

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

**WEDNESDAY, 28 OCTOBER 2009
(9.00 - 10.30 AM)**

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

64. MINUTES OF THE PREVIOUS MEETING - 30.9.09

Agreed.

65. MATTERS ARISING

(a) Grange Farm Trust (Minute 59)

Noted that the comments of the Charity Commission about payment of legal fees by the Trust was now being challenged by a third party.

(b) Council Tax/NNDR Arrears – Members of the Council (Minute 56 (a))

Noted that some issues relating to Councillors in arrears were still being pursued.

(c) Performance Assessment (Minute 62)

Noted that further discussions had been held with the Council's External Auditors and a final amended version of the assessment report subject to one minor amendment.

Noted that the report was embargoed until 10 December 2009 but thereafter would be submitted formally to the Audit and Governance Committee.

ACTION:

D Macnab to pursue.

66. DECLARATIONS OF INTEREST

None for this meeting.

67. TERMS OF REFERENCE

Noted.

68. ARREARS CASES

Noted that, in respect of one previous case where a member of the Council had not cleared rent arrears in respect of a Council property formerly leased by him, recovery of the debt was proceeding to Court procedures and advice was sought from CGG about whether the recovery process should continue.

Agreed that there was no alternative to the Council pursuing the recovery of the debt in the same way as would apply in any other case, notwithstanding that the person concerned was a Councillor.

ACTION:

I Willett to notify Director concerned.

69. STANDARDS COMMITTEE

(a) Assessments, Reviews and Adjudications

Schedule of current cases noted.

Noted that a further assessment hearing had been held on 27 October 2009 when a complaint against a member of the Standards Committee had been referred to the Standards Board for England for investigation.

(b) Nazeing Parish Council – Governance Arrangements

Noted that in view of the large number of complaints being received between members from one Parish Council, a report will be submitted to the next Standards Committee on informal action being discussed with the Essex Association for Local Councils in order to give further support to Parish members.

Noted that the Monitoring Officer and other members of staff involved in the complaints process were spending increasing amounts of time and resources in dealing with matters generated by complaints, particularly from two Parish Councils.

ACTION:

I Willett to draft report.

(c) Monitoring Officer Protocol

Noted that at the September meeting of the Council, questions have been raised concerning the role of the Monitoring Officer and entitlement for the Designated Officer to attend any meeting in connection with the performance of those functions.

Noted that the Audit and Governance Committee had asked for a report on the role of the Monitoring Officer and a possible Protocol which could be agreed to clarify the position for the future.

Agreed that the draft Protocol submitted to this meeting be approved subject to the following drafting changes:

(i) paragraph 2.2(c) - revised wording to specify that the Monitoring Officer has the right to attend and be present throughout the debate on any item relevant to those functions;

(ii) paragraph 2.2(j) – amend “District Auditor” to “External Auditor” in the second line and amend final section relating to maladministration cases to exclude any compensation payments which are delegated to the Deputy Chief Executive.

Agreed that a covering report to the Audit and Governance Committee be prepared to give the background to the Protocol and to ask the Committee whether they wished to consult the Standards Committee on the content before it is agreed bearing in mind the role of the Monitoring Officer in terms of the ethical framework.

Agreed that consideration be given to preparing a list of the functions of the Head of Paid Service and the Chief Finance Officer.

ACTION:

- (1) **G Lunnun to revise Protocol.**
- (2) **I Willett to draft covering report.**
- (3) **I Willett/G Lunnun to research summary of the powers of the Chief Finance Officer and Head of Paid Service.**

70. GYPSY AND TRAVELLER DPD - RISK ASSESSMENT

Noted that the Chairman of the Audit and Governance Committee had asked for an item to be placed on the agenda for the next Audit and Governance Committee to discuss the Corporate Risk Register.

Noted that R Palmer had asked the Chairman of the Audit and Governance Committee to be more specific about the areas of risk about which he was concerned bearing in mind that the Audit and Governance Committee were required to review arrangements for risk management from an independent perspective rather than being involved directly.

ACTION:

R Palmer to monitor.

71. PLANNING APPLICATIONS - MEMBER "CALL-INS"

Noted that at the last meeting of CEF, the Leader of Council had expressed concerns about call-ins by Councillors who were not the local ward member.

Agreed that the appropriate route for airing this issue would be on the annual review of officer delegation which was due to commence later in the year.

Noted that I Willett had discussed this issue with J Preston who had clarified that the open call-in arrangements for all members derived from the original decision of the Council to move towards local Plans Committees and was regarded at the time as a means of retaining a District-wide perspective on planning issues.

Agreed that the matter be discussed further at the following CEF meeting with the Leader of Council present.

ACTION:

CEF members to pursue.

72. DATE FOR FUTURE MEETINGS

25 November 2009 at 9.00 a.m. in the Chief Executive's Office.