

**EPPING FOREST DISTRICT COUNCIL  
NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY  
STANDING PANEL  
HELD ON MONDAY, 30 JULY 2007  
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING  
AT 7.30 - 9.30 PM**

**Members Present:** R Church (Chairman), R Morgan (Vice-Chairman), Mrs P Brooks, R D'Souza, T Richardson, B Rolfe, D Stallan, Mrs J H Whitehouse and Mrs P Smith

**Other members present:** Mrs D Collins and C Whitbread

**Apologies for Absence:** J Markham and Mrs M McEwen

**Officers Present** I Willett (Head of Research and Democratic Services), M Tipping (Assistant Head of Legal, Administration and Estates (Administration)) and Z Folley (Democratic Services Assistant)

**1. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

Noted that Councillor Mrs P Smith was attending the meeting as a substitute for Councillor J Demetriou.

**2. DECLARATION OF INTERESTS**

No declarations of interests were made pursuant to the Member Code of Conduct.

**3. NOTES OF THE LAST MEETING**

Minute 5 (Review of May 2007 Elections), it was explained that paragraph 3 referred to the Theydon Bois Village Hall and paragraph 9 referred to the fact that the Xpress Software system had not always produced provisional results at the verification stage but instead published them as a final result. This issue had been raised with the software supplier.

**4. TERMS OF REFERENCE / WORK PROGRAMME**

The updated work programme was noted.

It was reported that item 4 (review of Polling Stations) had been sent to Local Councils for comment.

The Panel noted that the proposed OS Review seminar had been re-arranged for 18 September 2007. The findings would be reported to a future Panel meeting.

**5. COUNCIL BUSINESS - ARRANGEMENTS FOR EMERGENCY SITUATIONS**

The Panel considered a report on Council decision making in emergency situations and changes to the Constitution to cover such circumstances.

The issues stemmed from an Emergency Planning exercise on pandemic 'flu and the Civil Contingencies Act 2004 which placed a duty on the Council to improve resilience to allow the continuation of services during emergencies.

The Panel heard from the Assistant Head of Legal and Administrative Services as the officer responsible for emergency planning.

The Panel considered a draft policy designed to cope with situations where a large proportion of the Cabinet, Regulatory Committees, the Council itself and Key Officers were unable to take decisions by virtue of extreme situations.

The Panel heard that the Community Risk Register for Essex ranked pandemic influenza as one of the highest risks. Predictions on the risks of this for Council staff and services was reported.

The Panel requested that the proposals should provide for:

- (a) a definition of a District level emergency;
- (b) specify the person responsible for declaring such a situation and the steps to be taken thereafter;
- (c) decisions to be taken quickly to ensure the continuation of business, this being a crucial factor for consideration;
- (d) an Emergency Committee for urgent Cabinet decisions . It was felt that this was not appropriate for the Area Plans meetings as arrangements needed to be determined by the relevant local ward Members. There was also discussion about the term 'key member of the Council';
- (e) definitions of urgent decisions that could not wait and 'non urgent decisions' - ie those which could wait until 'normal business' was resumed;
- (f) procedure for appointing Emergency Committees;
- (j) the potential for enabling the Assistant Portfolio Holders to assume full Portfolio Holders powers, if the Cabinet members were incapacitated;
- (k) procedures to enable the Committees (Cabinet, Regulatory Committees) to be held as soon as practically possible after an emergency and for appointing the memberships to allow this;
- (l) emergency situations where key officers were absent and deputies were available to cover;
- (m) "one off" local emergencies (eg the 2003 fire at Limes Farm, Chigwell) as well as major local and national emergencies to ensure they were robust.

It was also requested that officers identify 2/3 scenarios to test the proposals and take Legal advice.

**ACTION:**

Head of Research and Democratic Services/Assistant Head of Legal and Administrative Services to prepare a revised report for next meeting of the Panel on 4 October 2007.

## **6. PROTOCOL ON PARTNERSHIPS AND OTHER EXTERNAL ORGANISATIONS**

The Panel was asked to review the Protocol on Outside Organisations. The Panel received a copy of the protocol and considered the key features.

Members asked that a copy of the protocol should be given to newly appointed Council representatives for information. It was also felt that information on the history of the Councils involvement in organisations should also be made available to assist new Members.

It was also suggested that copies of the surveys submitted as part of the annual survey of member and organisations could be supplied to the Political Groups to review the relevance of the organisations to the Council and how such issues might be improved.

The Panel considered issues around Members acting as Trustees on outside bodies and ways of addressing the implications of this.

### **It was also requested that:**

- the protocol cover cases where the Council representative was from 'a third party' (i.e. was not an elected Member or an officer of the Council).
- Paragraph 7 (e) on Written Agreements be clarified as it conflicted with Paragraph 5 (Representatives on Outside Partnerships and Organisations)
- reference be made to the provisions in the Standard Board guidance on outside bodies and the requirements of the new Member Code of Conduct

### **ACTION:**

That the protocol be revised to reflect the views of the Panel and submitted to the Overview & Scrutiny Committee and council for approval.

## **7. LOCAL GOVERNMENT BILL**

The Panel noted that the Cabinet had referred all elements of the paper to the Panel for consideration including those pertaining to the Cabinet. It was indicated that the paper would be available in the Autumn 2007 although the real issue was the deadlines for the Council to respond to the various new statutory requirements. There might also be a need to consult the community on some matters and this would also have to be built into the timetable. Three additional meetings of the Panel had therefore been arranged for October, November 2007 and January 2008 to take account of this.

**8. ANY OTHER BUSINESS**

The Head of Research and Democratic Services stated that he would take account of the dates of the national party conferences in September to ensure they did not clash with future training programmes.

It was also agreed that the e-mail sent out on 22 June 2007 by Graham Lunnun on the consultation on improving the incentives to people becoming Councillors be circulated to the Panel members for information.

It was also noted that an extraordinary meeting of the Overview and Scrutiny Committee had been arranged for 2 August 2007 to evaluate the web casting project.

**9. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE**

Standard report by Chairman on discussions at this meeting together with a formal report on the protocol on external organisations and partnerships.

**10. FUTURE MEETINGS**

The next programmed meeting of the Panel will be held on 11 October 2007 at 7.30 in Committee Room 1 and then on:

15 October 2007  
20 November 2007  
11 December 2007  
15 January 2008  
12 February, 2008  
28 April 2008