

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Constitution and Members Services **Date:** Thursday, 16 December 2010
Scrutiny Standing Panel

Place: Committee Room 1, Civic Offices, **Time:** 7.30 - 9.45 pm
High Street, Epping

Members Present: Mrs M McEwen (Chairman), R Cohen, Ms J Hedges, J Philip, D Stallan, Mrs J H Whitehouse and B Rolfe

Other Councillors:

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

Officers Present: I Willett (Assistant to the Chief Executive), B Bassington (Chief Internal Auditor), S G Hill (Senior Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

27. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

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

28. DECLARATIONS OF INTEREST

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

29. NOTES OF THE LAST MEETING

RESOLVED:

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

30. TERMS OF REFERENCE/WORK PROGRAMME

(1) Terms of Reference

The Panel's Terms of Reference were noted.

(2) Work Programme

(a) Item 5 E-Petitions – the Members were advised that since a report on E-Petitions had been agreed at Full Council, the Government had indicated that the Localism Bill would contain provisions for mandatory E-Petitions, to be repealed. However the District Council could retain E-Petitions if it so wished. The issue would be resolved in the summer of 2011.

(b) Item 7 Member Role Accountability Statements – this report would be submitted at a later date.

(c) Item 8 Appointments at Annual Council – this was on the current agenda as a scoping report.

Constitution and Members Services Scrutiny Standing Panel
Thursday, 16 December 2010

(d) Item 10 Member Training Review – this report would be submitted in March 2011 and would include E-Training.

(e) Item 11 Annual Review of Financial Regulations including E-Invoices – this report had been submitted to the current meeting.

(f) Item 14 Planning/Landowner Roles – details to be confirmed. This item needed further clarification from the Member submitting it.

(g) Item 16 Supply of Water in place of coffee to meetings held in Committee Rooms 1 and 2 – Mr I Willett was making arrangements with Mr M Tipping, Assistant Director of Corporate Support Services.

31. FINANCIAL REGULATIONS - INTRODUCTION OF E-INVOICES

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

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

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

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

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

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

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

RECOMMENDED:

Constitution and Members Services Scrutiny Standing Panel
Thursday, 16 December 2010

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

32. APPOINTMENTS AT ANNUAL COUNCIL

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

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

Committee, Sub-Committee and Panel Appointments

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

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

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

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

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

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

Issue 2 – How Consultation between Political Groups might be Improved

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

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

Constitution and Members Services Scrutiny Standing Panel
Thursday, 16 December 2010

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

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

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

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

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

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

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

Issue 5 How the paperwork can be made simpler.

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

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

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

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

Constitution and Members Services Scrutiny Standing Panel
Thursday, 16 December 2010

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

The Panel felt that the following improvements could be made:

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

Appointment of Vice Chairman of the Council

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

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

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

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

RESOLVED:

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

33. REVIEW OF EXECUTIVE PROCEDURE RULE 1.6

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

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

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

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

Constitution and Members Services Scrutiny Standing Panel
Thursday, 16 December 2010

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

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

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

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

RECOMMENDED:

(1) That the Council be recommended to make the following amendments to Executive Procedure Rule 1.6:

- (a) the requirement to complete all business at a Cabinet meeting by 10.00p.m. being deleted; and
- (b) reference to a maximum number of Cabinet meetings being deleted from the Constitution.

34. PROTOCOLS FOR STATUTORY OFFICERS

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

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

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

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

36. FUTURE MEETINGS

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

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

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

**Constitution and Members Services Scrutiny Standing Panel
Thursday, 16 December 2010**

CHAIRMAN

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