

**EPPING FOREST DISTRICT COUNCIL
CORPORATE GOVERNANCE GROUP MEETING**

**WEDNESDAY, 3 SEPTEMBER 2008
(9.00 AM - 12.05 PM)**

Present: P Haywood (Chief Executive), J Akerman (Chief Internal Auditor), C O'Boyle (Director of Corporate Support Services), R Palmer (Director of Finance and ICT), D Macnab (Deputy Chief Executive) and I Willett (Assistant to the Chief Executive)

**Apologies for
Absence:**

Place: Room 1.29, 323 Building, Civic Offices, High Street, Epping

38. MINUTES OF THE PREVIOUS MEETING - 30.7.08

Agreed.

39. MATTERS ARISING

No items for report.

40. DECLARATIONS OF INTEREST

None for this meeting.

41. TERMS OF REFERENCE

Noted.

42. GIFTS & HOSPITALITY - SECOND FOLLOW UP AUDIT

Noted that J Akerman was presenting a report to the next meeting of the Audit and Governance Committee on the results of Internal Audit studies on gifts and hospitality which had been requested by the Committee.

Noted that P Haywood, J Gilbert and A Hall be attending the meeting.

Noted that further checks have been carried out on Hospitality Registers across the Council outside the scope of the initial Internal Audit study and these further checks had not revealed any issues of concern equivalent to those already identified.

Action:

J Akerman to pursue.

P Haywood/J Gilbert/A Hall to note.

43. NATIONAL FRAUD INITIATIVE 2008/09

Noted that J Akerman was reporting to the next Audit and Governance Committee on the current position concerning the Council's participation in the 2008/9 National Fraud Initiative.

Noted that as a result of changes in the statutory provisions relating to the sharing of data in connection with the National Fraud Initiative, the data requested by the Audit Commission previously (namely Electoral Register and Council Tax/Benefits data) would now be provided.

Recorded that in view of the changes in the law CGG was now satisfied with the current situation regarding release of data from the point of view of its own governance arrangements.

Action:

I Willett to pursue.

44. BUSINESS AND GOVERNANCE ASSURANCE FRAMEWORK

Noted that J Akerman was reporting to the Audit and Governance Committee in November on the annual review of the Council's Business and Governance Assurance Framework.

Noted that as part of the framework review it was recorded that certain corporate policies were required to be reviewed as follows:-

- Freedom of Information
- Complaints
- Data Protection
- Partnerships and Health and Safety

Noted that the Partnerships Policy was the subject of an Internal Audit Review whilst the Health and Safety Working Party had already undertaken some work on Health and Safety Policy.

Noted that a review of the Freedom of Information Act Policy was in progress.

Agreed that relevant officers advised J Akerman of the current position concerning these reviews.

Action:

I Willett to advise J Akerman regarding review of FOI Policy.

J Macnab/J Filby to advise J Akerman regarding review of Complaints Policy

R Palmer to advise J Akerman regarding the current position on Data Protection Act Policy.

P Haywood/C O'Boyle to bring forward the Health and Safety Policy Review document.

45. DISTRICT & PARISH REMUNERATION PANELS

Noted that there was one applicant for the vacant position on these Panels from an independent person.

Agreed that an interview be held with that applicant to explore the suitability for the position.

Agreed that the Interview Panel should comprise I Willett, C O'Boyle and J Akerman.

Action:

I Willett to pursue.

46. REVIEW OF EXECUTIVE CONSTITUTION

Agreed that the review report due to be submitted to the Constitution and Member Services SSP be approved subject to the following alterations:-

(a) Transfer of certain delegated authorities from the Executive List to the Council/Regulatory List on the basis that those items concerned Corporate Governance rather than Executive functions specifically.

Agreed that Service Directors be consulted on the division of the list of delegated authorities.

Action:

I Willett to revise schedules.

47. STANDARDS COMMITTEE

(a) Investigation/Assessment/Appeals – Progress Report

Noted that one complaint against a District Councillor had been referred for investigation and that process was continuing.

Noted that one other complaint against a District Councillor had not been referred for investigation but was now subject to an appeal against that decision by the complainant and that a further meeting of the Review Sub-Committee of the Standards Committee was scheduled to take place later in September.

Noted that the possibility of a third place had arisen.

(b) Constitution Changes

Noted that the changes to the Council's Constitution in relation to the new investigation regime had been approved by the Council on 29 July 2008.

Noted that Councillor S W Murray had been appointed as the third councillor member of the Standards Committee and that he had attended a briefing on current activity and procedures.

Noted that the third parish representative was still awaited.

