

ARTICLE 13 – OFFICERS

1. MANAGEMENT STRUCTURE

(a) General

The full Council may engage such staff (referred to as 'officers') as it considers necessary to carry out its functions.

(b) Chief Officers

The Council will engage persons subject to the Officer Employment Procedure Rules for the following posts, who will be designated as chief officers:

Chief Executive
Director of Communities
Director of Governance
Director of Neighbourhoods (and Deputy Chief Executive?)
Director of Resources

The main functions and areas of responsibility of each chief officer will be as set out in the management structure chart attached as Appendix 1 to this Article, as revised from time to time.

The chief officers are members of the Management Board and share responsibility for the proper running and governance of the Council.

Post	Functions and areas of responsibility
Chief Executive 3 year appointment	Head of Paid Service to provide leadership of the Council's workforce.
Deputy Chief Executive	Member of Management Board. Responsible for general corporate management issues and management advice to Heads of Service. Lead role for Parish Council liaison, health, Community Care and Social Services. Member of Management Board. Provides mutual cover for Chief Executive. Responsible for general corporate management issues and management advice to Service Directors. Lead role for Performance Management, Customer Complaints/Compliments. North Weald Airfield (Strategy). Sports, Arts, Museum Development. Youth Council.
Director of Finance	Chief Financial Officer The operation and management of Financial Services, Accountancy, Budget Strategy, Insurance, Debtors, Creditors and Cashiers, Housing Benefits, Council Tax/Community Charge, ICT Data Protection.

Post	Functions and areas of responsibility
Director of Environment and Street Scene	Operation and management of Environmental Services: Architectural Services, Building Services, Highways, Client Drainage, Street Lighting, Footpaths, Car Parks, Environmental Health, Refuse Collection/Recycling/Street Cleaning, Grounds maintenance, playground maintenance, Roding Valley Nature Reserve, North Weald Airfield (Operations), management of Sports and Leisure Centres.
Director of Corporate Support Services	<p>The operation and management of Legal and Administrative Services, Legal Services, Civic Offices Building Management, Burials Administration, Licensing, Local Land Charges, Reprographics, Office Services, Estates and Valuation.</p> <p>Oversight of the recruitment and selection process, including the setting and monitoring of corporate standards. Responsibility for the management of the Council's employee relations machinery, i.e. Joint Consultative Committee, plus all terms and condition/local agreements/policy frameworks for human resources. Delivering a corporate training plan and framework for identifying training need across the Council. Payroll.</p>
Director of Housing	<p>Housing strategy and policy Housing association partnerships and developments Housing register and transfer list Homelessness Allocation of Council accommodation Nominations to housing associations Council garage waiting lists, allocations and management Management of the Council's homeless persons hostel Housing mobility schemes Housing finance Housing rents HRA house and land sales Leasehold services Housing information Tenant participation Housing repairs and Maintenance Disabled adaptations to Council properties Gas servicing of Council properties Housing management Sheltered housing Careline Emergency planning—Housing Private Sector Housing</p>
Director of Planning and Economic Development	<p>Forward Planning/District Wide Plan. Urban and Rural Regeneration: Land Use, Transport, Economic Development and Environmental Issues. Development Control: Planning Applications and Enforcement. Conservation: Listed Buildings, Conservation Areas, Trees, Landscape Design Advice. Countryside Management. Building Control/Dangerous Structures.</p>

(c) ~~Head of Paid Service, Monitoring Officer and Chief Financial~~ Statutory Officers

The Council will designate the following posts as **statutory officers**. Such posts will have the functions described in **Section 2 of this Article**:

Post	Designation
Chief Executive	Head of Paid Service
Director of Governance	Monitoring Officer
Director of Resources	Chief Finance Officer (Section 151 Officer)

To assist the Monitoring Officer and Chief Finance Officer, the Council will designate a Deputy Monitoring Officer and Deputy Section 151 Officer to assist with their responsibilities.

(d) Structure

The Head of Paid Service will determine and publicise a description of the overall organisational structure of the Council showing the management structure and deployment of officers.

2. GENERAL FUNCTIONS OF THE STATUTORY OFFICERS

Details of how the responsibilities of the statutory officers will be discharged are set out in Appendix 2 to this Article. The general functions of the statutory officers are as follows:

Head of Paid Service

The general functions of the Head of Paid Service are as follows:

(NB. Brought forward from Statutory Officer Protocol for Monitoring Officer. No list of functions for Head of Paid Service appears to exist in Protocol!)

