

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

**WEDNESDAY, 14 DECEMBER 2011
(9.30 - 11.15 AM)**

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

**Apologies for
Absence:**

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

55. DECLARATIONS OF INTEREST

None for this meeting.

56. TERMS OF REFERENCE

Noted.

57. MATTERS ARISING

(a) Police Commissioner Elections – 2012 (Minute 43(b))

Noted that Mr S Packham, Chief Executive of Chelmsford Borough Council had been appointed as the Police Election Returning Officer for Essex.

(b) Senior Recruitment Task and Finish Panel – Scoping Report (Minute 49)

Noted that a further meeting of the Task and Finish Panel was due to take place on 15 December 2011 and that a meeting of the Committee for the appointment of a Chief Executive had now been agreed for 19 January 2012.

Noted that Counsel's Opinion on recruitment/redundancy and appeal processes had been received and that this would be reviewed over the coming weeks.

Noted that some advice received from Counsel indicated that changes would need to be made in the Employment Procedure Rules of the Constitution.

ACTION:

C O'Boyle/P Maginnis to review Counsel's Opinion.

I Willett to consider constitutional changes which were being recommended.

58. DRAFT ANNUAL AUDIT LETTER 2010/11

Noted that the draft annual audit letter 2010/11 had been received from the Council's external auditors.

Agreed that the draft letter be approved subject to the following comments:

- (a) Section 4 (Future Developments – Housing Revenue Account Reform) – ask for the progress achieved on HRA issues and interest rates to reflect better the Council's relatively advanced position as mentioned in discussions with the external auditor;
- (b) Paragraph 2.2 – amend reference to "24 parishes" and express number of staff in terms of full time equivalents as the figure quoted is misleading;
- (c) Paragraph 3.16 – clarify text to indicate that the scope of the review was not just Waste Management but also Grounds Maintenance; and
- (d) Paragraph 3.11 – ask for the figures quoted in this paragraph to be checked by the external auditors as they did not appear to apply to this Council.

Noted that at the next Audit and Governance Committee there would be a report on the external audit fee outturn showing that the previous fee reduction (£11,000) would now be offset by additional work undertaken in connection with the adoption of international financing standards and also additional work on benefits.

Noted that other reports for the next Audit and Governance Committee which were still in preparation included Government Grants and the Audit Plan for 2012/13.

ACTION:

R Palmer to discuss further changes to the audit letter with the external auditors.

R Palmer to finalise three additional reports for the next Audit and Governance Committee.

59. MINUTES OF THE PREVIOUS MEETING (19.10.11)

Agreed.

60. AUDIT COMMISSION - NATIONAL LOCAL GOVERNMENT STUDIES

(a) Protecting the Public Purse (Fighting Fraud)

Agreed that a summary of the most significant issues raised in this publication be included on the agenda for the next Audit and Governance Committee, including recommendations concerning an action plan for any matters which this Council needs to address;

(b) "Tough Times" (Current Financial Climate)

Agreed that a report be submitted to the next Corporate Governance Group with a summary of this document and any points for this Council to pursue.

(c) "Work in Progress"

Agreed that no further action needed to be taken on this item.

ACTION:

S Tautz to draft report for next CGG (Tough Times).

B. Bassington to draft report for Audit and Governance Committee (Protecting the Public Purse 2011).

61. FREEDOM OF INFORMATION ACT - REVISED PUBLICATION SCHEME

(G Lunnun in attendance)

Agreed that the draft revision of the Freedom of Information Act Publication Scheme be approved subject to the following comments:

- (a) include a list of Directors;
- (b) extend the list of services for which Epping Forest District Council is not responsible (e.g. Town Councils and County Councils);
- (c) Classes of Information – delete item (x) E-Procurement Strategy; and
- (d) delete item (xv) (Investment Reports) and extend Section (XXII) (Expenditure) to give more information regarding data on the website relating to contracts valued over £500.

ACTION:

G Lunnun to pursue.

62. AUDIT & GOVERNANCE COMMITTEE - REVIEW OF CONSTITUTION

Draft report to the next Audit and Governance Committee agreed subject to the following comments:

- (a) add reference to the effect of the Localism Act 2011 on the current Standards Committee model which is referred to in the report; and
- (b) include reference to the fact that there is no clear Government timetable for introducing statutory Audit Committees.

ACTION:

I Willett to revise report.

63. POLICY ON STAFF ACTING AS EXECUTORS OR BENEFICIARIES

(R Wilson in attendance)

Noted that recently a warden at a Council sheltered unit for the elderly had disclosed the fact of being a beneficiary in the will of an ex-tenant as well as being executor.

