

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

**WEDNESDAY, 8 DECEMBER 2010
(9.00 - 10.45 AM)**

Present: D Macnab (Acting Chief Executive) (Chairman) C O'Boyle (Director of Corporate Support Services), R Palmer (Director of Finance and ICT), I Willett (Assistant to the Chief Executive) and B Bassington (Chief Internal Auditor)

**Apologies for
Absence:**

Place: Room 1.05, First Floor, Civic Offices, High Street, Epping, Essex

52. DECLARATIONS OF INTEREST

R Palmer declared an interest in Item 11(a) in so far as it related to Case 1/2010 where he was the complainant.

53. MINUTES OF THE PREVIOUS MEETING - 27.10.10

Agreed.

54. MATTERS ARISING

None for report.

55. TERMS OF REFERENCE

Noted.

56. AUDIT COMMISSION - NATIONAL LOCAL GOVERNMENT STUDIES

Noted that recent Audit Commission studies had been received as follows:-

(a) Protecting the Public Purse 2010 (Fraud)

Agreed that this study be referred to the next Audit and Governance Committee with comments indicating that most of the recommended items were already carried out by this Council and that Internal Audit were currently engaged in a study on recruitment processes for permanent and temporary staff.

Agreed that A Hall should advise on the recommendations contained on page 21 relating to registered housing providers.

(b) "Against the Odds" (Young People)

Agreed that this Council had no direct involvement in the subject matter of this report except in terms of a general overview.

Agreed that the report to the Audit and Governance Committee be amended to indicate the Council's lack of involvement in this issue and to state that the document will be referred to the Child Protection Working Party.

ACTION:

S Tautz to pursue.

J. Chandler to note.

57. DRAFT ANNUAL AUDIT LETTER 2009/10

Noted that R Palmer had already made a preliminary comments on the draft letter including the following:-

(a) Paragraph 1.4 (Health Inequalities) – More context required in the conclusions column of the table to clarify that this section related to the Local Strategic Partnership;

(b) Paragraph 3.5 (Financial Statements) – Clarification in the text that the errors identified and corrected during the course of the audit had no effect on the overall General Fund situation.

ACTION:

R Palmer to pursue.

58. CORPORATE RISK MANAGEMENT DOCUMENTS

Agreed that the proposed amendments and risk management documents be approved and presented to the Finance and Performance Management Cabinet Committee on 17 January 2010:

(a) Corporate Risk Register

No significant changes.

(b) Risk Management Group – Terms of Reference

Addition of Business Continuity.

(c) Risk Strategy – Management

Addition of Business Continuity, deletion of reference to brokers and the provision of training updated.

(d) Risk Management Policy – Statement

Reference to Corporate Executive Forum (CEF) deleted.

ACTION:

R Palmer to pursue.

59. NORWAY HOUSE, NORTH WEALD - INTERNAL AUDIT STUDY OF ESTABLISHMENT

Noted that as a result of an Internal Audit review of establishment matters at Norway House, a limited assurance level had been given in the report.

Noted that four Priority 1 recommendations relating to petty cash income collection banking procedures and staff time recording had been registered.

Agreed that Internal Audit should revisit the study in January 2011.

ACTION:

B Bassington to pursue.

60. STATUTORY OFFICERS - PROTOCOLS

Noted that the Constitution and Member Services Standing Scrutiny Panel had requested changes to the draft protocols for Head of Paid Service, Monitoring Officer and Chief Finance Officer at its last meeting.

Noted that the main changes were requested in respect of the roles of Deputy Statutory Officers, how conflicts of interest involving a Statutory Officer will be dealt with, budgetary arrangements for carrying out the functions of Statutory Officers and a request that the protocols be reviewed every two years.

