

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Council **Date:** Monday, 18 June 2012

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.15 pm

Members Present: Councillors B Rolfe (Chairman), Mrs M Sartin (Vice-Chairman), K Avey, R Bassett, Mrs H Brady, W Breare-Hall, K Chana, G Chambers, T Church, Mrs T Cochrane, R Cohen, C Finn, Mrs R Gadsby, Mrs A Grigg, Ms J Hart, D Jacobs, Ms H Kane, P Keska, Mrs J Lea, L Leonard, Mrs M McEwen, A Mitchell MBE, G Mohindra, R Morgan, S Murray, J Philip, Mrs C Pond, Ms G Shiell, Mrs P Smith, P Spencer, D Stallan, Ms S Stavrou, Mrs T Thomas, H Ulkun, Mrs L Wagland, G Waller, A Watts, Mrs E Webster, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, D Wixley and J Wyatt

Other Councillors:

Apologies: K Angold-Stephens, A Boyce, L Girling, P Gode, J Hart, Mrs S Jones, J Knapman, Ms Y Knight, A Lion, H Mann, J Markham, B Sandler and N Wright

Officers Present: D Macnab (Acting Chief Executive), C O'Boyle (Director of Corporate Support Services), I Willett (Assistant to the Chief Executive), G Lunnun (Assistant Director (Democratic Services)), P Maginnis (Assistant Director (Human Resources)), P Seager (Chairman's Secretary) and T Carne (Public Relations and Marketing Officer)

14. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive, on behalf of the Chairman of the Council, reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

15. DECLARATIONS OF INTEREST

Pursuant to the Council's Staff Code of Conduct, Mr D Macnab (Acting Chief Executive) declared a personal interest in agenda item 4 (Report of the Committee for the Appointment of a Chief Executive). He advised that he had determined that his interest was prejudicial and that he would leave the meeting for the consideration and voting on the matter.

16. ANNOUNCEMENTS

(a) Announcements by the Chairman of the Council

(i) Mrs S Hawkins

The Chairman stated that it gave him great pleasure to announce that the Council's Executive Assistant, Shirley Hawkins had received a British Empire Medal in the

Queen's Birthday Honours List. He advised that her honour had been awarded in recognition of her services to Epping Forest District Council and for her charity work. The Chairman reported that Shirley had worked for Epping Forest District Council and one of its predecessor authorities, Epping Urban District Council, for 52 years. He also advised that she was involved with several local causes, including St Clare Hospice and the Thornwood Festival.

Councillor Rolfe informed the Council that the British Empire Medal had been reintroduced this year to coincide with the Queen's Diamond Jubilee Year to recognise people who served their local communities.

The Chairman, Councillors Whitbread and Wagland congratulated Shirley and all members of the Council gave her a round of applause.

(b) Announcement by the Leader of the Council

Councillor Whitbread advised that he had recently visited the Food Bank in Langston Road, Loughton and had been impressed with the work they were undertaking. He reported that Council officers were speaking to the Food Bank to establish if the Council could provide any assistance.

(c) Announcements by Portfolio Holders

The Council noted a written report of the Planning Portfolio Holder, Councillor Bassett.

17. ORDER OF BUSINESS

The Chairman sought leave of the Council to bring forward agenda item 5 (Localism Act 2011 – New Standards Arrangements).

RESOLVED:

That agenda item 5 be taken as the next item of business.

18. LOCALISM ACT 2011 - NEW STANDARDS ARRANGEMENTS

The Deputy Monitoring Officer presented a report on the new Standards arrangements required under the Localism Act 2011.

Mr Willett drew attention to the present Standards Committee report to the Council on 27 March 2012 in which details had been provided of the new Standards arrangements for elected and co-opted councillors to come into force on 1 July 2012. At that meeting, the Council had made a number of decisions on the operation of the new arrangements including agreement in principle on key aspects of the new regime.

The Deputy Monitoring Officer reported that since 27 March 2012, further work had been undertaken by the Public Law Partnership to provide standardised arrangements in the local area so as to reassure the public that the same standards would apply to all councils in the area. He drew attention to a proposed constitution for the proposed new Standards Committee, a model Code of Conduct, arrangements for dealing with complaints, the appointment of independent persons,

the register of members' interests, further alterations to the Council's Constitution and a review of the proposed new arrangements.

