

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

**WEDNESDAY, 7 SEPTEMBER 2011  
(9.30 - 11.00 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

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**30. DECLARATIONS OF INTEREST**

D Macnab, C O'Boyle and I Willett declared an interest in relation to the draft report to the Overview and Scrutiny Committee concerning a review of the external auditor's report on the contract for employment of the former Chief Executive.

**31. TERMS OF REFERENCE**

Noted.

**32. MINUTES OF THE PREVIOUS MEETING (13.7.11)**

Agreed.

**33. MATTERS ARISING**

**(a) Bribery Act – Policy (Minute 25)**

Noted that a joint training session for staff in respect of the Bribery Act was being discussed with Harlow Council.

Agreed that if possible this training should be extended to e-learning arrangements and extended to members of the Council.

**Action:**

**B Bassington to discuss e-learning with HR.**

**B Bassington to consider the question of member training.**

**34. INTERNAL AUDIT - QUARTERLY MONITORING REPORT (QUARTER 1)**

Noted that during the last quarter there had been two internal audits which had resulted in full assurance and three which had resulted in findings of substantial assurance.

Noted that the limited assurance audit in respect of stores was continuing and new methods of procurement would be introduced.

Noted that work on guidance concerning contract standing orders/procurement was continuing.

Noted that in respect of Priority 1 recommendation monitoring Internal Audit staff were currently following up with Directorates on the current position and it was hoped that some of the listings could be removed, actions having been completed.

Agreed that the draft report be approved for submission to the Audit and Governance Committee subject to the following comments:

- (a) Paragraph 9 (Performance Management) – reassess the average cost per day in terms of productive time;
- (b) Clarify steps being taken to complete further audits to improve the 13% Quarter 1 performance in terms of planned audits completed;
- (c) That the table in Paragraph 9 be amended to include First Quarter actuals in each column;
- (d) Paragraph 4 – delete reference to “use of resources”;
- (e) Audit Plan – table to be amended.

Noted that a meeting with representatives of the Internal Audit sections of EFDC, Broxbourne, Uttlesford and Harlow Councils plus Section 151 officers would be held to discuss Audit Plans operating in the four authorities and that a further report would be submitted on options for joint working between the three councils.

**Action:**

**B Bassington to pursue.**

### **35. FORMER CHIEF EXECUTIVE - CONTRACT OF EMPLOYMENT**

Noted that at the Overview and Scrutiny Committee on 6 September 2011 it had been decided to establish a new Task and Finish Panel to review the report of the external auditor in relation to the decisions made by the Council in July 2011 concerning procedures to deal with such contracts in future.

Agreed that C O’Boyle should act as lead officer for this review.

**Action:**

**C O’Boyle to pursue.**

### **36. AUDIT & GOVERNANCE COMMITTEE - MEMBERSHIP OF DEPUTY PORTFOLIO HOLDERS**

A draft report to the next Audit and Governance Committee from the Constitution and Member Services Standing Scrutiny Panel was approved.

Noted that the intention of the Scrutiny Panel was to seek views from the Audit and Governance Committee on their proposals before considering the matter again prior to submission of proposals to the Council concerning any necessary changes to the Constitution.

**Action:**

**I Willett to pursue.**

**37. CARBON NETWORK EAST**

Noted that a letter had been received from Central Bedfordshire District Council concerning financial issues relating to Carbon Action Network East (CAN East) which indicated that a financial review had summarised the various debts still owed to creditors of CAN East including a legal opinion on the liabilities for those debts.

Noted that Central Bedfordshire District Council had conducted an audit investigation into the issue and a copy had been supplied to the Council.

Noted that as a result of the financial review a contribution was being sought in the sum of £1,779.40 per affiliated authority and that Central Bedfordshire Council intended to pay the debt attributable to that authority.

Noted that C O'Boyle had taken the view that this Council should not make such a payment unless or until a legal case for doing so had been accepted by the Council.

