

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

**WEDNESDAY, 19 OCTOBER 2011
(9.30 AM - 12.05 PM)**

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

41. DECLARATIONS OF INTEREST

I Willett declared an interest in item 7 (Treasury Management & Prudential Indicators) insofar as it related to Nat West Bank, with whom he was a customer.

42. MINUTES OF THE PREVIOUS MEETING

Agreed.

43. MATTERS ARISING

(a) Carbon Network East (Minute 37)

Noted that Southend Borough Council was now leading the response in respect of Carbon Network East on behalf of Essex Authorities and that R Rose was co-ordinating this within Epping Forest District Council.

(b) Police Commissioner Elections – 2012 (Minute 39(b))

Noted that confirmation of the Returning Officer for the purpose of these elections was still awaited.

(c) Parliamentary Constituency Reviews (Minute 39(c))

Noted that the Local Government Boundary Commission had approved consequential changes to the boundary at Matching Green in respect of the district ward and county electoral division boundaries so as to be co-terminous with the Parish Council boundary which had been changed by this Council.

Noted that it was likely that members would ask the Assistant to the Chief Executive to attend the public hearing in Colchester later in the month to make a presentation concerning the parliamentary boundary at Matching Green so as to amend that boundary in the same way.

44. TERMS OF REFERENCE

Noted.

45. CORPORATE RISK REGISTER

Agreed that the Risk Register be amended as follows:

Risk	Amendment
3/4	These two risks to be combined into one with a C2 rating. Amend references to the Emerging Local Plan and to an action plan being produced by N Richardson.
27	Add comment about the difficulties of increasing income in the current economic climate but no change in risk.
20	Reduce from risk B2 to risk C2.
11	No change.
31	No change.
34	No change.
8	Add reference to IT "down time".
14	No change other than amendment to "Acting Chief Executive".
18	No change.
28	No change.
35	No change.
9	No change.
26	No change.
33	Amend figure quoted in the Vulnerability Column to £190 million.
1	Amend references to "recruitment freeze" to "recruitment restriction".
13	No change.
15	Revise wording of vulnerability section to reflect current position.
22	No change.
23	Expand to make reference to the Bribery Act.
29	Amend wording to take account of the Essex Gypsy and Traveller Assessment and the previous Secretary of State decision. Amend risk to C2 and Action Plan to be prepared.
32	No change, pending formal agreement with the North Essex Parking Partnership.

2	No change
5	No change.
24	No change.
17	No change.
16	No change.

Agreed that the Action Plans set out in the report be approved subject to the following amendments:

Risk No. Amendment to Action Plan

3/4	Action Plans to be combined.
27	Amend entry to reflect work of Price Waterhouse Coopers in connection with revenue income optimisation.
30	No change.
9	No change.
20	Amend to reflect new contract.
11	Amend to reflect Emerging Local Plan.
31	Amend by updating to "Acting Chief Executive" instead of "Deputy Chief Executive".
17	Delete reference to surplus assets and amend to take account of the latest Capital Expenditure Plan.
18	Delete reference to recent security breaches.
35	Delete reference to public consultation exercise.
26	No change.
33	No change.

Action:

R Palmer to pursue.

46. TREASURY MANAGEMENT & PRUDENTIAL INDICATORS - MID YEAR MONITORING REPORT

Agreed subject to an amendment to Recommendation (3) to reflect continued use of Nat West for investment purposes.

Action:

B Moldon to amend report.

47. INTERNAL AUDIT - QUARTERLY MONITORING REPORT (JULY - SEPTEMBER 2011)

Agreed that the Internal Audit Monitoring Report be noted and that the following amendments would be made:

(a) Paragraph 8 (Performance Management) – amendment to Actual 2011/12 Quarter 2 chargeable fees (staff time and average cost per audit day) to 71% and 226 respectively;

(b) Exclusion of stock control from the Internal Audit finding in respect of Housing Maintenance.

Action:

B Bassington to finalise report.

48. INDEPENDENT MEMBER REMUNERATION PANEL - EXPLORING OPTION TO SHARE

Noted that one Essex District Council had put forward a proposal that a single Remuneration Panel for Essex should be formed.

Noted that following consultation with the Remuneration Panel and relevant officers, a response had been issued expressing reservations about some aspects of the proposal and that there had been no further developments.

49. SENIOR RECRUITMENT TASK AND FINISH PANEL - SCOPING REPORT

(S Hill in attendance)

Agreed that the draft report be approved subject to the following changes:

(a) Terms of Reference to exclude the recruitment process;

(b) brief to include contracts of employment for Directors and Assistant Directors as well as Chief Executive and Deputy Chief Executive;

(c) include reference to lessons learned from previous contractual discussions;

and

(d) include within the Terms of Reference the importance of establishing a procedure to be followed in advising the Council on the form of contract and other contractual considerations arising from senior staff appointments;

Action:

S Hill to revise report.

50. PORTFOLIO HOLDER ASSISTANTS - REPORT TO CONSTITUTION & MEMBERS SERVICES SSP

Draft report agreed.

Noted that the Audit and Governance Committee had asked for a discussion paper to be submitted on other constitutional changes to their terms of reference for future discussion.

Action:

I Willett to pursue.

51. STANDARDS COMMITTEE

Noted that the current position on current complaints was as follows:

(a) EFDC Cases

Case 2/2011 – Standards Committee review of decision not to investigate pending;

Case 3/2011 – withdrawn; and

(b) Case 1/2011 – Basildon District Council

Noted that this investigation being undertaken by the Deputy Monitoring Officer under reciprocal arrangements with Basildon Borough Council was progressing, initial interviews being held later this week and next week.

(c) Harlow District Council – Investigation

Noted that the Monitoring Officer had completed an investigation under reciprocal arrangements with Harlow District Council and that a draft report was being prepared.

52. ANY OTHER BUSINESS

(a) **Gourmet Society Promotion**

Agreed that this invitation should not be promoted other than through the Karp benefits arrangements.

Action:

C O'Boyle to pursue.

(b) **Personal Searches – Litigation**

Noted that two legal claims had been issued by two other organisations against a range of local authorities concerning past practices in connection with charging for personal searches.

Agreed that a report be drafted for the Cabinet seeking budgetary provision in 2012/13 as a contingency against any claim which was to be met by this Council and obtaining appropriate authority under Article 15.0.3 of the Constitution for the Director of Corporate Support Services to defend the action and obtain legal advice in consultation with the Leader of the Council.

53. DATE FOR FUTURE MEETINGS

14 December 2011 at 9.30 am in the Acting Chief Executive's Office.

54. EMPLOYMENT TRIBUNAL - HOUSING DIRECTORATE

(R Wilson in attendance)

Noted that a five day hearing was now scheduled for an employment tribunal involving a former member of the Housing Directorate.

Noted that legal fees to date totalled approximately £5,000 and the likely cost of representation at the hearing was a further £11,000.

Noted that costs were unlikely to be awarded except in a minimal amount if the Council was successful.

Agreed that the Monitoring Officer should:

- (a) pursue the case from the point of view of the reputational aspects for the Council;
- (b) not settle the case "before the hearing" in order not to undermine other staff involved which the Council was confident would be exonerated; and
- (c) to avoid any taint on the Council of tribunals or a perception of discriminatory practices.

Noted that the case being brought against the Council covered a wide range of discriminatory aspects including age, harassment, bullying etc.

Noted that ongoing investigations were in progress in the Finance Directorate concerning benefits and other matters.

Action:

C O'Boyle to pursue as indicated.