

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

**WEDNESDAY, 26 APRIL 2006  
(9.00 - 11.45 AM)**

**Present:** P Haywood (Joint Chief Executive) (Chairman) J Scott (Joint Chief Executive), R Palmer (Head of Finance), Ms C O'Boyle (Head of Legal, Administration and Estates), J Akerman (Chief Internal Auditor) and I Willett (Head of Research and Democratic Services) (none)

**Apologies for  
Absence:** (none)

**Place** P. Haywood's Office, Civic Offices, Epping

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**38. NOTES OF THE PREVIOUS MEETING (8.3.06)**

Agreed.

**39. MATTERS ARISING**

**(a) Training - Financial Regulations and Contract Standing Orders**

It was noted that the next training course was scheduled to take place on 16 May 2006 and was designed for all staff who had any involvement with budgets, contracts and invoices and official ordering procedures. It was agreed that Heads of Service should be encouraged to arrange for the widest possible attendance, including new managers and anyone who had been unable to attend the earlier sessions.

**(b) Electronic Electoral Pilot (Minute 34)**

I Willett reported that he and G Lunnun were meeting with the Department for Constitutional Affairs on 28 April 2006 to discuss a number of concerns about the way in which the pilot had been dealt with and also the Council's claim for abortive and additional costs as a result of reverting to a traditional style election.

**40. STANDARDS COMMITTEE**

**(a) Current Investigation/Adjudication/New Complaints**

I Willett reported that two complaints were in the final stages of investigation. The first related to a Parish Councillor where the draft report had been agreed by the Councillor concerned but where the complainant had as yet not responded to the draft. The second case related to a District Councillor which was being investigated independently of the authority. In this case a draft report had been issued but comments were awaited from the Councillor concerned.

I Willett also reported that there was one other complaint which was currently being dealt with by the Standards Board for England where it was unclear as to whether this would be investigated and by whom.

**(b) Standards Committee - Chairmanship**

I Willett reported to the Corporate Governance Group on the current position.

**41. STAFF CODE OF CONDUCT**

The Corporate Governance Group considered the latest draft of the proposed Code of Conduct for Staff. The document was agreed for the purposes of further consultation subject to the following points:

(a) delete references to gossip etc on Page 5 of the draft.

(b) amend references to excessive hours being worked by staff on Page 7 so as to place a responsibility on Managers and Supervisors to monitor the hours of staff and to provide assistance and support in the event that staff were found to be working excessive hours.

(c) a further look to be taken at the various standards set in the document for staff conduct, distinguishing between those clearly linked to disciplinary processes in the event of a breach and those of a more general nature relating to proper standards of conduct but which were not necessarily enforceable. It was agreed that the code should be restructured so as to place the more general requirements as to good behaviour in a separate section in the code separate from disciplinary related items.

The Corporate Governance Group agreed that the revised version of the Code of Conduct should be circulated to Management Board members for final clearance prior to consultation.

**ACTION:**

**T Tidey to amend draft code.**

**T Tidey to circulate revised draft to Management Board members for clearance.**

**42. STATEMENT OF INTERNAL CONTROLS**

J Akerman presented a draft of the Corporate Statement on Internal Controls for inclusion in the Statutory Statement of Accounts for 2005/6. The Corporate Governance Group noted that there were various sections on which input was required from other Heads of Service as follows:

It was agreed that Paragraph 6.5 and 3.1.4 should be amended and that every effort should be made in the text to ensure that achievements are seen in a positive light.

**ACTION:**

**J Akerman to co-ordinate responses from other Heads of Service and revise Statement for consideration at the next meeting on 7 June 2006.**

**43. SOUTH HERTS WASTE MANAGEMENT - WASTE MANAGEMENT CONTRACT**

The Corporate Governance Group reviewed the current position concerning the Waste Collection Contract. It was noted that South Herts Waste Management had

gone into administration and that the Administrator had set a deadline for the Council of 3 May 2006 regarding the continued administration of the contract on the Council's behalf. R Palmer explained that the Administrator will be seeking an indemnity and an assurance of early resolution of alternative contractual arrangement as part of his undertaking to continue to manage the contract. The indemnity would cover the cost of present employees from 3 May 2006 until such time as the contract transfers to another Contractor. Although there had been concern at one point that redundancy issues might arise, it was now thought that these would not be applicable to the indemnity. The position on vehicles however needed to be clarified as to whether this should be included under the indemnity being negotiated. R Palmer commented that the Administrator was trading to recover the pre-administration debt which had accumulated on the contract.

The Corporate Governance Group took as their starting point that the Council must take every action necessary to ensure that the contract continues and is smoothly transferred to another Contractor. In this context, the group discussed the governance arrangements which would apply to the necessary decisions to be made by the Council over the coming weeks. It was acknowledged that these were complicated by the District Council election and the forthcoming Annual meeting. However the agreed process which would meet the constitutional and legal requirements for decision making was agreed as follows:

(a) A Portfolio Holder meeting chaired by Councillor D Jacobs (Environmental Protection) on 2 May 2006 to which all Cabinet members, Group Leaders not otherwise represented and the Chairman of the Overview and Scrutiny Committee would be invited.

The purpose of this meeting would be to ensure that there was a broad consensus on decisions that needed to be made by the Portfolio Holder in the short term. These decisions were likely to revolve around vehicles, the indemnity and possibly the discussions with the alternative Contractor. The Corporate Governance Group established that there were certain constitutional procedures which had to be put in place to allow decision making at that meeting. Firstly, the scope of these decisions was likely to place it in the "key decision" category and therefore consent was required from the Chairman of the Overview and Scrutiny Committee to special urgency provisions being used. Likewise in view of the urgency, it would not be possible to await the "call-in" procedures in the Overview and Scrutiny Procedures Rules. The consent of the Chairman of the Council was required to the waiving of these provisions.

(b) A further Cabinet meeting on 5 May 2006 to follow up on any issues which had arisen at the Portfolio Holder meeting.

The same provisions regarding call-in and key decision status would apply at that stage. All existing Cabinet members will be able to participate in any urgent decisions required as they would still be Councillors even if they had stood for election or had not been re-elected.

Furthermore, it was agreed that an additional Cabinet meeting should be arranged for the week commencing 8 May 2006 at a date to be agreed with members. This meeting would need to be monitored for the achievement of a quorum but the proposals agreed at the Council meeting for filling any vacancies which had arisen from the elections would then come into play.

On the question of negotiations with the likely new Contractor Corey's, R Palmer reported that the Company was agreeable to starting on 3 May 2006 but that the final terms and formal agreements with the Company was still in the process of being negotiated. There were suggestions that Corey's would be seeking the existing contract payments plus an additional sum of £60,000 per month. It was noted that a breakdown of this additional cost had been sought. The Company had also indicated that a further temporary arrangement pending a full contract transfer was possible for a period of six months after that but that the supplementary contract payment rate might be different. The Corporate Governance Group felt that these negotiations with Corey's should be pursued so as to avoid if possible the need to re-tender the contract which would involve the full European Procurement Procedures.

**ACTION:**

**I Willett to convene meetings of Portfolio Holder Advisory Group on 2 May 2006, a Cabinet on 5 May 2006 and a Cabinet on 12 May 2006.**

**R Palmer to pursue issues relating to the indemnity to the Administrator in respect of this contract and any other urgent business required for the Portfolio Holder meeting on 2 May 2006.**

**R Palmer/J Gilbert to clarify issues relating to vehicles and the proposed additional payments being sought by Corey's.**

**44. DATE OF NEXT MEETING**

It was agreed that this should be changed to 7 June 2006.