

EPHING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES

Committee: Overview and Scrutiny Committee **Date:** Tuesday, 16 July 2013

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.05 pm

Members Present: Councillors R Morgan (Chairman) K Angold-Stephens (Vice-Chairman) G Chambers, K Chana, T Church, D Jacobs, Ms H Kane, P Keska, A Lion, A Mitchell MBE, J Philip and D Wixley

Other Councillors: Councillors Ms G Shiell, K Avey, R Bassett, Mrs A Grigg, D Stallan, G Waller, Mrs E Webster, C Whitbread and J Wyatt

Apologies: Councillors L Girling, S Murray and B Rolfe

Officers Present: D Macnab (Deputy Chief Executive), J Preston (Director of Planning and Economic Development), I Willett (Assistant to the Chief Executive), J Houston (Local Strategic Partnership Manager), S G Hill (Senior Democratic Services Officer), A Hendry (Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

13. WEBCASTING INTRODUCTION

The Chairman 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.

14. SUBSTITUTE MEMBERS

It was noted that Councillor G Shiell was substituting for Councillor B Rolfe.

15. MINUTES

RESOLVED:

That the minutes of the last meeting of the Committee held on 4 June 2013 be agreed.

16. DECLARATIONS OF INTEREST

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

17. PRESENTATION FROM THE LOCAL STRATEGIC PARTNERSHIP

The Meeting welcomed John Houston, the Local Strategic Partnership (LSP) Manager. He was there to update the Committee on the LSPs work over the last year and the current projects that they were engaged in. He tabled the draft annual report for the LSP and the draft final report from their Tourism Taskforce. These would be available in electronic form on their website in due course.

He noted that the LSP membership consisted of senior figures from business and the voluntary and public sectors. These and other local groups were brought together to identify common problems and develop joined-up solutions by pooling their expertise. They were also able to commission research, identify gaps in provision and opportunities for new ways of working. They have an overarching Board that oversees the LSPs work; under that is an executive body (a steering group) for the day to day work and under this are four themed groups looking at crime and safety; health; children and lastly sustainability. They also have two taskforces (their equivalent of task and finish panels) looking at tourism and youth employment. As part of the work on youth unemployment they were hoping to have an officer from the Department of Work and Pensions seconded to them and an ECC Officer was already in place for one day a week.

They were concentrating on tourism last year via their Tourism Taskforce. Research has shown that this sector was worth about £200m annually to the local economy and comprised a significant percentage of local jobs. They noted that there was no joined up infrastructure in place for the various stakeholders to co-ordinate their work. They have now designed, built and launched a new website – www.visiteppingforest.org to represent the major attractions in the district. They have also agreed to produce the district's first tourism development plan.

This Taskforce had no formal budget allocation; all work undertaken was supported by the individual partners and the One Epping Forest General Fund and contributions from partners.

They were also promoting local businesses, focusing on the retail sector. The business team of the partnership continued to be very active in leading and coordinating support for local businesses. They were continuing to develop the one shop local website (www.oneshopslocal.com) now with just over 300 traders registered. They had also hosted a seminar at Epping Forest College with the ECC to promote the roll out of Superfast Broadband. They also launched the Districts first business charter for local businesses, with pledges to use local contractors and pay quickly to aid cash flow.

Part of their remit was also to help organisations put in bids for external funding and the poverty and Disadvantage Report had recently been published to support this process.

The theme group on health had been rebuilt under the leadership of Dr Kamal Bishai and the support of officers from Epping Forest District Council.

The LSP also worked closely with the Safer Communities Partnership and the Council's Safer Communities Team for the purpose of delivering safer communities and organising a range of events that targeted young people in the District. During the year the Partnership has supported a number of projects aimed at providing advice and assistance on crime-related issues especially to vulnerable groups.

The LSP was also working with the London Borough of Enfield and Broxbourne Council, jointly considering the future roles of glasshouses and to explore joint opportunities around productive landscapes. This included producing a first draft for an EU bid.

The meeting was then opened up to questions from members present.

Councillor Lion asked what was the LSP doing for new startup businesses. He was told that they used to have 'business link' but there was not the same amount of support at present. They were working with two companies one locally and one in Braintree to draw up a programme of support to small businesses. Traditionally the District had not invested as much as other authorities in Essex in economic development but this was beginning to change.

Councillor Philip commented that he was familiar with the websites but how about the LSP using social media such as tweeting.

Councillor Whitbread said that the LSP did a lot of positive work but there was always more to be done, such as for Economic Development and how that would fit into our Local Plan Package. The LSP does wider work for our community and we were fortunate that we could call on people to pull together and work together. This was a real plus for our district.

Councillor Chambers asked what Mr Houston meant when he spoke about the Food Trust. Mr Houston replied that we had strong food production industries in our area that could potentially provide food for London. This industry would also help in conserving our green belt status. We should also get more of the local youth trained up in this industry.

Councillor Bassett added that he had been in discussions with Enfield and Broxbourne councils about the use of green belt land and its use for agriculture. Capel Manor in Enfield acted as a sort of university for food development. The Mayor of London had recently given Enfield £600k to look at this. In effect we produce the food and Enfield has the distribution areas. This was something we should come together on and cooperate to make a bigger and better partnership working relationship.