(a) Discharge of Functions by the Council

The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

(b) Restrictions on Functions

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer, if a qualified accountant.

Monitoring Officer

The general functions of the Monitoring Officer are as follows:

Description		Source
1.	Report on contraventions or likely contraventions of any enactment of rule of law	Section 5, Local Government and Housing Act 1989
2.	Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5, Local Government and Housing Act 1989
3.	Personal appointment of Deputy	Section 5, Local Government and Housing Act 1989
4.	Report on resources	Section 5, Local Government and Housing Act 1989
5.	Investigate misconduct in compliance with regulations made and directions of Ethical Standards Officers	Regulations when made. Directions when made in individual cases. LGA 2000 Section 66 (1) + 66 (6)
6.	Establish and maintain registers of Members' interests and gifts and hospitality	Section 81 LGA 2000 and Model Code of Local Government Conduct
7.	Advice to Members on the interpretation of the Code of Conduct and Local Protocols	Model Code and title of Regulations
8.	Key role in promoting and maintaining high standards of conduct through support to Standards for England (Standards Board abolished 31 March 2012?)	Statutory Guidance, paragraph 8.20
9.	Liaison with Standards for England and Ethical Standards Officers (Standards Board abolished 31 March 2012?)	New ethical framework, practical implications
10.	New ethical framework functions in relation to Town and Parish Councils	Section 83 (12) LGA 2000
11.	Power to make payments or provide other benefit as compensation for maladministration	Section 92 LGA 2000
12.	Advice on vices issues, maladministration, financial impropriety, probity and policy framework and budget issues to all elected Members	DETR guidance; Council Constitution 2007

(a) Maintaining the Constitution

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

(b) Ensuring Lawfulness and Fairness of Decision-Making

After consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) Supporting the Standards Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

(d) Receiving Reports

The Monitoring Officer will receive and act on reports made by ethical Standards Officers and decisions of the case tribunals.

(e) Conducting Investigations

The Monitoring Officer will conduct investigations into matters referred by ethical Standards Officers and make reports or recommendations in respect of them to the Standards Committee.

(f) Proper Officer for Access to Information

The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(g) Advising whether Executive Decisions are within the Budget and Policy Framework

The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.

(h) Providing Advice

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.

(i) Restrictions on Posts

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

Chief Finance Officer

The general functions of the Chief Finance Officer are as follows:

(NB. Brought forward from Statutory Officer Protocol for Monitoring Officer. No list of functions for Chief Finance Officer appears to exist in Protocol!)

(a) Ensuring Lawfulness and Financial Prudence of Decision-making

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the full Council or to the Executive in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully. Such a report will have the effect of stopping the proposal, decision or course of action being implemented until the first business day after the report has been considered.

(b) Proper Administration of Financial Affairs

The Chief Financial Officer will have responsibility for the proper administration of the financial affairs of the Council.

(c) Contributing to Corporate Management

The Chief Financial Officer will contribute to the corporate management of the Council, in particular, through the provision of professional financial advice.

(d) Providing Advice

The Chief Financial Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and the Elected Mayor and will support and advise Councillors and Officers in their respective roles.

(e) Provision of Financial Information

The Chief Financial Officer will provide financial information to the media, members of the public and the community.

3. DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE MONITORING OFFICER AND CHIEF FINANCIAL OFFICER

The Council will provide the Monitoring Officer and Chief Financial Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed. ~~To assist the Monitoring Officer, the Council will designate a Deputy Monitoring Officer to assist with the Monitoring Officer's responsibilities.~~

4. CONDUCT

Officers will comply with the Officers' Code of Conduct.

5. EMPLOYMENT AND DISMISSAL OF STAFF

The recruitment, selection and dismissal of officers will comply with the Council's Officer Employment Rules set out elsewhere in this Constitution, supplemented where appropriate by the council's personnel policies and procedures.

6. DELEGATION TO OFFICERS

The delegation of powers to chief officers is set out in Part 3 of this constitution.

