

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

**WEDNESDAY, 20 APRIL 2011
(9.30 - 11.15 AM)**

Present: 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:** D Macnab (Acting Chief Executive)

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

105. CHAIRMAN OF THE MEETING

Noted that, in his absence, D Macnab had asked R Palmer to chair the meeting.

106. MINUTES OF THE PREVIOUS MEETING (16.3.11)

Agreed.

107. MATTERS ARISING

None for this meeting.

108. DECLARATIONS OF INTEREST

None for this meeting.

109. TERMS OF REFERENCE

Noted.

110. AUDIT & GOVERNANCE COMMITTEE (4.4.11) - ISSUES RAISED ON RISK

Noted that the Audit and Governance Committee at its meeting on 4 April 2011 had raised four issues in relation to risk, namely:

(a) advice from the Council's Data Protection Officer in respect of any possible threats or risk to the Council from members failing to register in accordance with the Data Protection Act;

(b) information about registering under the Data Protection Act being included as part of the induction for new members;

(c) a request for a report by the Officer Working Group on the Olympics on the manner in which the Council was seeking to maximise opportunities arising from the 2012 Olympics; and

(d) a request to the Corporate Governance Group to decide on what action, if any is appropriate in seeking to confirm the level of understanding of risk management further down the organisation.

Agreed that, in relation to (a) and (b) above all members of the Council be advised to register with the Information Commissioner as data controllers and to use their basic allowance for this purpose as they were at personal risk if they did not and that a recent letter supplied by the Vice Chairman of Council from the Information Commissioner be also circulated.

Agreed that on item (b) above I Willett include reference in the induction session for new members mention of the requirement to register.

Agreed that further advice be given to members about Freedom of Information Act or Data Protection Act requests that they receive direct from the public with a view to ensuring that appropriate documents which they hold are shared with the Council.

Agreed that in relation to item (c) above, the Management Board be recommended to seek a report from the Olympics Working Party on opportunities being realised as a result of the Olympics in 2012 for consideration by the Audit and Governance Committee.

Agreed that in relation to (d) additional provision be made in the Internal Audit work programme for 2011/12 in order to carry out random checks on understanding of risk management amongst junior staff in the Council.

Noted that the Council had requested that member accountability statements in respect of the Audit and Governance Committee be drafted for member remuneration purposes.

Action:

D Macnab to co-ordinate report of Olympic Working Party for Management Board to consider.

D Newton to give advice on Data Protection registration.

D Newton/I Willett to give advice on control of documentation by Councillors in respect of Data Protection and Freedom of Information requests.

B Bassington to make provision in the Internal Audit work programme for risk management awareness checking.

I Willett to include a section in new member induction regarding Data Protection Act registration.

111. FUTURE OF PUBLIC AUDIT - GOVERNMENT CONSULTATION

Noted that the Government was now conducting a public consultation regarding its plans to disband the Audit Commission and re-focus audit on helping local people hold their councils and other public bodies to account for local spending decisions.

Noted that the matter would be referred for responses to the Finance and Performance Management Cabinet Committee on 20 June 2011 and the Audit and

Governance Committee on 23 June 2011 and that the deadline for comments was 30 June 2011.

Agreed that a report be prepared for the two committees, accepting that there may be differing views between the Cabinet Committee and Audit and Governance Committee about the ideal form for the proposed statutory Audit Committees.

Agreed that in formulating proposals the precedent set by the Standards Committee in terms of the involvement of independent members and general constitutional arrangements be taken into account.

Action:

R Palmer to draft report.

I Willett to supply details of the governance arrangements for the Standards Committee as a precedent for responses to this Government consultation.

112. INTERNAL AUDIT - OUTSTANDING PRIORITY 1 ACTIONS 2010/11 (AS AT 13.4.11)

Noted that the latest report on Priority 1 actions indicated as follows:

(a) Building Maintenance Unit (Stock Control)

Internal Audit report being prepared but concern was likely to be expressed about the continuing error rate in stock control;

(b) Car Mileage Claims

Need for specimen signatures from authorising officers to be followed up;

(c) Licensing Enforcement

Agreed that at the next meeting of Corporate Governance Group, J Gilbert should attend to discuss the question of a perceived shortfall in enforcement as recorded in a previous Internal Audit report;

(d) Bed and Breakfast Contracts – Homeless Persons

Agreed that a further check be made on the current contractual position regarding provision of bed and breakfast accommodation to homeless persons.