The Chairman thanked Mr Houston for giving his time, for his presentation and answering the questions raised.

18. CABINET REVIEW

The Committee reviewed the Cabinet's agenda for their 22 July meeting but there were no specific items that the Committee wanted to be brought to their attention.

19. CROSSRAIL 2 CONSULTATION

The Director for Planning and Economic Development, John Preston, presented the report on the current Crossrail 2 consultation. He noted that this had also been to the last Planning Scrutiny Standing Panel meeting for their comments on the consultation which were reflected in the report.

Members noted that Crossrail 1 was well underway and was to provide improved links and capacity for east west travel across London.

Crossrail 2 (formally known as the Chelsea – Hackney Line) was intended to do the same on a south west north east axis.

Since 1991 a route for Crossrail 2 has been safeguarded which had included the Central Line up to Epping. The formal area safeguarded has been the relevant underground sections of the Central Line and the District Line. Part of the logic of the

Central line component of that route was that some of it was originally an “overground” or heavy rail line.

The report identified likely issues for EFDC and there was also a supplementary report written by Jonathan Roberts an experienced consultant who looked at some of the issues which had been raised. Particular attention was drawn to his comments about the Central Line.

Councillor Lion raised concerns that because the ‘Hainault Loop’ was a loop it would be restrictive in that TfL has said they could not run anymore services on it. Do you have any comments on how this had moved forward? Mr Preston said that he had heard that the service was restricted, certainly at certain hours of the day. Also, one of the stations on this loop was one of the least used stations on the underground network. This may be a recipe for implementing cutbacks over time. TfL were conscious of these issues and have some intention to try and increase the service. We would like to ensure we get a commitment to that. It has also been recently suggested that TfL would take over more overground services so that may be where they would put their investment.

Councillor Avey commented about the drawbacks from the lack of finance, especially with the new High Speed Rail Link project likely to go ahead and the new rail link from Heathrow, we would receive little finance in our area. Mr Preston understood what Councillor Avey was saying but noted that these problems were what the report was trying to pick up.

Councillor Lion noted that the report had nothing about car parking but this had to be a high priority in our commuter area. Mr Preston noted this and would add it to our reply.

Councillor Waller had some sympathy with Councillor Avey’s comments; the High Speed link would compete with Crossrail 2 for financial resources. In the report by Mr Roberts, he did point out that the Central Line was essentially a suburban railway and it would be easier to incorporate into any new route. It was vital we sought further investment to the Central Line into Epping. There was a clear conflict between airport passengers and local commuters. It should be remembered that commuters brought in a great deal of income into our district. There were many uncertainties especially on the future of Stansted airport. It was important that we make a clear response to this consultation and support the enhancement to the West Anglia route and the Central Line.

Councillor Philip said it was important to get the Central Line attached to the Crossrail 2 project. It would also be sensible to extend the Victoria Line to Epping. The real danger was that this part of Essex could become a backwater bordered by Crossrail 1 and 2 with us in the middle. We were in danger of being sidelined if we don’t get access to Crossrail 1 or 2.

Councillor Angold-Stephens agreed. He would like them to focus on an extension from Leytonstone to Epping above ground, although it may be that the stations may need to be extended to take longer trains. He also noted that the report talked about Marshalling Yards but he was told that they would be Maintenance Depots and there would be potential employment prospects coming from this.

Councillor Jacobs said that he was in a quandary about this, did we want a direct line into the West End or something different. Commuters were parking in Epping because it was cheaper and because of this and the fare structure, we would always have problems. Mr Preston agreed that residents would want to have the ability to go

straight into the West End but this would also throw up the problems with the commuters coming into Epping to use our station.

Councillor Whitbread said that they would be talking to TfL asking them to improve the parking at their stations.

RESOLVED:

1. That on consideration of the issues set out in the report, the Overview and Scrutiny Committee determined that the views of the Planning Standing Panel as indicated in the report along with the extra comments made by the Committee be given as the Council's considered response to the Crossrail 2 consultation.
2. That the views of EFDC are made known to other relevant stakeholders, including;
 - London Borough of Redbridge
 - London Borough of Waltham Forest
 - West Anglia Routes Group
 - North London Strategic Alliance
 - London Stansted Cambridge Consortium
 - Essex County Council
 - Borough of Broxbourne
 - Corporation of London
 - LVRPA
 - SELEP
 - London First
 - Members of Parliament for the Epping, Harlow and Brentwood & Ongar constituencies

20. CORPORATE KEY OBJECTIVES 2012/13 - OUTTURN PROGRESS

The Deputy Chief Executive, Derek Macnab introduced outturn progress report on the Corporate Plan Key Objectives for 2012/13.

The meeting noted that The Corporate Plan was the Council's key strategic planning document, setting out service delivery priorities over the four-year period from 2011/12 to 2014/15, with strategic themes reflecting those of the Community Strategy for the district. Updates to the Corporate Plan were published annually, to reflect the key objectives for each year of the plan period and progress against the achievement of objectives for previous years.

The annual identification of key objectives provided an opportunity for the Council to focus specific attention on how areas for improvement would be addressed, opportunities exploited and better outcomes delivered over the coming year.

A range of key objectives for 2012/13 was adopted by the Cabinet in January 2012. Progress in relation to the achievement of the key objectives were reviewed by the Cabinet and the Overview and Scrutiny Committee on a six-monthly and outturn basis; mid-year progress for 2012/13 was considered in the November/December 2012 cycle of meetings.