**Action:**

**C O'Boyle to monitor.**

**38. STANDARDS COMMITTEE**

**(a) Assessments, Reviews, Investigations and Adjudications**

Noted that since the last meeting three new complaints had been received as follows:

<b>Case No</b>	<b>Current Position</b>
1/2011	Case closed as no further written contact received.
2/2011	Assessment Sub-Committee meeting to be held on 8 September 2011.
3/2011	Complaint withdrawn but request to the Monitoring Officer made for other action or mediation in respect of the Council concerned.

**(b) Essex – Adoption of County-Wide Code of Conduct**

Noted that the Council had been approached through the Essex Legal Partnership regarding the possibility of establishing a county-wide Code of Conduct pursuant to the provisions in the Localism Bill for the removal of the present statutory Code of Conduct.

Noted that the Monitoring Officer and other staff dealing with the Standards Committee plus members of the Standards Committee itself had been consulted about the proposals and had made comments.

Noted that a separate approach had been received from the Chief Executive of Harlow District Council regarding the establishment of a joint Standards Committee involving this authority, Harlow and Uttlesford District Council but that this idea was currently being re-assessed in the light of recent developments in Parliament regarding the Localism Bill.

**(c) Localism Bill**

Noted that the Localism Bill and in particular its provisions relating to the Ethical Framework, was now in the House of Lords and a series of Government amendments to the Bill had been tabled. Noted that these proposals included the following:

- (a) register of Interest – content to be determined by the relevant authority;
- (b) registers of Interests should apply to Parish and Town Councils;
- (c) register to include disclosable pecuniary interests and any other interests notified by a councillor;
- (d) new provisions relating to interest in connection with meetings or by single members taking executive action;
- (e) inclusion of references throughout to declarations of interest so long as they are known by the member concerned to exist;
- (f) dispensation provisions included in the Bill, including a new provision that councils may grant dispensation if they consider it is in the interests of persons living in the authority's area;
- (g) introduction of an offence in connection with disclosure of pecuniary interests in respect of false or misleading declarations where the member knows the information is false and is reckless as to whether the information is true or not.

Agreed that the progress of the Localism Bill through Parliament should be carefully monitored as a great deal more detail was now emerging as to how the Government envisaged the statute law should operate in future.

**Action:**

**C O'Boyle and I Willett to monitor**

**39. ANY OTHER BUSINESS**

**(a) Marketplace System – Inclusion of New Suppliers**

Noted that Finance and ICT continue to receive requests for new suppliers to be added to Marketplace but in some cases there had been no proof of proper quotations having been obtained in connection with the suppliers concerned.

Noted that arrangements were being made to amend the notification form so as to seek confirmation regarding the quotations received in respect of any supplier to be added to the system.

**Action:**

**Directors and Assistant Directors to note.**

**(b) Police Commissioner Elections – 2012**

Noted that indications were that the Police Commissioner elections would be deferred to November 2012 and that to date no Returning Officer in Essex had been appointed although it was being suggested by the Home Office that in the absence of a volunteer, the rules dictated that the appropriate person would be the Chief Executive of Colchester Borough Council by virtue of that authority having the largest electorate.

Noted that confirmation of this was awaited.

**Action:**

**I Willett to monitor.**

**(c) Parliamentary Constituency Reviews**

Noted that the consultation material concerning the review of constituencies would be received on 12 September 2011 and would be open for comment from the public and other bodies until 5 December 2011.

Noted that the Council's Electoral Reviews Committee would be meeting towards the end of September to give preliminary considerations to the Commission's proposals.

**(d) Essex Legal Partnership – Reciprocal Investigations**

Noted that C O'Boyle was currently engaged in a complaint investigation at Harlow District Council under a reciprocal arrangement with Essex Authorities for the conduct of these cases.

Noted that I Willett would be shortly engaged to carry out an investigation into a complaint involving a Parish Councillor in Basildon District Council.

Agreed that the workload issues involved in these reciprocal arrangements should be carefully monitored.

**Action:**

**C O'Boyle/I Willett to pursue.**

**40. DATE FOR FUTURE MEETINGS**

19 October 2011 at 9.30 am in the Acting Chief Executive's Office.

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