The attention of the Council was drawn to discussions which had taken place between the Monitoring Officer and representatives of the Essex Association of Local Councils (Epping Forest Branch). As a result of these discussions, it had been understood that local parish and town councils were being commended to establish a Joint Standards Committee for all of the parish and town councils in the District to work alongside the Standards Committee for the District Council. However, it now appeared that some parish councils did not wish to join a Joint Committee of parish and town councils and had indicated a desire to affiliate to the District Council's Standards Committee.

The Deputy Monitoring Officer drew attention to the definition of disclosable pecuniary interests now included within the proposed Code of Conduct.

He informed the Council that since the publication of the report, a notice had appeared in the local press inviting applications for the position of independent persons.

The Council considered the proposed arrangements.

Amendment moved by Councillor Stallan and seconded by Councillor Grigg.

"That the Council:

(a) notes that the draft Code of Conduct, under recommendation (4) does not include the provisions in the current Code for members who have declared prejudicial interests to make representations before leaving a meeting where the public have the same right;

(b) agrees to ask the Standards Committee to submit proposals for a standing order to provide for the circumstances under which a member can make representations of this kind in relation to pecuniary and non pecuniary interests but not to Disclosable Pecuniary Interests (DPI)".

Carried

Report as amended ADOPTED

RESOLVED:

(1) That the following decisions be taken in addition to those taken by the Council on 27 March 2012 regarding the new arrangements;

Standards Committee

(2) That the terms of reference and constitution for a Standards Committee for this Authority comprising nine Councillors including one member of the Cabinet and appointed on pro rata lines be approved as set out in Annex 1 to these minutes;

(3) That the following Councillors be appointed to the Standards Committee for 2012/13:

Conservative Group (6):

Councillors G Chambers, H Kane, A Mitchell, B Rolfe, P Smith, D Stallan.

LRA Group (2):

Councillors K Angold-Stephens, C Pond.

Liberal Democrats Group (1):

Councillor J H Whitehouse;

Joint Standards Committee – Parish and Town Councils

(4) That the current position regarding parish and town councils in the District be noted;

(5) That parish and town councils wishing to participate in the Standards Committee established by the District Council be welcomed;

(6) That all parish and town councils be reassured that whichever option they choose they will continue to receive full support from the Monitoring Officer and her staff;

Code of Conduct

(7) That the draft model Code of Conduct developed by the Public Law Partnership as set out in Annex 2 to these minutes be adopted in respect of this Council and any affiliated parish and town councils;

Arrangements for Dealing with Complaints

(8) That the model complaints procedures under Section 28 of the Localism Act 2011 as developed by the Public Law Partnership be adopted as set out in Annex 3 to these minutes;

Independent Person(s)

(9) That the publication of a notice inviting applications for independent persons to assist with the new Standards arrangements be noted;

(10) That the Council notes that the existing independent members of the Standards Committee may, under Government regulations laid before Parliament, apply for the positions of independent persons provided that they resign as members of the current Standards Committee before 1 July 2012 but that any application from those independent persons must be regarded as provisional until the regulations are made;

(11) That, as the Council will not have completed appointments of independent persons until after 1 July 2012 when the new Standards arrangements come into force, the Monitoring Officer be authorised to seek support from independent persons appointed by other local authorities when required, as an interim measure;

(12) That the number of independent persons to be recruited be no less than two in order to ensure that there is a clear differentiation of responsibilities should an independent person be advising either the Monitoring Officer or a councillor subject to a complaint;

(13) That a Panel be appointed in order to interview the applicants to become independent persons comprising five members of the Council on pro rata lines (i.e., Conservative Group 3, LRA Group 1 and Liberal Democrats Group 1) and that Group Leaders notify the Monitoring Officer of their nominations;

(14) That, notwithstanding the payment of allowances and expenses to independent persons is not part of the statutory duties of the Remuneration Panel, the Panel be invited to give their advice on the level of co-optees' allowance and travel and subsistence which should apply to independent persons, bearing in mind the payment of £500 per annum plus travel/subsistence payable to the independent members of the present Standards Committee;

Register of Member Interests

(15) That the Monitoring Officer be authorised to finalise, in consultation with the Public Law Partnership, the format for registration of members' interests under the new Code of Conduct.