It was noted that this report would also go the next Cabinet meeting.

RESOLVED:

That the outturn progress and performance in relation to the key objectives for 2012/13 be noted.

21. AMENDMENT TO HOUSING SCRUTINY STANDING PANEL TERMS OF REFERENCE

The Committee noted that the Housing Repairs Advisory Group had been disbanded and agreed that the Housing Scrutiny Standing Panel's Terms of Reference be amended to absorb their responsibilities.

RESOLVED:

That the Overview and Scrutiny Committee agreed to the following addition to the Terms of Reference of the Housing Scrutiny Standing Panel:

"To consider matters relating to the performance of the Council's Repairs management Contract and to make any recommendations to the Housing Portfolio Holder or Cabinet as appropriate."

22. EMPLOYMENT PROCEDURAL RULES

Councillor Philips the Chairman of the Constitution and Member Services Scrutiny Standing Panel introduced their report on the restructuring of the Employment Procedure rules.

On 14 February 2012 the Council adopted new procedures for top management officer appointments within the Council. This followed a specially convened review by a Task and Finish Scrutiny Panel which explored concerns about the contractual arrangements for previous Chief Executives.

As part of this process, Counsel was instructed to give advice on the Council's Redundancy and Redeployment Policy and Procedure and also to carry out a review of the Constitution's Staff Employment Rules and Operational Standing Orders to ensure that all processes were consistent.

Appendix 1 to the report showed the amended rules recommended by Counsel.

As part of this, the new Panel would be dealing with employment rules and laws the members of this Panel would need to be fully trained by an officer from HR and it may be by an outside trainer if the budget permitted. It was noted that 14 members would have to be trained to sit on the proposed Panel of 7. An officer from HR would attend the meeting to offer advice, but it was considered important that the members were fully trained in the processes.

RESOLVED:

(1) That a report be submitted to the Council recommending as follows:

(a) that, in accordance with the advice of Counsel, the Staff Employment Procedure Rules (including the Operational Standing Orders for staff) be adopted as set out in Appendix 1 to the report (attached);

(b) that the Council appoint at its meeting 7 deputies for the present Restructuring Review Panel on the nomination of Group Leaders so as to

ensure that the Council was able to comply with the requirements of the revised Employment Procedure Rules when adopted;

(c) that, when required, a second Panel be formed from among the seven members and deputies appointed to the Restructuring Panel to deal with any appeals under the Employment Procedure Rules subject to the seven members concerned not having been involved in the original decision;

(d) that all members and deputies serving on the Restructuring Review Panel be trained in the requirements of these rules and related legal requirements before the Directorate Restructuring process commences;

(e) that the Finance & Technology Portfolio Holder be asked to review whether there was sufficient budgetary provision for training for Panel members in the current year;

(d) that a similar pool of 14 Panel members and deputies be appointed at future Annual Council meetings so that the Council was able to respond promptly when the Employment Procedure rules are engaged and that all appointed members and deputies be trained in the relevant procedures when required; and

(f) that the Chairman and Vice Chairman of any Panel convened in future years for the purposes of the Employment Procedure Rules be appointed by Panel members at the meeting concerned.

23. CONVENTIONS REGARDING WORKING RELATIONSHIPS BETWEEN OFFICERS AND COUNCILLORS

Councillor Philips the Chairman of the Constitution and Member Services Scrutiny Standing Panel introduced their report on the conventions on the working relationships between Political Groups and Councillors with Officers.

The Panel was asked by Management Board to review the conventions so as to bring them up to date. A revised set of conventions was considered at their April meeting when they decided to consult members of the Council by means of the Council Bulletin before considering the document in detail.

They also asked officers to find a way of giving more information to new members about key officers and to give advice on e mail contacts. However, they did not feel that these points needed to be covered in the Conventions.

The Panel had now looked in detail at the conventions and accepted the Management Board's view that these need to be revised as they were out of date.

They received further feedback from Management Board that confidentiality (where requested) without conditions was the simplest way to proceed. This view was accepted. The Panel's only condition was that such requests should be made to Directors or Assistant Directors only and they have therefore included this in the conventions.

They had also accepted that, if asked to attend a political group meeting, it was legitimate for an officer to decline and consider that, if the desirability of this was in doubt, the Chief Executive should make a final decision.

Where an invitation to attend was felt to be appropriate, the Panel had included a requirement that the same opportunity should be offered to the other political groups and independent members. By the same token, they felt that the conventions should state that if an officer offered to attend a political group meeting, it must be on the basis that the same offer was made to the other groups and independents. They felt that officers must never be in the position of advising only one political group.

RESOLVED:

- (1) That the revised conventions set out in Appendix 1 (attached) be approved for submission to the Council for adoption;
- (2) That the issues raised in consultation with Councillors concerning new members and e mail correspondence be referred to officers for appropriate advice to be given.

24. REVIEW OF ELECTIONS - 2 MAY 2013

Councillor Philips the Chairman of the Constitution and Member Services Scrutiny Standing Panel introduced their report on the review of the recent elections. These elections were for the seven County Council Divisions in our district and for one casual district by-election.