7. OFFICER SUPPORT ARRANGEMENTS

Management Board will manage the business submitted to the Cabinet and Overview and Scrutiny. The Chief Executive will be the lead officer for the Cabinet with ~~Service Directors~~ **chief officers** attending when required. ~~The Head of the Policy Unit will undertake the role of "Cabinet Secretary".~~ The Deputy Chief Executive will be the lead officer for the Overview and Scrutiny Committee. ~~The co-ordination of the "call-in" procedure will be undertaken within Democratic Services led by the Assistant to the Chief Executive.~~

Democratic Services will support both the Executive and non-Executive sides of the Council and Agenda Planning Groups will be held for Cabinet and the Overview and Scrutiny Committee. The Agenda Planning Group for the Cabinet will be chaired by the Chief Executive whilst the Overview and Scrutiny Committee Agenda Planning Group will be chaired by the Deputy Chief Executive. ~~A Democratic Services Officer will support both agenda planning groups and the Cabinet and Overview and Scrutiny Committee themselves. Existing officer agenda planning party meetings for non-executive committees, groups etc. will continue where appropriate.~~

8. CONVENTIONS ON THE RELATIONSHIPS BETWEEN POLITICAL GROUPS & COUNCILLORS WITH OFFICERS

The conventions for the management of relationships between councillors, political groups and officers, is set out in the Protocol attached as Appendix 3 to this Article.

9. MEMBERS' CHARTER

The arrangements for effective working between between councillors and officers, is set out in the Charter attached as Appendix 4 to this Article.

APPENDIX 1

MANAGEMENT STRUCTURE

Management structure chart to be added here.

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APPENDIX 2

NB. IS THIS PROTOCOL REQUIRED? THIS DETAIL COULD BE INCORPORATED WITHIN ARTICLE 13.

STATUTORY OFFICER PROTOCOLS

PROTOCOL REGULATING THE DUTIES OF THE HEAD OF PAID SERVICE

A GENERAL INTRODUCTION TO STATUTORY RESPONSIBILITIES

1. The Head of Paid Service is a statutory appointment pursuant to Section 4 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged in Epping Forest District Council.
2. The current responsibilities of the Head of Paid Service role rest with the Chief Executive, who should discharge these statutory responsibilities in a positive way and in a manner that enhances the overall reputation of the Council.
3. ~~A summary list of the statutory responsibilities appears in the table annexed to this document.~~ (NB. No table exists in current version!) In general terms, the Head of Paid Service's ability to discharge the following duties and responsibilities will depend, to a large extent, on elected members and officers:
 - (a) addressing the staffing needs of the authority;
 - (b) meeting the staffing needs of the Council;
 - (c) the appointment and proper management of the staff.

B WORKING ARRANGEMENTS

4. Having excellent working relations with members and officers will assist in the discharge of the statutory responsibilities of the Head of Paid Service. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and officers should, therefore, work with the Head of Paid Service to discharge the Council's statutory and discretionary responsibilities.
5. The following arrangements and understandings between the Head of Paid Service, Members and Directors are designed to ensure the effective discharge of the Council's business and functions. The Head of Paid Service will:
 - (a) be alerted by Members and officers to any issue(s) that may become of concern to the Council, including the manner in which the discharge by the Council of its different functions is co-ordinated, the number and grades of staff required for the discharge of its functions, the organisation of the Council's staff and the appointment and proper management of the Council's staff;
 - (b) have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Council at which a decision may be made (including a failure to take a decision where one should have been taken) at or

before the Council, Executive, Committee meetings and Sub-Committee meetings (or equivalent arrangements);