19. REPORT OF THE COMMITTEE FOR THE APPOINTMENT OF A CHIEF EXECUTIVE

Mover: Councillor J M Whitehouse – Chairman of the Committee

Councillor Whitehouse submitted a report outlining the selection process for the post of Chief Executive. He advised that the recruitment advertisement had produced 43 firm applications and that the Committee had agreed proposals by the Council's recruitment advisers, Messrs GatenbySanderson for a long list of 11 candidates. Applicants had then been involved in technical interviews with GatenbySanderson and a peer adviser recruited by the company, the latter being a Chief Executive of another local authority. At its meeting of the Committee on 18 May 2012, a detailed report had been received from GatenbySanderson on the results of the technical interviews and an assessment of each of the long listed candidates. As a result, the Committee had agreed a shortlist of five candidates who had been submitted to a two day recruitment exercise held on 7/8 June 2012.

Councillor Whitehouse emphasised that the Committee had been impressed with the range of applicants and the strength of the long and short lists. He drew attention to the individual characteristics being sought for the post.

The Council noted that, following conclusion of the recruitment exercise on 8 June 2012, the Committee had met and were recommending that Mr Glen Chipp be appointed as Chief Executive. Councillor Whitehouse advised that Mr Chipp currently held the post of Strategic Director for Place with Bath and North East Somerset Council and the responsibilities of his current position covered planning, transport, environmental and waste services, tourism and leisure, culture, economic development and major capital projects.

Councillor Whitehouse advised that under the Local Authorities (Standing Orders) Regulations 2001, the Committee had been required to notify the Proper Officer (Mr I Willett, Assistant to the Chief Executive for this purpose) of the name of the person to whom it was intended to make an offer of an appointment. The regulations were designed to allow the Cabinet members to object if they so wished to any proposed appointment, reflecting the fact that the appointment of a Chief Executive/Head of Paid Service was a matter for the Council rather than the Cabinet. Councillor Whitehouse advised that the Proper Officer had provided each member of the Cabinet with relevant information on the proposed appointee. As a result, all nine members of the Cabinet had confirmed in writing that they had no objection to the proposed appointment to be made.

Councillor Whitehouse confirmed that the Committee had followed the requirements adopted by the Council last year, following recommendations from an Overview and Scrutiny Task and Finish Panel regarding the process for recruitment to top management positions and employment contracts. He advised that the Committee were recommending that a review report should be submitted to the Overview and Scrutiny Committee once this recruitment had been finalised.

Councillor Whitehouse drew attention to the Committee's recommendation expressing appreciation of the work undertaken by Mr D Macnab as Acting Chief Executive.

Councillor Whitehouse thanked the other members of the Appointments Committee for their work throughout the appointment process.

Councillor Wagland thanked Councillor Whitehouse for the manner in which he had chaired meetings and Mr D Macnab for the work which he had undertaken as Acting Chief Executive.

Councillor Murray thanked the other members of the Appointments Committee for their work and paid special tribute to the role of Councillor Whitehouse.

Councillor Whitbread also thanked Councillor Whitehouse and Mr D Macnab for the work they had undertaken.

Councillor Cohen endorsed the comments made by other members about the work undertaken by the Appointments Committee and the Acting Chief Executive.

In response to a question, Councillor Whitehouse advised that the cost of the recruitment exercise as a whole had been approximately £24,000 of which some two thirds had represented the recruitment consultant's fees.

Report as first moved ADOPTED

RESOLVED:

- (1) That Mr G Chipp be offered the position of Chief Executive at the salary indicated in the report subject to final agreement of the contract;
- (2) That the Chairman of this Committee and the Leader of the Council, in consultation with the Assistant Director (Human Resources) and Messrs GatenbySanderson, be authorised to agree a starting date and agree any other detailed terms in the contract as may arise, subject to legal advice from a nominated employment law specialist from the Public Law Partnership;

(3) That the Council notes that the Contract of Employment for the Chief Executive will make specific provision for clear and measureable performance management and supervision based on:

(a) the Council's key objectives;

(b) specific personal targets to be set for the Chief Executive by the Leader of the Council; and

(c) regular review meetings with the Leader of the Council of a kind and at a frequency which meets the best interests of the Council, together with an annual appraisal;

(4) That the Overview and Scrutiny Committee receive a report on the recruitment process for this appointment and be requested to undertake, through the Constitution and Member Services Standing Scrutiny Panel, a review of the Constitution's Employment Procedure Rules in the light of recent legal advice;

(5) That, if necessary, the temporary contract of the Acting Chief Executive be extended if the new Chief Executive takes up his duties after 31 August 2012 and that the Chairman of the Committee and the Leader of the Council be authorised to agree the revised termination date for the temporary contract and Mr Macnab's return to his substantive post of Deputy Chief Executive; and

(6) That the Council's appreciation of Mr D Macnab's work as Acting Chief Executive be recorded.

CHAIRMAN