

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

**WEDNESDAY, 15 FEBRUARY 2012  
(9.30 - 11.20 AM)**

**Present:** D Macnab (Acting Chief Executive) (Chairman) 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 1.05, First Floor, Civic Offices, High Street, Epping, Essex

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**83. DECLARATIONS OF INTEREST**

None for this meeting.

**84. MINUTES OF THE PREVIOUS MEETING - 19.1.12**

Agreed.

**85. MATTERS ARISING**

**(a) Minutes of the Meeting on 14.12.11**

In relation to Minute 64 (Grange Farm Trust) CGG noted and accepted the clarification by the member of the Audit & Governance Committee that the discussions with the Leader of the Council had been in a personal capacity and not on behalf of the Committee. This had concerned matters relating to Trust following an invitation to consider becoming one of the Council-appointed Managing Trustees.

**(b) EFDC v Saundercock (Minute 73)(d)**

Noted that in respect of the Council's counter offer, a payment of £35,000 had now been received by the Authority but that work was continuing on other property related matters to secure the remaining sums outstanding.

**(c) Buckhurst Hill Parish Council – HR Support (Minute 81(a))**

Noted that P Maginnis had an exploratory meeting with the Acting Clerk of Buckhurst Hill Parish Council and two Parish Councillors and it had been agreed that HR support from this Council would be restricted to the recruitment process to appoint a new Parish Clerk and would not be related to any previous or outstanding employment tribunal case.

**86. TERMS OF REFERENCE**

Noted.

**87. CORPORATE RISK REGISTER**

**(a) Risk Management Group – 6 February 2012**

Noted and agreed.

Agreed that the discussions concerning the Business Continuity Plan should be referred to the next Extended Management Board meeting so as to brief Directors and Assistant Directors.

**Action:**

**M Tipping to prepare a report for the extended Management Board meeting on 28 March 2012.**

**(b) Corporate Risk Register**

Agreed subject to the following amendments/comments:

(i) Paragraph 3.2 (Table of “Above the Line” Risk Clusters) – to be updated in respect of key objectives and medium term aims previously agreed by the Council;

(ii) Risk Register (Risk A2) – add reference to Local Land Charges income and the vehicle workshop at Langston Road;

(iii) Risk Register (Risk 35) (Budget Reductions) – update this section to take account of recent Council decisions on the budget;

(iv) Risk Register (Risk 9) – downgrade risk to E2, add new risk in relation to the absence of an overall Depot Manager (C2) and reflect the lack of resources for provision of CCTV security facilities on site and absence of certain risk assessment documentation;

(v) Risk Register (Risk 32) (On-street Civil Parking Enforcement) – delete as function has transferred to the North Essex Parking Partnership.

Agreed that in relation to Action Plans the Schedule be approved subject to the following comments/amendments:

(a) Risk 27 (Monitoring of Investment Returns and Income) – delete reference to Price Waterhouse Coopers and their study on behalf of the Council;

(b) Risk 31 (Police Liaison etc) – amend Portfolio Holder to Portfolio Holder for Support Services instead of Leader of the Council.

Agreed that the Risk Register and Action Plans be referred to the next meeting of the Finance and Performance Management Cabinet Committee.

**(c) Risk Management Group – Terms of Reference**

Agreed subject to an amendment to the penultimate paragraph of “Aims and Objectives” to read, in the final sentence, “Individual managers have responsibility and accountability for identifying, assessing and managing the risk associated with their area of activity”.

(d) Risk Management Strategy

Agreed subject to an amendment to the lead Portfolio Holder.

**Action:**

**R Palmer to pursue.**

**88. RISK AWARENESS TRAINING**

Noted that it was intended to arrange a risk management course for members of the Council in order to ensure that the relevant Portfolio Holders etc. meet the required target for knowledge and awareness of the risk management process.

**Action:**

**R Palmer to pursue.**

**89. CORPORATE GOVERNANCE GROUP MINUTES - SUBMISSION TO AUDIT & GOVERNANCE COMMITTEE**

Agreed that the best method of submitting the Corporate Governance Group minutes to the Audit and Governance Committee be discussed at the next meeting of the Committee.

**Action:**

**G Woodhall to place an item on the agenda for the next meeting.**

**90. "TOUGH TIMES" - AUDIT COMMISSION NATIONAL LOCAL GOVERNMENT STUDY**

Agreed that the various recommendations contained in the Audit Commission document were being met by the Council and did not require further attention.