Agreed that a copy of a recent Portfolio Holder decision should be referred to B Bassington for information purposes.

(e) Planning Fees – Income Reconciliation

Agreed that the entry on the schedule regarding target date be checked;

(f) Remaining Priority 1 Actions

Noted

Action:

A Hall/P Pledger to note position concerning stock control in Building Maintenance and likely need for both to attend the next Audit and Governance Committee;

R Palmer to follow up on specimen signatures for car mileage claim;

J Gilbert to attend next Corporate Governance Group to discuss licensing enforcement.

113. POLITICALLY-RESTRICTED POSTS

List of politically-restricted posts agreed for submission to the Standards Committee.

Action:

P Maginnis to note.

I Willett to refer to Standards Committee.

114. DATA PROTECTION ACT - COUNCILLORS

Dealt with under a preceding item (Audit and Governance Committee).

115. DECLARATIONS OF INTERESTS - AREA PLANS SUB COMMITTEES

Agreed that the proposed entry in Area Plans Sub Agendas regarding dual hatted members declaring interests be not pursued.

Noted that members were under an individual obligation to declare their interests.

Agreed that, if necessary, consideration might be given to an announcement by the Chairman under the Declaration of Interests item to seek indications from all members as to whether they would be declaring personal interests by virtue of dual hatted membership of councils if they intended to speak.

Noted that the view of Democratic Services staff was that the need to make these declarations at Area Plans Sub Committees was not unduly onerous or time consuming.

Action:

I Willett to monitor

116. STANDARDS COMMITTEE

(a) Complaints – Assessments, Investigations, Reviews and Adjudications

No new complaints received.

(b) Nazeing Parish Council – Direction by Standards for England

Noted that confirmation had been received from Standards for England that the previous direction had now been cancelled and the complaints previously referred to

Standards for England about certain Nazeing Parish Council members had also been discontinued.

117. CARBON ACTION NETWORK EAST (CAN EAST) AND EASTERN CARBON REDUCTION INITIATIVE (EASTERN CRI)

Noted that the Council had participated in an unincorporated association of 47 councils under the title of Can East and a project sponsored by the Group known as Eastern CRI.

Noted that approaches had been received in regard to unpaid invoices submitted between January and March 2010.

Agreed that the following governance implications of this issue be referred to Management Board for further discussion with Directors and to extended Management Board for discussion with Assistant Directors:

- (a) the importance of obtaining legal advice and authority to sign up to such bodies where potential liabilities for the Council could be created;
- (b) the need for letters before action being passed to Legal Section immediately on receipt in view of the timescale that applies;
- (c) the need for financial monitoring of these arrangements;
- (d) the need for supervision/reporting of the work of such bodies;
- (e) the importance of measures to limit liability of the Council; and
- (f) arrangements to ensure that documentation on such arrangements was available.

Agreed that Management Board should seek to advise senior staff of the definition of unincorporated associations and that this should be the basis for directorates providing details of such organisations which were in relationships with the Council so that a register could be created.

Noted that the Council had received a refund from the organising District Council (Mid Bedfordshire) for work previously undertaken in respect of the relevant statutory performance indicator and that, without admitting liability and bearing in mind the comparatively small sum, the Solicitor to the Council should seek to settle the payment from the refund already received.

Action:

C O'Boyle to pursue settlement as discussed.

I Willett to refer governance issues to Management Board.

118. BRIBERY ACT 2010

Noted that the Ministry of Justice had circulated guidance regarding the newly instituted Bribery Act 2010 which required a statement by the Council of implementing the Act to comply with the statutory provisions.

Agreed that B Bassington draft a policy statement based on best practice available for submission to the next meeting of Corporate Governance Group.

Action:

B Bassington to pursue.

119. DATE FOR FUTURE MEETINGS

Next meeting – 1 June 2011 at 9.30 am in the Acting Chief Executive's office.