They noted that the level of turnout was disappointing. The Panel was informed that in the days before the election and throughout polling day, officers received numerous complaints by telephone, social media and face to face at polling stations about the lack of available information about candidates. Neither the Council nor the Returning Officer was able to publish candidates' manifestos and those complaining were referred to where they could find information, e.g. searching the Internet. A common response from electors was that they expected to receive leaflets through their letterboxes and they did not have the time or inclination to search for information.

It was noted that officers had prepared a Project Plan and a Risk Register for the elections which was updated on a regular basis from the beginning of the year.

The Electoral Commission issued a direction to Returning Officers to report their performance against set standards regarding planning and organisation, administering the poll, absent voting, verifying and counting the votes and action after the poll. In order to comply with the direction it was necessary to submit monitoring returns by specified dates. The monitoring returns required answers to set questions but in addition, the Commission specified that a sample of Returning Officers, including Epping Forest, should submit data/evidence to support the responses. All of the returns and documents requested were submitted in accordance with the specified times. The Panel were pleased to report that the Commission did not raise any significant queries in relation to the submitted material and has subsequently confirmed that based on their analysis of the information submitted, officers met all of the necessary requirements.

It was noted that 80 established Polling Stations were provided in 72 different buildings on 2 May 2013. This required the appointment of 72 Presiding Officers and around 120 Poll Clerks.

On Election Day, representations were made about some of the buildings. At the Allnutts Institute in Allnutts Road, Epping there is a farm-type gate (wide enough for a tractor) which leads to a former allotments site. Whilst the gate appeared solid it would not act as a handrail if someone grabbed it after tripping. The gate would swing away from the path and take a person with it. Officers will hold discussions with the owners of the building about possible remedial works. The Panel were informed that an elector in a wheelchair found it difficult to enter the polling station at the Hastingwood Village Hall. The Whitebridge Junior School in Loughton had two entrances. It was desirable to have both entrances open as the distance between the two for a pedestrian was significant. However, representations were received on polling day that there was inadequate signage from the Southern Drive entrance which resulted in some electors walking around the school looking for the polling station. When the matter was drawn to the attention of the Presiding Officer additional signage was provided and we have been assured that the need for this would be emphasised to the Presiding Officer at future elections.

A complaint was made to one Presiding Officer about the lack of a Notice of Poll inside the polling station. This had been the case for several elections since the Electoral Commission pointed out to Returning Officers that this notice was not listed in the legislation as being one for display in a polling station.

The total number of postal vote packets issued was 8115. Only 4 packs failed to reach the electors in the post and had to be re-issued. 71% were returned which equates well with previous elections. They were informed that the issue and opening sessions for postal votes went smoothly. There was no evidence of any significant postal vote fraud although 145 postal votes were rejected for various reasons – no ballot paper, no postal voting statement, mismatched signature or date of birth or both.

Unfortunately there were some issues with tellers which need to be addressed for the future. It was noted that a couple of tellers had left poll cards on the floor of the areas that they had occupied during the day. Fortunately the Presiding Officers collected those poll cards at the close of poll and brought them back to the Civic Offices where they were shredded.

RESOLVED:

- (1) That the review of the Elections held on 2 May 2013 be noted;
- (2) That, as it appears that some agents and candidates are not briefing their tellers sufficiently, future information sent to them should emphasise the need for this and an additional letter be sent to agents and candidates whether acting for themselves or not, approximately one week before the poll reminding them of the role and restrictions on tellers and asking them to draw the attention of their tellers to the agreed local protocol seeking details from electors only on the way out of the polling station and the need to dispose of poll cards securely;
- (3) That the proposed actions reported by officers in response to issues raised be agreed; and
- (4) That the Deputy County Returning Officer and his staff be congratulated on the efficient manner in which the elections were held.

25. WORK PROGRAMME MONITORING

Overview and Scrutiny Committee

The meeting noted that they were on target with their work programme, with items 4 and 9 completed tonight. They noted that item 10, quarterly progress on key objectives, had been added to their work programme in March.

Housing Standing Panel

Noted that the July meeting had been cancelled.

Constitution and Member Services Standing Panel

Noted that they had a light work programme at present. They had asked officers to supply additional information on item 3, appointment of Vice-Chairman of Council; this would go back to a future meeting.

There was likely to be an additional item to be added to the work programme - on having a review on polling stations.

It was also noted that item 7, review of officer delegation, had gone to the Audit and Governance Committee.

Safer Cleaner Greener Standing Panel

Noted that the July meeting had been cancelled due to lack of business.

Planning Services Standing Panel

It was noted that they had recently discussed the Crossrail 2 consultation and the Section 106 agreement at their June meeting.

Finance and Performance Management Standing Panel

It was noted that the Panel had set up sub-committee to look at recharging at the Council.

Overview and Scrutiny Review Task and Finish Panel

Noted that they had met on 8 July and had anticipated having one more meeting to pull their final report together they would then put it out for consultation.