Agreed that further research be conducted with Essex County Council to establish whether there was a model form of policy governing the way in which staff,

particularly those employed in care settings or are on a "one-to-one" basis who are executors or beneficiaries should deal with their employers.

Agreed that the main issues to be addressed in the policy should be:

- (a) advice to Council staff who have a "one-to-one" relationship with customers, clients or tenants of the Council in regard to acting as an executor or being a beneficiary;
- (b) guidance to Council staff discouraging them from taking up the role of executor;
- (c) advice or instructions regarding staff being precluded from accepting any proceeds from being a beneficiary, ensuring that this equates properly with the current gifts and hospitality policy of the Council; and
- (d) precluding staff from accepting beneficiary status in any circumstance.

ACTION:

C O'Boyle to pursue.

64. GRANGE FARM TRUST

Noted that a question had been asked at the last Council meeting regarding grant aid being given by the Grange Farm Trust and that a further report had been requested at the next Council meeting.

Noted that a member of the Audit and Governance Committee had held informal discussions with the Leader of Council regarding trust affairs and a further meeting was likely to be held in the New Year.

ACTION:

C O'Boyle to pursue.

65. CARBON NETWORK EAST - UPDATE

Noted that a claim had been received from the representatives of Carbon Network East regarding payment of fees but that legal advice obtained on behalf of the partner authorities was not to pay.

Noted that the Council's liability at the present time was limited to £3,000 to £4,000.

ACTION:

C O'Boyle to monitor.

66. RISK REGISTERS - CONFIDENTIALITY

Noted that it had been reported to the PLP that recent decisions from the Information Commissioner had focused on the question of risk registers as the Commissioner had refused to support decisions of a local authority not to provide information from a Risk Register regarding a housing scheme.

Noted that the Commissioner had indicated that he would accept limited redaction of material from risk registers but not wholesale withholding of the contents.

Noted that the Commissioner had concerns about the manner in which recording in risk registers was undertaken and agreed that Service Directors should look carefully at the way in which these were recorded to ensure that they were in objective language.

Noted that Epping Forest District Council's Corporate Risk Register was already in the public domain and any person requesting information under FOI would simply be referred to the website.

Agreed that the Corporate Risk Management Group should review the situation regarding Risk Registers with a view to advising staff about how to respond to the Information Commissioner's recent rulings.

ACTION:

R Palmer to pursue.

67. STANDARDS COMMITTEE

(a) Complaints – Schedule of Current Discussions

Noted.

(b) Investigations under Reciprocal Arrangements on behalf of other Essex District Councils

Noted that one investigation by the Monitoring Officer in respect of Harlow District Council was likely to be concluded at a hearing in the near future.

Noted that the investigation on behalf of Basildon District Council by the Deputy Monitoring Officer was at a stage of draft report approval and the investigation was likely to be concluded early in the New Year.

Noted that under the PLP reciprocal arrangements income of approximately £3,000-£4,000 in terms of work undertaken by the Monitoring Officer and Deputy Monitoring Officer's would accrue to the Council as a result of this work.

ACTION:

R Palmer to note for budget.

(c) Localism Act 2011

(J Preston in attendance)

DCLG summary of the main provisions of the Act was noted.

Noted that some local authorities were expressing concern about the pre-determination provisions of the Act and the need to consider carefully the question of when pre-determination became bias.

Agreed that this should be followed up with Maldon District Council, which was the lead authority in Essex, so as to ensure that the advice received could be fed into the review of the planning protocol, etc. in the light of the Act.

ACTION:

J Preston to approach Maldon D.C.

68. PROGRESS REPORTS

(a) EFDC v Saundercock

Noted that negotiations concerning the settlement of the Council's outstanding claim were continuing.

(b) Deceased Member of Staff

Noted that issues surrounding the payment of funeral expenses in this case had been satisfactorily resolved following discussions between the family, the Council and the relevant Bank.

69. ANY OTHER BUSINESS

(a) Data Protection – Unencrypted Computer Discs

Noted that a complaint had been received from the Audit Commission regarding unencrypted transfer of electoral roll data to the Audit Commission which had also been directed to the wrong Audit Commission address.

Noted that written comments from the Audit Commission were awaited.

Noted that action had been taken against the staff concerned in connection with this incident and that a thorough review of procedures was now in progress in order to avoid any unencrypted discs being used for this purpose again.

Noted that arrangements were also being put in place to ensure that there was proper cover for the management of the IT electoral roll system to provide cover and approve release of data.

70. DATE FOR FUTURE MEETINGS

The schedule of future meetings was approved.

Agreed that the next scheduled meeting would be held on 15 February 2012 at 9.30 a.m. in the Acting Chief Executive's Office.