- (c) have the right to attend any meeting of the Council (including the right to be heard and report to the Executive) before any decision is taken (including a failure to take a decision where one should have been taken) at or before the Council, Executive, Committee meetings and Sub-Committee meetings (or equivalent arrangements);
 - (d) in carrying out any investigation(s) and exercising any duties have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of the functions;
 - (e) ensure that other statutory officers (Chief Finance Officer and the Monitoring Officer) are kept up-to date with relevant information regarding the manner in which the Council discharges its various functions, the corporate approach of the Council, the staffing needs of the Council, the organisation of the staff and the appointment and proper management of the staff;
 - (f) meet regularly with the Chief Finance Officer and the Monitoring Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern described in (e) above;
 - (g) report to the Council, from time to time, on the corporate approach of the Council and any necessary or desirable changes following consultation, in particular, with the Chief Finance Officer and Monitoring Officer;
 - (h) in accordance with the statutory requirements, make a report to the Council, as necessary, on the staff, accommodation and resources required to discharge his statutory functions;
 - (i) develop a relationship based on respect and trust with the Leader, Deputy Leader and the Chairmen of the Standards, Regulatory, and Scrutiny Committees with a view to ensuring the effective and efficient discharge of Council business;
 - (j) develop effective working liaison and relationship with the External Auditor;
 - (k) in consultation, as necessary, with the Chairman of the Council, the Executive and the External Auditor, defer the making of a formal report under Section 4 of the Local Government and Housing Act 1989 where another investigative body is involved;
 - (l) have access to an appropriate budget (whether corporate or serviced based) to address any matter concerning the Head of Paid Service's functions.
6. To ensure the effective and efficient discharge of the arrangements set out in paragraph 5 above, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other legal or constitutional concerns to the Head of Paid Service, as soon as practicable.
7. The Head of Paid Service is also available for Members and Officers to consult on any issues of the corporate approach of the Council, staffing needs, appointment and management of staff.

8. To ensure the effective and efficient discharge of this Protocol, the Head of Paid Service will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Council and the proper discharge of the Head of Paid Service role.
9. The Head of Paid Service will record details of any advice given.

Conflicts of Interest

10. In the event that the Head of Paid Service acknowledges, after taking appropriate advice, that a conflict of interest exists on a matter which requires action he or she will not be involved in the consideration of that matter and will make arrangements for the action to be taken by one of the other statutory officers or another Director.

Review of Protocol

- ~~11. This protocol shall be reviewed every two years or more frequently if necessary. Don't think that this actually happens?~~

PROTOCOL REGULATING THE DUTIES OF THE ROLE OF MONITORING OFFICER

1. The Monitoring Officer undertakes to discharge the responsibilities outlined in this Protocol with determination and in a manner which will enhance the reputation of the Council. In general terms the ability to discharge these duties depends on excellent working relations with colleagues and elected Members of the Council, but also on the flow of information and access to debate, particularly at early stages.
2. The following arrangements and understandings between the Monitoring Officer and colleagues and Councillors are designed to help ensure the effective discharge of the Monitoring Officer's functions:-
 - (a) the Monitoring Officer will be a member of the Council's Management Board;
 - (b) the Monitoring Officer will be given advance notice of meetings (whether formal or informal) between Chief Officers, Committee and Sub Committee Chairmen where any procedural, vires or other constitutional issues are likely to arise;
 - (c) the Monitoring Officer will have access to all meetings;
 - (d) members of Management Board (the Chief Executive and Directors) will be responsible for alerting the Monitoring Officer to all emerging issues of concern including legality, probity, vires and constitutional issues;
 - (e) the Monitoring Officer will be provided with access to all reports to Councillors;
 - (f) the Monitoring Officer is expected to develop good liaison and working relations with the Standards for England (or any successor body), its Ethical Standards Officers, the District Auditor and the Local Government Ombudsman, including giving and receiving relevant information, whether confidential or otherwise, whether requested or not;
 - (g) the Monitoring Officer will ensure that the Head of the Paid Service and the Chief Financial Officer have up-to-date information regarding emerging issues;

- (h) the Monitoring Officer will be expected to make or commission enquiries into allegations of misconduct by Councillors;
- (i) the Head of the Paid Service, Chief Financial Officer and Monitoring Officer will meet regularly to consider and recommend action in connection with current governance issues and other probity matters;
- (j) in carrying out any investigation the Monitoring officer will have unqualified access to any information held by the Council and any employee who can assist in the discharge of his/her functions.
- (k) the Monitoring Officer will have access to an appropriate budget (whether corporate or service based) sufficient to enable him/her to seek Counsel's opinion or take appropriate action on any matter concerning his/her functions;
- (l) the Monitoring Officer will be responsible for preparing a training programme for Members of the Council on the ethical framework, for approval by the Standards Committee;
- (m) the Monitoring Officer will report to the Council from time to time on the Constitution and any necessary or desirable changes following consultation, in particular with the Head of the Paid Service and the Chief Financial Officer;
- (n) the Monitoring Officer may defer the making of a formal report under Section 5 of the LGHA 1989 where another investigative body is involved;
- (o) the Monitoring Officer may make an annual report to the Council on the staff, accommodation and resources required to discharge his/her functions;
- (p) the Monitoring Officer will appoint a deputy to act in his/her absence and will ensure that he/she is briefed on emerging issues;
- (q) the Monitoring Officer will make arrangements to ensure good communication with the Clerks to the Town and Parish Councils in the District;

Summary of Monitoring Officer Functions

These details now incorporated in the Article.