CHAIRMAN

OFFICER EMPLOYMENT PROCEDURE RULES

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OFFICER EMPLOYMENT PROCEDURE RULES

A. DEFINITIONS AND RESPONSIBILITIES

1. Definitions

In these rules:

- (a) "the 1989 Act" means the Local Government and Housing Act 1989;
- (b) "the 2000 Act" means the local Government Act 2000;
- (c) "Disciplinary Action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;
- (d) 'Chief Executive' means the most senior officer of the Council in terms of managerial status and may include any person designated as Head of Paid Service pursuant to s4 of the Local Government and Housing Act 1989 and Deputy Chief Executive shall be construed accordingly;
- (e) "Chief Financial Officer" means the individual who has responsibility for financial administration pursuant to and for the purposes of s151 of the Local Government Act 1972;
- (f) "Chief Officer" means
 - (i) Chief Executive, Deputy Chief Executive, Director of Corporate Support Services, Director of Finance and ICT, Director of Housing, Director of Planning and Economic Development, Director of Environment and Street Scene, Assistant to the Chief Executive;
 - (ii) Further for the purposes of these Rules alone the Chief Financial Officer and Monitoring Officer, Deputy Financial Officer and Deputy Monitoring Officer are included within the definition of Chief Officer;
 - (iii) Further this definition will also include any post which is subsequently created to these Rules and whose terms of appointment expressly state that these Rules will apply as if to a Chief Officer.
- (g) "Executive" and "Executive Leader" have the same meaning as in Part II of the 2000 Act;
- (h) "Member of Staff" means a person appointed to or holding a paid office or employment under the authority;
- (i) "Pro Rata Rules" mean the principles set out in s15 of the 1989 Act;
- (j) "Proper Officer" means an officer appointed by the authority for the purposes of the relevant provisions in these Rules; and
- (k) "The Rules" means the Officers Employment Rules.

2. Responsibility for Appointment, Dismissal and Disciplinary Action

- 2.1 Save as otherwise provided for by these Rules and subject to the exceptions in sub paragraphs 2.2 and 2.3 below, the function of appointment and dismissal of, and taking disciplinary action against, a Member of Staff of the authority must be discharged, on behalf of the authority, by the Chief Executive or by a Member of Staff nominated by him.
- 2.2. The exceptions referred to in sub paragraph 2.1 are as follows:
- (a) the Chief Officers of the Council as defined above; and
 - (b) any person appointed in pursuance of Section 9 of the 1989 Act (assistants for political groups).
- 2.3 Nothing in paragraph 2.2 above shall prevent a person from serving as a member on any panel, committee or sub-committee established by the authority to consider an appeal by:
- (a) another person against any decision relating to the appointment of that other person as a Member of Staff of the authority; or
 - (b) a Member of Staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that Member of Staff.

B. RECRUITMENT

3. Recruitment and Appointment – General Requirements

3.1 Declarations

3.1.1 The Council will draw up a statement requiring any candidate for appointment as a Member of Staff to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or Member of Staff of the Council; or of the partner of such persons.

3.1.2 No candidate so related to a councillor or a Member of Staff will be appointed without the authority of the relevant Chief Officer of the service to which that candidate has applied or a Member of Staff nominated by him/her for this purpose.

3.2 Seeking Support for Appointment

3.2.1 The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council.

3.2.2 No councillor will seek support for any person for any appointment with the Council.

3.2.3 The Council will disqualify any applicant who directly or indirectly seeks the support of any Member of Staff for any appointment with the Council save where the applicant is an existing Member of Staff and seeks a reference from another Member of Staff in support of such application.

3.2.4 The content of Rule 3.2 shall be included in any recruitment information.

4. Recruitment of Chief Officers

4.1. Where the Council proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing Members of Staff, the Council will:

(a) Draw up a statement specifying (i) the duties of the **Chief Officer role** concerned; and (ii) any qualifications or qualities to be sought in the person to be appointed;

(b) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) Make arrangements for a copy of the statement mentioned in Rule 4.1 (a) to be sent to any person on request.

5. Appointment of Chief Executive

5.1 The full Council will approve the appointment of the Chief Executive following the recommendation of such an appointment by a panel of seven councillors allocated between political groups in accordance with the Pro Rata Rules who will interview applicants for this position. Such a panel shall include at least one Executive member.

5.2 All councillors appointed to such a panel is required to have undertaken recruitment and selection training before taking part in interviews.

5.3 The appointment panel will not seek the approval of the full council for the proposed appointment until it has complied with the procedure at Rule 8 below.

6. Appointment of other Chief Officers.

6.1 A panel of not less than seven councillors allocated between political groups in accordance with the Pro Rata Rules will interview and, where authorised following the procedure referred to in Rule 8, appoint to these positions. Such a panel shall include at least one Executive member.

6.2 All councillors appointed to such a panel are required to have undertaken recruitment and selection training before taking part in interviews.

7. Appointments of Assistants to Political Groups

7.1 Appointments of assistants to a political group shall be made in accordance with the wishes of that political group.

8. Objection by the Executive – Appointment of Chief Officers

8.1 In relation to any proposed appointment for any Chief Officer post an offer of appointment should not be made until the Proper Officer has been notified of the name of the person that is proposed is to be offered such position and any other particulars which are considered to be relevant to the appointment and the Proper Officer has notified every member of the Executive of the authority of:

- (a) the name of the person to whom it is proposed to make the offer;
- (b) any other particulars relevant to the appointment which have been notified to the Proper Officer; and
- (c) the period within which any objection to the making of the offer is to be made by the Executive Leader on behalf of the executive to the Proper Officer; and

8.2 Upon such notification having been made then the appointment will only be offered if:

- (a) the Executive Leader has, within the period specified above notified the appropriate appointment panel or individual that neither he nor any other member of the Executive has any objection to the making of the offer;
- (b) the Proper Officer has notified the appropriate appointment panel, that no objection was received by him within that period from the Executive Leader; or
- (c) the relevant appointment panel is satisfied that any objection received from the Executive Leader within that period is not material or is not well founded.

