

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY
STANDING PANEL
HELD ON WEDNESDAY, 27 FEBRUARY 2013
IN COMMITTEE ROOM 1
AT 7.00 - 9.33 PM**

Members Present: Mrs M Sartin (Chairman), A Watts (Vice-Chairman), R Cohen, J Markham, Mrs M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, Mrs J H Whitehouse and G Waller)

Other members present:

Apologies for Absence:

Officers Present I Willett (Assistant to the Chief Executive), N Richardson (Assistant Director (Development Control)), B Bassington (Chief Internal Auditor) and M Jenkins (Democratic Services Assistant)

38. NOTES OF THE LAST MEETING

RESOLVED:

That the notes of the last meeting of the Panel, held on 27 February 2013, be agreed subject to Councillor B Rolfe being recorded as having given his apologies for the meeting.

39. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

There were no substitutions made at the meeting.

40. DECLARATION OF INTERESTS

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

41. TERMS OF REFERENCE / WORK PROGRAMME

(a) Terms of Reference

The Panel's Terms of Reference were noted.

(b) Work Programme

(i) Item 19 Review of Executive Constitution

The Assistant to the Chief Executive advised that this was a new item resulting from the Localism Act. It was scheduled for the March 2013 Panel meeting.

(ii) Item 18 Housing Appeals and Review Board – Review of Order of Presentations and Appeal Procedures

Councillor D Stellan advised that he would declare an interest on the part of this relating to appeals procedures. The Panel agreed that the item should be split into two parts to make his declarations easier. This item would be discussed in March.

42. REVIEW OF FINANCIAL REGULATIONS

The Panel received a report from the Assistant to the Chief Executive regarding Review of Financial Regulations.

It was advised that Financial regulations had not been due for review in 2012/13. However two items had arisen which were considered sufficiently important for them to go before the Panel at the present time.

Surplus Items – Use of Ebay

Under Financial Regulations, the medium of using Ebay for disposing of surplus items by the Council was not permitted. However management Board had sanctioned the use of Ebay for one item of surplus equipment, the results had been successful.

It was proposed that Section 5, appendix C, Financial Regulations, should be amended to permit the use of the system and others like it.

Members requested that this item be deferred to next year's Panel Work Programme to ensure that all possible risk around the use of these systems could be addressed.

Virement Limits

Virements were the transfer of Council budgets between different headings on the same budget sheet. The Panel agreed to recommend that virement authority limits should be amended as follows:

- | | | |
|-----|--------------------|------------------|
| (a) | Under £20,000 | Directors |
| (b) | £20,000 - £50,000 | Portfolio Holder |
| (c) | £50,000 - £100,000 | Cabinet |
| (d) | £100,000+ | Council |

The only change was to increase the level of delegated authority for Directors to make virements from £5,000 to £20,000.

RESOLVED:

That a review of Financial Regulations be conducted this year.

RECOMMENDED:

- (1) That proposed changes to Appendix C (Section 5) of Financial Regulations be deferred to next year's Work Programme pending further investigation; and
- (2) That Appendix B (Section 4) of Financial Regulations be amended in order to increase the delegated authority to Directors for making virements.

43. ANNUAL REVIEW OF CONTRACT STANDING ORDERS

The Panel received a report regarding Annual Review of Contract Standing Orders from the Assistant to the Chief Executive.

Ad Hoc Tender Lists

CSO C7 (6) (a) related to approval of ad hoc tendering lists after a public notice had been given. Last year, the Panel recommended that this CSO should be amended to delegate the approval of such lists to Chief Officers. Previous practice had been for this to be undertaken by Portfolio Holders regarding contacts above £50,000 in estimated value, but below the limit prescribed by EU legislation. This would avoid premature disclosure of the list of competitors via the Portfolio Holder decision process.

The Council asked that this new arrangement should operate for 1 year on a trial basis and then reviewed. The officer working party had considered whether it had caused any difficulties over that 12 month period and the conclusion was that the new arrangement had worked well. The Panel confirmed that this should be a permanent arrangement.

Contract Renewal Periods

Last year, the maximum period for renewing contracts under CSO C4 (i) (g) was reduced to 2 years from 4 years. This change ensured that the Council achieved value for money through more frequent re-tendering of contracts.

Public Services Social Value Act 2012

This Act came into force in January 2013. It required that those bodies commissioning contracts for services to which EU thresholds applied, to consider how the procurement may improve the social environmental and economic wellbeing of the relevant area.

The act applied to the pre-procurement stage of contracts for services because that was where social value could be considered to greatest effect.

Contract Standing Orders C1 specified various rules and legislation with which the letting of contracts by the Council must comply.

RECOMMENDED:

- (1) That, as agreed at the last Annual Review of Contract Standing Orders, the maximum period for renewing contracts under CSO C4(1)(g) of 2 years be re-affirmed on a permanent basis;
- (2) That the delegation to Chief Officers relating to the approval of ad hoc tendering lists after public notice under CSO C7(6)(a) be re-affirmed on a permanent basis; and
- (3) That Contract Standing Orders CSO (1) be amended by the addition of reference to the Public Services (Social Value) Act 2013.

44. REVIEW OF OFFICER DELEGATION 2012/13

The Panel received a report regarding Review of Officer Delegation 2012/13 from the Assistant to the Chief Executive.

Proposals for altering existing delegation or introducing new ones were agreed:

- (a) Domestic and NNDR Tax Base – Declaration. The authority to declare Council Tax Bases transferring to Chief Financial Officer, instead of the Financial Portfolio Holder.
- (b) Planning Enforcement – that Direct Action under Section 178 of the Town and Country Planning Act 1990, (Section 178) to allow the Council to take direct action in pursuit of a valid enforcement notice, be delegated to the Director of Planning and Economic Development subject to certain conditions.
- (c) Constitution – Minor Amendments. It was agreed that delegated authority should be approved to allow the Monitoring Officer make minor changes to the Constitution where legislative changes, or typographical and drafting errors were discovered.

However in regard to Planning Applications by the Council where authority to grant a planning application on behalf of the Council rested with Portfolio Holders, Members did not support this authority being delegated to the relevant director, on the grounds that these applications should be subject to public scrutiny through the call in.

RECOMMENDED:

That a report be submitted to the Overview and Scrutiny Committee and the Leader of Council recommending proposed changes to officer delegation in respect of Executive and Council functions, with the exception of authority to submit planning applications on behalf of the Council.

45. OUTSIDE BODIES

The Panel had formed a member sub-group to discuss which Outside Bodies required further investigation. The sub-group had met on 11 February 2013 and, following officer liaison with members appointed to these bodies, a new schedule had been submitted with member's comments included. However, members had not been consulted on some bodies, only officers. Therefore the Panel requested that a new schedule should be submitted to the next Panel with more information.

RESOLVED:

That a report and schedule of Appointments to Outside Bodies be re-submitted to the Panel at its March 2013 meeting with additional member's comments where requested.

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

The following items were being referred to the next Overview and Scrutiny Committee:

- (a) Review of Financial Regulations;
- (b) Annual Review of Contract Standing Orders; and
- (c) Review of Officer Delegation 2012/13

47. FUTURE MEETINGS

The next meeting of the Panel was scheduled for 26 March 2013.