3. The Monitoring Officer is to be the primary qualified person in respect of advice on the application of Section 36 of the Freedom of Information Act 2000 in accordance with the Secretary of State's decision of December 2004. Where the Monitoring Officer is absent responsibility for carrying out the functions of the qualified person will fall to the Deputy Monitoring Officer, subject to consultation with the Chief Executive.

Conflicts of Interest

4. If any member of the Council has concerns about any conflict of interest concerning the duties of the Monitoring Officer they shall:
 - (a) raise those concerns with the Head of Paid Service or with the Monitoring Officer directly; and

(b) the Monitoring Officer will undertake to review the issue (if necessary taking advice of the Council's Corporate Governance Group) and respond to the concerns with action proposed;

(c) such concerns about possible conflicts of interest shall be raised on the understanding that:

(i) it is for the Monitoring Officer to determine whether a conflict of interest exists;

(ii) that such concerns should not be raised in formal meetings of the Authority without prior consultation with the Monitoring Officer; and

(d) in the event that the Monitoring Officer acknowledges that conflict of interest exists, he/she will make arrangements for the matter concerned to be undertaken by the Deputy Monitoring Officer, if necessary after discussion with CGG members.

Review of Protocol

5. ~~This protocol shall be reviewed every two years or more frequently if necessary. Don't think that this actually happens?~~

PROTOCOL REGULATING THE DUTIES OF THE CHIEF FINANCE OFFICER (SECTION 151 OFFICER)

1. The Chief Finance Officer is a statutory appointment pursuant to Section 151 of the Local Government Act 1972. This Protocol provides some general information on how those statutory requirements will be discharged at Epping Forest District Council.
2. The current responsibilities of the Chief Finance Officer role rest with the Director of Finance and ICT, who undertakes to discharge these statutory responsibilities in a positive way and in a manner that enhances the overall reputation of the Council. In doing so, the Chief Finance Officer will also safeguard, so far as is possible, elected members and officers whilst acting in their official capacities, from financial difficulties.
3. ~~A summary list of the statutory responsibilities appears in the table annexed to this document. (NB. No table exists in current version!)~~ In general terms, the Chief Finance Officer's ability to discharge the following duties and responsibilities will depend, to a large extent, on members and officers:-
 - (a) complying with the Council's financial procedures;
 - (b) making lawful payments; and
 - (c) not taking action that would result in unlawful payments or unlawful action.

WORKING ARRANGEMENTS

4. According to the Chartered Institute of Public Finance and Accountancy (CIPFA), there are five key roles that are critical to the achievement of a Chief Finance Officer's statutory responsibilities:-
 - (a) maintaining strong financial management underpinned by effective financial controls;

- (b) contributing to corporate management and leadership;
- (c) supporting and advising democratically elected representatives;
- (d) supporting and advising officers in their operational roles; and
- (e) leading and managing an effective and responsive financial service.

... The key activities for each of these roles are set out in Annex 1.

5. Having good working relations with Members and Officers will assist in the discharge of the statutory responsibilities of the Chief Finance Officer. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and officers should, therefore, work with the Chief Finance Officer to discharge the Council's statutory and discretionary responsibilities.
6. The following arrangements and understandings between the Chief Finance Officer, Members and Directors are designed to ensure the effective discharge of the Council's business and functions. The Chief Finance Officer will:-
 - (a) be alerted by Members and Officers to any issue(s) that may become of concern to the Council, including in particular, issues concerning financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
 - (b) have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Council particularly those at which a decision may be made (including a failure to take a decision where one should have been taken) at or before the Council, Cabinet, Committee meetings and Sub-Committee meetings (or equivalent arrangements);
 - (c) have the right to attend any meeting of the Council (including the right to be heard and report to the Cabinet) before any decision is taken (including a failure to take a decision where one should have been taken) at or before the Council, Cabinet, Committee meetings and Sub-Committee meetings (or equivalent arrangements);
 - (d) in carrying out any investigation(s) and excising any fiduciary duties, have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of his functions;
 - (e) ensure the other statutory officers (Head of Paid Service and the Monitoring Officer) are kept up-to-date with relevant information regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
 - (f) meet regularly with the Head of Paid Service and the Monitoring Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
 - (g) report to the Council, from time to time, on Financial Regulations and any necessary or desirable changes following consultation, in particular with the Head of Paid Service and Monitoring Officer;