C. DISCIPLINARY ACTION

9. Disciplinary Action

9.1 Suspension

9.1.1 Any Chief Officer may be suspended whilst an investigation takes place into alleged misconduct.

9.1.2 The Chief Executive shall have delegated authority to suspend a Chief Officer where, in his/her opinion the presence at work of the Chief Officer concerned compromises an investigation of any alleged misconduct and/or impairs the carrying out of the Council's functions, for a maximum period of 10 working days. Any decision to suspend any Chief Officer for a longer period shall be taken by a Panel of councillors comprising not less than seven Councillors allocated between political groups in accordance with the pro rata rules and convened within the 10 day period of the temporary suspension.

9.1.3 The delegated authority to suspend for a maximum period of 10 working days shall, where the chief officer in question is the Chief Executive, be exercisable by the Leader of the Council acting on the advice of the Monitoring Officer and the Chief Financial Officer. Any decision to suspend the Chief Executive for a period of more than 10 working days up to a maximum of 2 months shall be made by a Panel of not less than 7 Councillors allocated between political groups in accordance with pro rata rules.

9.1.4 Any assistant to a political group may be suspended by the leader of that political group.

9.1.5 Any suspension will be on full pay and for a period of not more than two months save as provided for in 9.2.2 below and shall be kept under constant review.

9.2 Independent Person

9.2.1 No Disciplinary Action other than the suspension referred to in paragraph 9.1 above may be taken in respect of the Chief Executive, the Monitoring Officer or the Chief Financial Officer except in accordance with a recommendation in a report made by a designated independent person within the meaning of Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.

9.2.2 Further, in respect of any period for which the Chief Executive, the Monitoring Officer or the Chief Financial Officer may be suspended, the independent person may terminate or extend any period of that suspension (including extending it beyond two months should it appear to that independent person as being necessary) and vary the terms of any suspension as he or she sees fit.

9.2.3 The independent person may inspect any documents or have questions answered by any Member of Staff of the Council in connection with such investigation.

9.3 Councillors

9.3.1 Councillors will not be involved in the disciplinary action against any member of staff below Chief Officer level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, **through** the Council's disciplinary, capability and related procedures, as adopted from time to time or as otherwise provided for by these Rules.

9.3.2 **Other** Councillors may participate in such proceedings where there is a right of appeal to members in respect of disciplinary action.

10. Disciplinary Panels

10.1 Disciplinary Action short of dismissal in respect of the Chief Executive, Monitoring Officer and Chief Financial Officer may be made by a panel comprising not less than seven councillors allocated between political groups in accordance with the Pro Rata Rules and including at least one member of the Executive to consider the report on any disciplinary matters produced by the independent person referred to in paragraph 9.2.1 above and must be in accordance with any recommendation made in that report.

10.2 The full Council may approve the dismissal of the Chief Executive, Monitoring Officer and Chief Financial Officer following the recommendation of such a dismissal by the Panel referred to in 10.1 provided that

(i) such dismissal is in accordance with any recommendation made in the report produced by the independent person referred to in paragraph 9.2.1 above; and

(ii) the procedure referred to in paragraph 11 below has been complied with.

10.3 Disciplinary Action, including dismissal, in respect of any individuals in the positions of Chief Officers, other than the Chief Executive, Monitoring Officer and Chief Financial Officer, may be taken by a panel of seven councillors allocated between political groups in accordance with the Pro Rata Rules including at least one member of the Executive and provided that the procedure referred to in paragraph 11 below has been complied with.

- 10.4 Disciplinary Action, including dismissal, in respect of any assistants to political groups, may be taken by a panel made up of not less than three councillors from that political group (unless there are less than three councillors affiliated to that party when the panel should be made up of all councillors affiliated to that party).

11. Objection by the Executive - Dismissal

- 11.1 In relation to any proposed dismissal of an individual in a Chief Officer post notice of dismissal should not be given until the Proper Officer has been notified of the name of the person that is proposed is to be dismissed and the reasons for the proposed dismissal and the Proper Officer has notified every member of the executive of the authority of:

- (a) the name of the person it is proposed to dismiss;
- (b) the reasons for the proposed dismissal
- (c) the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the Proper Officer;

- 11.2 No notice of dismissal or recommendation for dismissal as the case may be shall be given until either -

- (a) the Executive Leader has, within the period specified above notified the panel proposing to dismiss that neither he nor any other member of the Executive has any objection to the proposed dismissal
- (b) the Proper Officer has notified the panel that no objection was received by him within that period from the Executive Leader; or
- (c) the relevant panel is satisfied that any objection received from the Executive Leader within that period is not material or is not well founded.