Agreed that the draft protocols be amended as follows:

(a) text to be amended to indicate that Statutory Officers have access to directorate or corporate budgets for the purpose of carrying out their statutory tasks subject to the usual budget constraints;

(b) that, in terms of conflicts of interest, these should be notified direct to the Statutory Officer concerned or to the Head of Paid Service;

(c) that if conflicts of interest were suggested in respect of the Head of Paid Service these could be notified direct to the Post Holder or the Monitoring Officer;

(d) reflect in the protocol the question of accepting that a conflict of interest existed was a matter for each individual holder of the designation;

(e) challenges on conflict of interests in respect of Statutory Officers should not be raised in public meetings but discussed beforehand and a resolution found;

(f) any of the Statutory Officers where there was suggestion of a conflict of interest should be under duty to consider the comments made, if necessary seeking advice from other Statutory Officers or the Corporate Governance Group and to indicate the action proposed to be taken as a result.

(g) if a conflict of interest of a Statutory Officer were acknowledged, arrangements could be made by that officer for the discharge of functions in relation to that matter, whether by a Deputy or one of the other Statutory Officers.

ACTION:

I Willett to revise protocols and submit to the Constitution and Member Services Standing Scrutiny Panel following circulation of a final draft.

61. STANDARDS COMMITTEE

(a) Complaint Assessments, Reviews and Adjudication

Schedule noted.

(b) Standards for England Direction – Nazeing Parish Council

Noted that the Deputy Monitoring Officer had written to Nazeing Parish Council giving notice that this Council may wish to seek a financial contribution (on a voluntary basis) in respect of the cost of training currently being undertaken.

(c) Future of the Ethical Framework – Recent Advice from the Department for Communities and Local Government

Agreed that this document be submitted to the next Standards Committee in order that they consider whether they wish to make a recommendation to the Council about the options available for the future of the Standards Committee and of a local Code of Conduct.

ACTION:

I Willett to report to Standards Committee.

62. LOCAL GOVERNMENT BOUNDARY COMMISSION - CONSULTATION ON ELECTORAL REVIEWS

Noted that two Consultation documents had been published by the Local Government Boundary Commission concerning electoral reviews and boundary changes.

Agreed that a response be submitted to the Commission welcoming the clarification of procedures for the various types of reviews and asking for consideration to be given to more clarification regarding the relationship between these and Parliamentary and Community Governance Reviews affecting authorities and boundaries.

Agreed that this item be raised at the forthcoming meeting of Management Board with Cabinet Members.

ACTION:

I Willett to pursue.

63. LOCAL GOVERNMENT & HOUSING ACT 1989 - ALLOCATION OF COMMITTEE AND OUTSIDE ORGANISATION PLACES

Noted that one Conservative member had not signed the group membership form and that an item had been placed on the next Council Agenda to report the issue and recommend a process to deal with a situation.

ACTION:

I Willett to pursue.

64. FORMER CHIEF EXECUTIVE - CONTRACT OF EMPLOYMENT

Noted that after negotiation with external solicitors engaged to advise the Council in respect of contract negotiations with the former Chief Executive, the final bill was now likely to be £23,000 and that fresh invoices were being issued.

Noted that the bill for the former Chief Executive's own legal costs (approximately £1,500) was also in the process of being settled.

65. PARISH COUNCILS - DEFAULT POWERS

Noted it had been suggested that the District Council might have default powers to exercise where any Parish or Town Council in the district be likely to fall into significant financial problems.

Agreed that the matter be checked with CIPFA.

Agreed that relevant statutes be checked to see if there are any such default powers in operation.

ACTION:

R Palmer to check with CIFA.

C O'Boyle to check legal position.

66. NORTH WEALD PARISH COUNCIL - COUNCILLOR QUALIFICATION FOR OFFICE

Noted that the legal costs incurred by this Council be clarified for the legal status of a Councillor with North Weald Parish Council had now been repaid in the sum of £1,500 by the member concerned.

67. ELECTED MAYOR - PETITION

Noted that the latest information on the number of signatures on the petition for an elected mayor was approximately 1,000.

68. DATE FOR FUTURE MEETINGS

Next Meeting: 26 January 2011 at 9.00 a.m. in the Acting Chief Executive's Office.

Agreed that the schedule of future meetings of CGG be approved.

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