- (h) as per the statutory requirements, make a report to the Council, as necessary, on the staff, accommodation and resources required to discharge his statutory functions;
 - (i) develop effective working liaison and relationship with the External Auditor (including having the authority, on behalf of the Council, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);
 - (j) In consultation, as necessary, with the Chairman of the Council, the Executive and the External Auditor, defer the making of a formal report under Section 114, 115 and 116 of the Local Government and Finance Act 1988 where another investigative body is involved;
 - (k) have access to sufficient resources from within corporate or service budgets to carry out the responsibilities of the Chief Finance Officer's functions but without a designated budget being provided;
 - (l) nominate a suitably qualified deputy and keep the deputy briefed on any relevant issues that the deputy may be required to deal with in the absence of the Chief Finance Officer;
 - (m) appoint an appropriate adviser in cases where the Chief Finance Officer is precluded from offering advice and the deputy is unable to advise; and
 - (n) the Council shall appoint a suitably qualified officer to act as Deputy Chief Finance Officer.
7. To ensure the effective and efficient discharge of the arrangements sets out in paragraph 5 above, members and officers will report any breaches of statutory duty or of Council policies or procedures and other legal or constitutional concerns to the Chief Finance Officer, as soon as practicable.
8. The Chief Finance Officer is also available for members and officers to consult on any issues relating to the Council's financial powers, possible unlawful payments, or general advice on the financial arrangements.
9. To ensure the effective and efficient discharge of this Protocol, the Chief Finance Officer will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Council and the proper discharge of the Chief Finance Officer role.
10. The Chief Finance Officer or deputy will record details of any advice given.

CONFLICTS OF INTEREST

11. If any member of the Council has concerns about any conflict of interest concerning the duties of the Chief Finance Officer they shall:
- (a) raise those concerns with the Head of Paid Service or with the Chief Finance Officer directly; and

(b) the Chief Finance Officer will undertake to review the issue (if necessary taking advice of the Council's Corporate Governance Group) and respond to the concerns with action proposed;

(b) Such concerns about possible conflicts of interest shall be expressed on the understanding that:

(i) it is for the Chief Finance Officer to determine whether a conflict of interest exists; and

(ii) that such concerns should not be raised in formal meetings of the Authority without prior consultation with the Chief Finance Officer.

12. In the event that the Chief Finance Officer acknowledges that a conflict of interest exists he/she will make arrangements for the matter concerned to be undertaken by the Deputy Chief Finance Officer, if necessary after discussion with CGG members.

Review of Protocol

~~13. This protocol shall be reviewed every two years or more frequently if necessary. Don't think that this actually happens?~~

APPENDIX 3

CONVENTIONS ON THE RELATIONSHIPS BETWEEN POLITICAL GROUPS & COUNCILLORS WITH OFFICERS

1. INTRODUCTION

1.1 The formal business of the Council is regulated by the Constitution and various supplementary guidance. The conventions set out in this document are for guidance of the members of the Council and Directors and are aimed at supplementing those rules and guidance.

2. ENTITLEMENT TO INFORMATION

2.1 Any member of the Council may ask the appropriate Director for written factual information about a Directorate (or part thereof) or service. Such requests will be met, subject to any legal requirements (including the Freedom of Information and Data Protection Acts).

2.2 Where a Director on his own initiative provides information to any Member of a political group, the information will also be supplied to the other Groups through their Group Leaders unless it is of a routine or minor nature.

2.3 Where a request for information by a Group Leader, Deputy Group Leader or Spokesperson on behalf of a political group is made to a Director, such information shall, so far as is reasonable, remain confidential to the Group in question. In the event that the supply of information to one political group only may give that group an advantage, the Director concerned will discuss and agree a timescale for its release to all groups.

