

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

**WEDNESDAY, 30 SEPTEMBER 2009
(2.30 - 5.00 PM)**

Present: P Haywood (Chief Executive), D Macnab (Deputy Chief Executive), 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 1.29, 323 Building, Civic Offices, High Street, Epping

55. MINUTES OF THE PREVIOUS MEETING - 9.9.09

Agreed.

56. MATTERS ARISING

(a) Council Tax/NNDR Arrears – Members of the Council (Minute 46(a))

Noted that an additional member of the Council had been found to be in arrears and that appropriate advice had been given.

(b) Moreton, Bobbingworth and The Lavers Parish Council – Letter dated 24.8.09 (Minute 52(b))

Noted that an informal meeting of the Standards Committee was being held to discuss a reply to the letter of complaint from the Parish Clerk and also some issues raised by the Chairman of the Committee for future assessment of complaints.

57. DECLARATIONS OF INTEREST

None for this meeting.

58. TERMS OF REFERENCE

Noted.

59. GRANGE FARM TRUST

Noted that a reply had now been received from the Charity Commission regarding the anonymous complaint made about the administration of the Trust and various financial matters.

Agreed that the response of the Charity Commission was disappointing and seemed to show a superficial investigation of the issues raised.

Agreed that this disappointment be expressed back to the Charity Commission indicating that in raising the matter with the Commission the intention had been for

the Council to clarify what, if anything, the Authority needed to do about the comments made and that the letter as drafted did not assist in this.

Noted that one member of the Council at the recent Council meeting had requested a report on the current position of the Trust and that therefore there needed to be a briefing with the Council's Trust representatives to deal with this.

Action:

C O'Boyle to pursue.

60. OFFICE OF FAIR TRADING - TENDER-RIGGING INVESTIGATION

Noted that the outcome of the Office of Fair Trading investigation into tender-rigging in the UK had now been published and that a total of 103 companies had been named in the report and several very substantial fines imposed for bid-rigging practices.

Noted that none of the contracts listed were located in Essex and Hertfordshire but EFDC had previously had links with a number of the companies including Apollo, Mansell, Interserve and Henry Boot.

Noted that the Office of Fair Trading had issued extensive guidance on dealing with these practices in future including:

- (a) designing tenders which make bid-rigging difficult to achieve;
- (b) taking particular care with tendering in markets which have shown in the OFT report as being susceptible to rigging;
- (c) reviewing tender documents to ensure that they are clear and very specific as to requirements;
- (d) that criteria for evaluating tenders with potential rigging in mind should be devised by authorities;
- (e) need to have clear guidance for all officers involved in tendering processes.

Noted that OFT had made clear recommendations about using a "check list" procedure to counter possible tender rigging together with amendments to contract standing orders.

Noted that, in terms of procurement, full information and guidance on proper procedures was now available on the Council's intranet and that advice would be given to staff engaged in tendering to be alert at all times to unusual tender patterns.

Agreed that the implications of the OFT report be submitted to the Working Group on Contract Standing Orders, Financial Regulations and Officer Delegations when they next meet.

Action:

Service Directors to note.

I Willett to refer contract standing orders issues to the Working Group.

61. STANDARDS COMMITTEE**(a) Complaints, Assessments, Reviews and Adjudications**

Noted that since the last meeting of Corporate Governance Group one complaint had been referred to an adjudication hearing and a decision made.

Noted that a second complaint was currently in the final stages of investigation with the investigator's report expected very soon.

Noted that one further complaint was still in the process of investigation in house and had attracted complaints regarding the bias of the Investigating Officer.

Noted that in this third case the investigator had sought an explanation from the complainant and the Councillor named in the complaint to provide evidence for the assertions made but that in the meantime the investigation would continue.

Agreed that the concerns of the Corporate Governance Group about unsubstantiated complaints about officer bias in the complaints process should be recorded.

(b) Review of Planning Protocol and Complaint Assessment Criteria

Noted that the review of the Planning Protocol had been considered by the last meeting of the Standards Committee but that due to officer workload this had not been progressed to a revised draft.

Noted that in terms of complaint assessment criteria to be operated by the Standards Committee considerable work was being undertaken to revise the criteria.

Action:

C O'Boyle/I Willett to pursue.

62. USE OF RESOURCES ASSESSMENT

Agreed that in terms of the governance issues raised by the recent draft resources assessment from the Council's external auditors the following be recorded:

(a) the inaccuracies concerning the Council's performance which continued to show in the latest draft of the assessment e.g:

(i) misinterpretation of the Council's position regarding refuse and waste management;

(ii) reference to the closure of Waltham Abbey Sports Centre which was not actually the case;

(iii) negative summary and introduction to the assessment which did not align with much more positive information contained in the main report;

(b) concern about the very late notification by the external auditors of the desire to carry out a benefits inspection.

Agreed that unless the tone and factual content of the assessment were improved, the Council ran the risk of serious reputational damage without proper justification.

Agreed that as the District Auditor had offered a further opportunity to discuss the draft assessment report, there would be merit in a joint approach to the external auditors by both senior politicians and the chief Executive to give a unified message concerning the unsatisfactory nature of the report.

Agreed that D Macnab should meet with the Leader at an early date to run through the position as assessed by CGG.

Action:

D Macnab to pursue.

63. DATE FOR FUTURE MEETINGS

Agreed that future meetings of the CGG be held on the following dates:

- 28 October 2009
- 25 November 2009
- 23 December 2009

All at 9 am in the Chief Executive's office.