12. Redundancy Procedures

- 12.1 The Epping Forest District Council Redundancy and Redeployment Policy and Procedure does not apply to Chief Officers. However the principles referred to within that policy will be adhered to so far as is appropriate when considering a potential redundancy situation affecting any individuals who hold any of the above posts and whether to dismiss any such person. **The Epping Forest District Council Policy for Redundancy and/or Early Retirement shall apply in full to Chief Officers**

- 12.2 A panel of members comprising not less than seven councillors allocated between political groups in accordance with Pro Rata Rules including at least one member of the Executive will consider whether any persons holding any post referred to in 12.1 above shall be made redundant when it appears there is a need to consider such matters ("the Redundancy Panel").

- 12.3 The Redundancy Panel will, in addition to any other steps that appear to them to be appropriate as referred to in the Redundancy and Redeployment Procedure, be responsible to ensure that:

- (a) any individuals that may be affected by any decisions relating to redundancy are informed at an early stage of the fact that they may so be affected and the

reasons for this. Thereafter any such individuals should be kept informed of relevant information pertaining to the redundancy decision making process as it continues.

(b) individuals are meaningfully consulted during the redundancy process and, in particular, sufficient information is given to them such as to enable them to understand why such redundancies are being considered and an opportunity is given to those individuals to comment on such information and make alternative proposals with a view to avoiding redundancy.

(c) that consideration is given to whether any alternative positions may be available to the affected individuals.

The Redundancy Panel shall ensure that notification is given to the Executive of any proposed decision to dismiss by reason of redundancy in accordance with paragraph 11 above. Such notification is to be made before the Redundancy Panel notifies the individual concerned that it is proposed to recommend to the Council to make that individual redundant in accordance with paragraph 12.5 below.

- 12.4 If the Redundancy Panel decides that a notice of redundancy should be issued to any individual then it should inform the individual concerned of its intention to recommend the Council to do so and inform that individual that they have a right to appeal and the Panel should set a reasonable period for the individual to make such an appeal.
- 12.5 If the individual does not appeal within the set timescale then the full Council will approve the dismissal of the individual concerned following the recommendation of the Redundancy Panel.
- 12.6 If the individual does appeal within the set timescale then a Redundancy Appeal Panel will be appointed which will consist of not less than seven councillors, drawn from political groups in accordance with Pro Rata Rules and including at least one member of the Executive, who will hear and adjudicate upon the appeal.
- 12.7 If the appeal is dismissed then the full Council will approve the dismissal of the individual concerned following the recommendation of the Redundancy Appeal Panel.

**OFFICER EMPLOYMENT
PROCEDURE RULES**

APPENDIX 1

OPERATIONAL STANDING ORDERS – STAFF

1. Management Board

The Management Board shall comprise the Chief Executive, Deputy Chief Executive and Service Directors. The team shall meet on a regular basis to consider matters of Council business and shall adopt a 'corporate' outlook on management matters.

2. Working Parties

The Management Board may appoint working parties of officers to examine and report to the team on any matter in respect of which the Council has powers and duties or which affects the District.

3. Canvassing of Members

Canvassing of members or officers of the Council – (i) by or on behalf of a candidate, whether directly or indirectly; (ii) by individual employees in regard to their terms and conditions of service except by way of application to a superior officer, is forbidden.

4. Relatives of Members or Officers

(1) Every person applying for an appointment in the service of the Council shall disclose in writing to the Chief Executive any known family relationship to any member or senior officer of the Council.

(2) The existence of any known family relationship between a member of the Council and a senior officer of the Council shall be notified in writing to the Chief Executive by each party to such relationship.

(3) For the purpose of this Standing Order "senior officer" means any officer of the Council in receipt of a salary in Principal Officer Range (SCP 49-53) related to the JNC Conditions for Chief Officers.

5. Interest of staff in contracts and other matters

(1) If it comes to the knowledge of an officer employed by the Council that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract in which he is himself a party), has been or is proposed to be entered into by the Council or any committee thereof, he shall as soon as practicable give notice in writing to the Chief Executive of the fact that he is interested therein.

(2) If it comes to the knowledge of a Service Director of the Council that he has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter which is the subject of consideration by the Council or a committee of the Council he shall at the meeting before consideration of the matter disclose (or cause to be disclosed) the fact and (if he is in attendance at the meeting) shall withdraw from the meeting whilst the matter is under consideration.

...

(3) For the purpose of this Standing Order an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of Section 95 of the Local Government Act 1972 had he been a member of the Council. (A summary of the provisions of Sections 94 to 98 and 117(1) of the Local Government Act 1972 is attached as Appendix 2 to these Standing Orders).

(4) An officer of the Council shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.

CONVENTIONS ON THE WORKING RELATIONSHIPS BETWEEN POLITICAL GROUPS & COUNCILLORS WITH OFFICERS

1. INTRODUCTION

1.1 The formal business of the Council is regulated by the Constitution and various supplementary guidance. The conventions set out in this document are for guidance of members of the Council and **Directors** and are aimed at supplementing those rules and guidance.

2. ENTITLEMENT TO INFORMATION

2.1 Any member of the Council may ask the appropriate Director for written factual information about a Directorate (or part thereof) or service. Such requests will be met, subject to any legal requirements (including the Freedom of Information and Data Protection Acts).

2.2 A Councillor may require the Director to treat the request for information as confidential and this confidentiality will be respected unless it is agreed with the Councillor concerned that request no longer needs to be treated in that way.