48. USE OF CONSULTANTS - WORKING PARTY

Noted that the Standing Orders Working Party had given further consideration to the content of Contract Standing Orders in relation to the appointment of consultants etc.

Noted that the intention was to apply the procedures contained in Contract Standing Orders to appointment of non-established personnel engaged for specific tasks over specific periods, this definition to include appointments made through agencies.

Noted that all other positions would be deemed to be temporary staff and subject to normal rules about available budgets, salary scales with a discretion for Service Directors to exceed appropriate salary scales by a maximum of 20%.

Noted that further work was required to prepare a new report on the basis outlined above for members and that therefore approval will be sought from the Chairman of the Constitution and Members Services Standing Scrutiny Panel to defer consideration of this item.

Agreed that J Preston should look carefully at the use of consultants in Building Control to ensure that consultant persons had the appropriate qualifications and authority to exercise powers on behalf of the Council.

49. STAFF VACANCIES

Agreed that CEF should consider whether a time limit should be introduced for ensuring that all vacant posts are filled.

Noted that the Leader of Council had requested information on all vacant posts within the Council and the period during which they have been unfilled.

Action:

I Willett to pursue.

50. STRATEGIC HOUSING MARKET ASSESSMENT - CONTRACT FOR CONSULTANCY ADVICE

Noted that Harlow, East Herts, Broxbourne, Brentwood, Uttlesford and EFDC had agreed to participate in a Joint Consultancy Contract for a Strategic Housing Market Assessment in the area surrounding Harlow.

Noted that Harlow had been designated the lead authority but had executed a contract with the preferred consultant which did not make the other authorities party to the agreement in formal terms.

Noted that the Council was being pressed to make its contribution of £12,000 to the cost of the Consultancy by Harlow Council but that there was concern that this would not be a prudent course of action without some former understanding with Harlow and the Consultant.

Agreed that C O'Boyle should clarify the current position concerning this contract and in particular whether the work was being carried out in accordance with the Council's wishes and was being delivered in a timely and appropriate fashion.

Agreed that subject to that assurance this payment could be released.

Noted that it was likely there would be several other similar contracts and it was agreed that as a principle for the future the name of the EFDC must be included in any agreements executed by Council and that appropriate indemnities should be available to this Council in respect of any failure to deliver by any consultant appointed and that Harlow should be advised there will be no further contracts of this kind involving EFDC until the authority is satisfied about governance arrangements.

Action:

C O'Boyle to clarify position regarding the Strategic Housing Market Assessment Consultancy.

P Haywood to speak to the Chief Executive of Harlow Council regarding future contracts and governance arrangements.

51. CORPORATE RISK REGISTER - UPDATE

Noted that the Corporate Risk Register had been reviewed at the Corporate Risk Group earlier in the week and that two major changes had been made:-

(a) Key Contracts (R20) – Leisure and Waste Management Contract moved to a different category of risk.

(b) Executive priorities – the Cabinet's Executive priorities for the year were now known and the risk register had been adjusted to take these into account.

Action:

R Palmer to revise report.

52. STATUTORY STATEMENT OF ACCOUNTS

Noted that the Council's External Auditors had determined that there was a material error in the Statutory Statement of Accounts presented to the Council in July 2008.

Noted that in view of this there was a requirement for these accounts to be corrected and re-submitted to the Audit and Governance Committee on 18 September 2008 and the Council at its next meeting on 25 September 2008.

Noted that the overall Council finances were not affected by this revision to the Statement of Accounts but it was anticipated there could be a detrimental effect on the Council's Use of Resources Assessment.

Noted that as part of this process a letter would be required from the Monitoring Officer concerning contingent liabilities outlined in the Statutory Statement.

Action:

R Palmer to pursue.

C O'Boyle to sign letter.

53. WASTE MANAGEMENT INSPECTION REPORT

Noted that this report would be submitted to the Audit and Governance Committee but the Cabinet Committee on Finance and Performance Management would need to consider compiling an Action Plan of how to respond beforehand.

Agreed that the Inspection Report and accompanying officer report be presented to the next Finance and Performance Management Committee and a subsequent meeting of the Audit and Governance Committee.

Action:

J Gilbert to note.

54. WESTLAW SOFTWARE - STATUTORY RESEARCH FACILITY

Noted that a member of the Council had sought permission to make use of the Council's Westlaw software in connection with his Portfolio Holder duties.

Agreed that due to complications with user licences, external access and the precedent set for other Council systems, this application be refused.

Noted that, in any event, legal advice would be available from Legal Services.

Action:

C O'Boyle to pursue.

55. DATE FOR FUTURE MEETINGS

Next meeting: 24 September 2008 at 9.00 a.m. in the Chief Executive's Office.