2.4 All Councillors are asked to respect the close working relationships between Cabinet members and Directors. The operation of Executive arrangements inevitably results in close collaboration between Directors and the Portfolio Holder(s) with responsibility for their services. Those working arrangements should not be used to deny other members of the Council access to information which they require. Equally, such requests may create a sensitive situation for Directors. Councillors need to be aware that Directors should not be placed in a position of having supplied information to a Councillor which might be used politically with the Cabinet member.

2.5 A particular case in point is questions without notice to Cabinet members at Council meetings. Members seeking information for the purposes of such questions must bear in mind that it may be necessary to share the information so that the role of the Director is not compromised. Directors must be open with Councillors if this situation arises and agree at the outset the confidentiality which applies in supplying the information and the timing of any disclosure to the Portfolio Holder. By the same token, Portfolio Holders and Directors will need to acknowledge rights of non Cabinet members to information which set out in the local government law and this Constitution.

3. BRIEFINGS ON COUNCIL BUSINESS

3.1 Formal briefings may be arranged for meetings to discuss business to be transacted at meetings. Member representatives of the remaining political groups may be invited to attend briefings on Council business with the Leader (or any other Cabinet member) or the Chairman and Vice-Chairman of any other body. Independent councillors (i.e. those not affiliated to any political group) shall be entitled to attend briefings in respect of those meetings of which they are members.

3.2 Briefings for meetings will deal with (a) procedural matters (b) up-dating of information contained in agenda items by officers and (c) any questions from political groups.

3.3 All briefings will be held at a mutually convenient time, usually on the day of the meeting in question and where possible will be published on the weekly calendar in the Council Bulletin. The actual time will depend on the starting time of meeting proper. This arrangement will not be amended without the approval of all political groups.

3.4 In the case of the Cabinet members or Chairmen and Vice-Chairmen, arrangements may be made by the Chief Executive or appropriate Director for separate briefings of a more general character where this is necessary to familiarise members with current Council policies. Discretion and judgement will however, be used by Directors and Chairmen and Vice-Chairmen so as to ensure that information is not sought or given which might give any political group an advantage.

4. BRIEFING OF POLITICAL GROUPS

4.1 Officers of the Council will not attend meetings of political groups on the Council.

4.2 Meetings of group leaders may be held. Such meetings will have no executive powers but will be authorised to meet with the Chief Executive on an informal basis to discuss business to be considered by the Council.

4.3 Group Leaders' meetings shall have formal agenda and minutes and shall be chaired by the Leader of the largest political group if present.

5. MEETING PRACTICE

5.1 Role of Chairman

The Chairman of the Council, the Leader of the Cabinet or the Chairman of any Committee, Sub-Committee or Panel/Working Group shall ensure that there is a reasonable opportunity for debate and that there is effective despatch of Council business. The Chairman shall ensure that every motion which is properly proposed and seconded is put to the vote.

5.2 Casting Vote

In circumstances where a second or casting vote may be required, the Chairman shall consider whether to make a second or casting vote by taking advice on whether the decision is necessary and whether there will be a further opportunity to debate the issue concerned within a reasonable timescale. The Chairman may decide, dependant on that advice, not to make a casting vote or if one is cast, to vote according to the status quo. However, in some cases there is no status quo (e.g. quasi judicial decisions concerning planning, licensing and appeals of various kinds) and in those circumstances the Chairman shall vote in accordance with their judgement of the public interest. Chairmen will acknowledge at all times the requirement under the Constitution to signify whether he or she intends to vote in the first vote on any matter before a meeting. **NB Already included in revision of procedure rules?**

5.3 Respect for the Chair and Behaviour

Group Leaders will do everything possible to ensure that members of their groups are aware of the rules of debate and proper standards of behaviour at all meetings.

5.4 Group Representatives – District Development ~~Control~~ Management Committee/Area Plans Sub Committees

Immediately following the Annual Council meeting, all political groups will specify their nominated representatives on these Committees and Sub-Committees. The role of the Group representative shall be to act as spokesman for their group in connection with those meetings.

5.5 Seating Arrangements – Council and Committee Meetings

Seating in the Council Chamber shall be agreed between the political groups.

5.6 Committee Minutes

Draft minutes will be cleared with the appropriate Chairman.

6. RELATIONS WITH THE MEDIA

6.1 Official media statements will be issued on behalf of the District Council, a Portfolio Holder, an Overview and Scrutiny or other Committee Chairman. Such statements may be prepared in consultation with appropriate Directors but must be approved by the quoted Members before issue. Quoted members will also be consulted on statements issued within the broader context of a proactive media release and in response media enquiries. Statements issued through the Public Relations and Marketing Officer (Including quoted comments by members) must reflect the nature of decisions or Council policy and exclude 'political' comment.