2.3 All such requests shall be made to a Director or Assistant Director.

2.4 Where a Director on his own initiative provides information to any political group, the information will **also** be supplied to the other **Groups** unless it is of a routine or minor nature.

3. BRIEFING MEETINGS

3.1 Formal briefings may be arranged for meetings to discuss business to be transacted at meetings. Briefings will be attended by the Chairman and Vice Chairman concerned except in the case of the District Development Control Committee and Area Plans Sub Committees where appointed group representatives and independent members serving on the Committee or sub Committee concerned will also attend.

3.2 Briefing meetings will deal with (a) procedural matters; and (b) up-dating of information contained in agenda items by officers.

3.3 All political groups will notify their group representatives on the District Development Control Committee and the Area Plans Sub Committees at the beginning of each Council year. The role of the Group representative shall be to act as spokesman for their group in connection with those meetings.

3.4 All briefings will be held at a mutually convenient time, usually on the day of the meeting in question and where possible will be published on the weekly calendar in the Council Bulletin.

3.5 Group Leaders and independent members may attend the briefing for the Chairman and Vice Chairman of the Council meetings.

4. BRIEFING OF POLITICAL GROUPS

4.1 The Chief Executive, Directors and Assistant Directors of the Council shall only attend meetings of political groups if this is for the purpose of assisting Council business. Where a political group invites an officer to attend a meeting, such invitations should be accepted only if the same opportunity is afforded to all political groups. Where officers have doubts about the appropriateness of accepting such an invitation, the Chief Executive will make a final decision.

4.2 Where an officer considers that it would assist Council business to attend a political group meeting for the purpose of briefing and makes a proposal that he or she should attend, the officer concerned shall be careful to extend that offer to all political groups.

4.3 Meetings of group leaders may be held. Such meetings will have no executive powers but will be authorised to meet with the Chief Executive on an informal basis to discuss business to be considered by the Council. **Group Leaders' meetings shall have formal agenda and minutes and shall be chaired by the Leader of the largest political group present.**

5. MEETING PRACTICE

5.1 Role of Chairman

The Chairman of the Council, the Leader **of the Cabinet or the Chairman** of any Committee, Sub-Committee or **Panel/Working Group** shall ensure that there is a reasonable opportunity for debate and that there is effective despatch of Council business. The Chairman shall ensure that every motion which is properly proposed and seconded is put to the vote.

5.2 Casting Vote

In circumstances where a second or casting vote may be required, the Chairman shall consider whether to make a second or casting vote by taking advice on whether the decision is necessary and whether there will be a further opportunity to debate the issue concerned within a reasonable timescale. The Chairman may decide, dependant on that advice, not to make a casting vote or if one is cast, to vote according to the status quo. However, in some cases there is no status quo (e.g. quasi judicial decisions concerning planning, licensing and appeals of various kinds) and in those circumstances the Chairman shall vote in accordance with their judgement of the public interest. Chairmen will acknowledge at all times the requirement under the Constitution to signify whether he or she intends to vote in the first vote on any matter before a meeting.

5.3 Respect for the Chair and Behaviour

Group Leaders will do everything possible to ensure that members of their groups are aware of the rules of debate and proper standards of behaviour at all meetings.

5.4 Seating Arrangements – Council and Committee Meetings

Seating in the Council Chamber shall be agreed between the political groups.

5.5 Committee Minutes

Draft minutes will be cleared with the appropriate Chairman.

6. RELATIONS WITH THE MEDIA

6.1 Official media statements will be issued on behalf of the District Council, a Portfolio Holder, an Overview and Scrutiny or other Committee Chairman. Such statements may be prepared in consultation with appropriate Directors but must be approved by the quoted Members before issue. **Quoted members will also be consulted on statements issued within the broader context of a proactive media releases and in response media enquiries.** Statements issued through the Public Relations and Marketing Officer (Including quoted comments by members) must reflect the nature of decisions or Council policy and exclude 'political' comment.

6.2 Members may speak directly to the media on any given issue (subject to legal constraints such as the Data Protection Act) **in order to express personal or political points of view.**

6.3 Political Groups may issue their own press releases either through group leaders or group representatives. These will be solely the province of the political group concerned and will not involve officer input except in so far as a group wish to check factual information. Press statements arising from Council business and issued in a party capacity by a Leader or Group Representative must be careful to differentiate between the Council's policy and the views of the group concerned.

6.4 The Chairman and Vice-Chairman of the Council have a special role within the authority by virtue of their civic responsibilities. To reflect this role, they will receive special support from relevant officers in carrying out those duties.

6.5 Political groups and individual councillors should bear in mind the special rules which apply to Council publicity during election periods and shall bear in mind the guidance set out in Appendix 2 to this report .

7. APPOINTMENT OF REPRESENTATIVES

7.1 The appointment of representatives to any outside body of a permanent nature or involving regular attendance will be determined by the Council in accordance with Council Procedure Rules.

8. FACILITIES FOR MEMBERS

8.1 **Word processing and photocopying facilities are available in accordance with Council policy, on application to Democratic Services. Typing for the Chairman and Vice-Chairman of the Council is provided through Democratic Services.**

9. REVIEW OF CONVENTIONS

9.1 The conventions set out in this document will be reviewed from time to time. The Chief Executive will also initiate a special review at any time if required by a change in the political balance on the Council or on the request of any of the political groups.