Agreed that the recommendation concerning value for money profiles be investigated further by reference to the Audit Commission toolkit with a view to a further report being made to Management Board.

**Action:**

**S Tautz to pursue.**

**91. OFFICER EMPLOYMENT PROCEDURE RULES**

Noted that the current officer employment rules had been reviewed by Counsel with a view to ensuring that these properly distinguished the redundancy and redeployment policies and procedures relating to the Chief Executive, Deputy Chief Executive, Service Directors, Monitoring Officer, Deputy Monitoring Officer and Chief Financial Officer and also in relation to the terms of reference of the Staff Appeals Panel for dealing with such matters.

Agreed that the proposed alterations recommended by Counsel be approved subject to a consistent use of the term "Chief Officers" for the generic group listed under the

proposed changes and clarification of “Chief Financial Officer” to indicate this was also the Section 155 officer.

Agreed that paragraph 2 of the existing rules (Recruitment of Head of Paid Services and Chief Officers) be amended by the deletion of the words “and it is not proposed that the appointment be made exclusively from among their existing officers” as this was deemed to be misleading.

Agreed that the revisions to the terms of reference of the Staff Appeals Panel and the Officer Employment Procedure Rules be referred to the Constitution and Member Services Standing Scrutiny Panel in the new Council year.

**Action:**

**I Willett to pursue.**

**92. DATA PROTECTION ACT - DESIGNATED OFFICER**

Noted that following discussions between D Macnab and R Palmer it had been agreed that the designation of Data Protection Act Officer would transfer to S Tautz of the Performance Management Unit once relevant training had been completed.

Noted that it was proposed to make the change with effect from 1 April 2012.

**Action:**

**D Newton to advise staff.**

**93. WORKING GROUP ON CONTRACT STANDING ORDERS - 26.1.12**

Minutes of the meeting were noted.

**94. EFDC V SAVVA - LEGAL PROCEEDINGS**

Noted.

Agreed that the content of the letter circulated with the agenda should be drawn to the attention of Directors in view of the fact that their positions are quoted in the text.

**Action:**

**C O’Boyle to pursue.**

**Directors to note.**

**95. LOCALISM ACT 2011 - GUIDANCE ON REPORTS**

Agreed that in view of the introduction in the Localism Act 2011 of a general power of competence for local authorities, existing guidance regarding the completion of the “Legal and Governance” sections of Cabinet and other reports be revised as follows:

- (a) Authors should continue to specify specific statutory powers under “Legal and Governance” relevant to the report in question and by reference to the sections or parts of the relevant Act(s);

(b) Authors should note that if those powers are discretionary, rather than duties, this should also be indicated; and

(c) That if the power which is said to be exercised is the general power of competence it should also state that “no statutory limitation or restriction prohibits the use of the power as exercised by reason of any other statutory power with which the discretionary power might overlap”.

Agreed that this guidance be reported for information to the next Extended Management Board so as to brief Directors and Assistant Directors.

**Action:**

**I Willett to report to the next Extended Management Board meeting.**

**96. STANDARDS COMMITTEE**

**(a) Assessments, Reviews, Investigations and Adjudications**

Schedule noted.

**(b) Standards Committee (2.12.12) and Training Session on 11 February 2012 concerning the new Standards Regime**

Noted that there had been a large attendance at the training session on 11 February 2012 and that the Standards Committee at its earlier meeting were making recommendations to the Council in March on the necessary steps to put the new standards regime in place prior to the statutory deadline of 1 July 2012.

**(c) Investigations on behalf of other Councils**

Noted that the report of the Deputy Monitoring Officer on a complaint concerning a Parish Councillor in the Basildon Borough Council area had now been submitted to the Monitoring Officer for that authority.

**97. DATE FOR FUTURE MEETINGS**

Agreed that the next meeting would be held on 14 March 2012 at 9.30 am in the Acting Chief Executive’s office.

Agreed that the schedule of future meetings for the Corporate Governance Group be approved for the remainder of 2012, namely:

- 14 March 2012
- 25 April 2012
- 23 May 2012
- 20 June 2012
- 18 July 2012
- 15 August 2012
- 12 September 2012
- 10 October 2012
- 7 November 2012
- 5 December 2012

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