of which she had given in the papers circulated as part of the Council agenda:

- (i) renumbering (2) to (3) in the last paragraph;
- (ii) adding the following words as (4):

"(4) Refers to the Overview and Scrutiny Committee the detail of procedure for reporting such complex and sensitive contracts to Councillors and the procedure to be followed in the event that the Council is considering entering into such contracts".

Second amendment moved by Councillor Wagland and seconded by Councillor Philip

"That the following additional decision be added:

"That, pursuant to recommendation (2) of the Audit and Governance Committee report, the Council:

- (1) notes the receipt from Mr Richard Bint of PKF Partners, the Council's external auditors, of a report dated 26 May 2011 concerning his review of the granting of a fixed term employment contract to the Chief Executive in 2007;
- (2) resolves to adopt the report and respond to its findings as set out below:
 - (a) on point 1 (Appropriate Legal Advice) of "lessons to be learned" on the page 5 of Mr Bint's report:
 - (i) that appropriate legal advice will be taken where necessary in respect of any such contract of employment from a lawyer familiar with the relevant legislation;
 - (ii) that, in the event that such specialist knowledge is not available within the Council, appropriate external legal advice will be obtained by the Solicitor to the Council and obtained by means of the Council's agreed procurement procedures;

- (b) on point 2 (Staff Awareness of Fixed Term Contracts) – that written advice be issued to all relevant staff on the principal features of such contracts as a matter of priority;
 - (c) on point 3 (Pre-Contract Scrutiny) – that arrangements be made to ensure that, in respect of all contracts of equivalent or greater significance, any unusual features identified be tested and their legal, financial and human resources implications clarified;
 - (d) on point 4 (Reporting to Councillors) – that all reports dealing with contracts of the kind referred to above be checked so that any unusual features are identified and their purpose and legal, financial and human resources implications clarified;
- (3) asks the Committee for the Appointment of a Chief Executive to bear these decisions in mind as part of its current consideration of the Chief Executive position; and
- (4) refers to the Overview and Scrutiny Committee the detail of procedure for reporting such complex and sensitive contracts to Councillors and the procedure to be followed in the event that the Council is considering entering into such contracts”.

Carried

Report as amended ADOPTED

RESOLVED:

- (1) That, pursuant to recommendation (2) of the Audit and Governance Committee report, the Council:
- (a) notes the receipt from Mr Richard Bint of PKF Partners, the Council's external auditors, of a report dated 26 May 2011 concerning his review of the granting of a fixed term employment contract to the Chief Executive in 2007;
 - (b) resolves to adopt the report and respond to its findings as set out below:
 - (i) on point 1 (Appropriate Legal Advice) of “lessons to be learned” on the page 5 of Mr Bint's report:
 - (aa) that appropriate legal advice will be taken where necessary in respect of any such contract of employment from a lawyer familiar with the relevant legislation;
 - (bb) that, in the event that such specialist knowledge is not available within the Council, appropriate external legal advice will be obtained by the Solicitor to the Council and obtained by means of the Council's agreed procurement procedures;
 - (ii) on point 2 (Staff Awareness of Fixed Term Contracts) – that written advice be issued to all relevant staff on the principal features of such contracts as a matter of priority;
 - (iii) on point 3 (Pre-Contract Scrutiny) – that arrangements be made to ensure that, in respect of all contracts of equivalent or greater significance,

any unusual features identified be tested and their legal, financial and human resources implications clarified;

(iv) on point 4 (Reporting to Councillors) – that all reports dealing with contracts of the kind referred to above be checked so that any unusual features are identified and their purpose and legal, financial and human resources implications clarified;

(2) That the Committee for the Appointment of a Chief Executive be asked to bear these decisions in mind as part of its current consideration of the Chief Executive position;

(3) That the Council refers to the Overview and Scrutiny Committee the detail of procedure for reporting such complex and sensitive contracts to Councillors and the procedure to be followed in the event that the Council is considering entering into such contracts; and

(4) That a report be made to a future Audit and Governance Committee as to the procedures which have been or are proposed to be put in place.

CHAIRMAN