6.2 Members may speak directly to the media on any given issue (subject to legal constraints such as the Data Protection Act) in order to express personal or political points of view.

6.3 Political Groups may issue their own press releases either through group leaders or group representatives. These will be solely the province of the political group concerned and will not involve officer input except in so far as a group wish to check factual information. Press statements arising from Council business and issued in a party capacity by a Leader or Group Representative must be careful to differentiate between the Council's policy and the views of the group concerned.

6.4 The Chairman and Vice-Chairman of the Council have a special role within the authority by virtue of their civic responsibilities. To reflect this role, they will receive special support from relevant officers in carrying out those duties.

6.5 Political groups and individual councillors shall bear in mind the special rules which apply to Council publicity during election periods and shall bear in mind the guidance set out in Appendix 2 to this report.

7. APPOINTMENT OF REPRESENTATIVES

7.1 The appointment of representatives to any outside body of a permanent nature or involving regular attendance will be determined by the Council in accordance with Council Procedure Rules.

8. FACILITIES FOR MEMBERS

8.1 Word processing facilities are available in accordance with Council policy for member correspondence, on application to Democratic Services. Typing for the Chairman and Vice-Chairman of the Council is provided by Democratic Services **relevant officers**.

8.2 Photocopying facilities are available in the Members' Room, ~~free of charge~~.

9. REVIEW OF CONVENTIONS

9.1 The conventions set out in this document will be reviewed from time to time. The Chief Executive will also initiate a special review at any time if required by a change in the political balance on the Council or on the request of any of the political groups.

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APPENDIX 4

MEMBERS' CHARTER

1. Epping Forest District Council hereby undertakes for all members of the Council -
 - (a) to provide information on a timely basis about the Council which is available under the law and to which members are entitled;
 - (b) to have the right to attend meetings of the Cabinet, committees, sub-committees and panels of the Council, except regulatory committees, notwithstanding he/she is not a member thereof and, with the permission of the Chairman, take part in the discussion, but not vote or introduce new business;
 - (c) to ensure open access to relevant officers subject to normal protocols and courtesies, e.g. prior notification to relevant ~~Head of Service~~ **Director** or Assistant ~~Head of Service~~ **Director** before approaching junior officers;
 - (d) to recognise the rights of all councillors to be consulted in advance about matters affecting them as members, with particular regard to their ward constituency role and to be notified in advance about any proposed action;
 - (e) to meet the reasonable training needs of all members necessary for their duties and responsibilities for the authority;
 - (f) to recognise and provide support for the role of members in:
 - carrying out ~~Best Value~~ Service Reviews
 - representing their constituents
 - scrutinising Executive decisions
 - participating in review of policy and procedure
 - exercising their right to challenge and call in Executive decisions
 - (g) to respond promptly to correspondence from Councillors and to provide dedicated secretarial, administrative and research support;
 - (h) to provide suitable facilities for all members consistent with their communication and information needs;
 - (i) to provide a continual development training programme relating to duties as a Councillor; and
 - (j) to recognise the duty of the Chairman of the Council to act as spokesperson or champion for the needs of all Councillors in upholding this Charter.
2. Each member of the Council undertakes:
 - (a) to respect the duties and responsibilities of the Executive and its legal right to make decisions on its functions;

- (b) to respect confidentiality of Council information and proceedings where appropriate particularly where exempt or confidential business is involved;
- (c) to recognise that there is an expectation for training attaching to duties of a Councillor;
- (d) to acknowledge that failure to participate in required training will risk members being unable to participate fully in relevant decision making, particularly in relation to regulatory and planning committees;
- (e) not to use the "call-in" procedure unnecessarily;
- (f) to treat officers and other members with respect at all times;
- (g) to respect the role of officers in running their services;
- (h) to avoid unreasonable or personalised criticism of officers or other members at public meetings or similar occasions, or to the press or to constituents;
- (i) to adhere to the requirements of Standing Orders regarding visits to Council premises and dealings with individual staff; and
- (j) to uphold the Local Government Code of Conduct at all times.

3. Breach of this Charter may result in reference to the Standards Committee