

SUPPLEMENTARY REPORTS

HEAD OF PAID SERVICE'S OFFICE
HEAD OF PAID SERVICE
Richard Holmes

03 October 2019

Dear Councillor

COUNCIL (extraordinary) – 3 October 2019

Please find enclosed the following reports, for consideration at the above meeting, which were unavailable when the agenda was printed.

- 7 b) Finance and Corporate Services Committee - 24 September 2019 (Pages 3 - 10)

9. Questions in accordance with Procedure Rule 6 (2) of which notice has been given
(Pages 11 - 12)

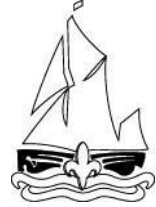
10. Appointment of Membership of Committees of the Council (Pages 13 - 18)

Yours faithfully



Head of Paid Service

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**MINUTES of
FINANCE AND CORPORATE SERVICES COMMITTEE
24 SEPTEMBER 2019**

PRESENT

Chairman	Councillor B E Harker
Councillors	Mrs P A Channer, CC, Mrs J L Fleming, A S Fluker and C Morris
Ex-Officio Non-Voting Member	Councillor Mrs M E Thompson
Substitute Councillor(s)	K W Jarvis, C Mayes and S P Nunn

409. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

410. APOLOGIES FOR ABSENCE AND SUBSTITUTION NOTICES

Apologies for absence had been received from Councillor, M G Bassenger, M W Helm, K M H Lagan and W Stamp.

In accordance with notice duly given Councillor S P Nunn was attending as a substitute for Councillor Lagan, Councillor C Mayes as a substitute for Councillor Stamp and Councillor K W Jarvis as a substitute for Councillor Helm.

411. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 11 June 2019 be approved and confirmed.

412. DISCLOSURE OF INTEREST

Councillor C Morris joined the meeting at this point.

Councillor Mrs P A Channer disclosed a non-pecuniary interest as an Essex County Councillor advising that there was reference to the County Council in one of the reports but also in relation to anywhere else within the report where the County Council was referenced.

413. PUBLIC PARTICIPATION

No requests had been received.

414. CORPORATE HEALTH AND SAFETY

The Committee received the report of the Interim Section 151 Officer detailing Corporate Health and Safety activity for Quarter One (1 April to 30 June 2019). A summary by Directorate and a description of the reported incidents and near misses were set out in the report.

Appendix 1 to the report provided details of progress with the Health and Safety Action Plan for 2019 / 20.

It was noted that there had been seven reported accidents and one incident of unacceptable behaviour reported during this quarter. Members were advised that there had been no further contact from the Health and Safety Executive following a request from them for information relating to the Council's management of Hand Arm Vibration within the Parks Department.

RESOLVED

- (i) That the accident and incident statistics for Quarter One be noted;
- (ii) That progress with the Health and Safety Action Plan 2019 / 20 be noted.

415. HUMAN RESOURCES STATISTICS - QUARTER FOUR 2018 / 19

The Committee received and noted the report of the Interim Section 151 Officer presenting Human Resources statistics for the period 1 January to 31 March 2019 (Quarter Four (Q4)).

Statistics and updates relating to the following areas were detailed in the report:

- Labour Turnover;
- Recruitment, including vacancies;
- Agency workers – Appendix 1 to the report set out agency expenditure for Q3;
- Staff Sickness Levels;
- Attendance Management Compliance;
- Workforce Statistics – attached as Appendix 2 to the report;
- Future Model.

In response to a question regarding stress including staff related stress the Chairman asked the Member raising the question to direct this to Human Resources.

In response to several questions raised by Members the Interim Section 151 Officer agreed to provide the following information to the Committee outside of the meeting:

- In relation to Appendix 1 to the report (Agency costs) what the costs and budget associated to the post of Technology Implementation Manager related to;
- A written report from the HR Manager / Director of Service Delivery providing details regarding resignations within the Planning Department and specifically the reasons relating to these. Members were advised that consideration would have to be given to the information being potentially confidential and / or exempt from sharing.

RESOLVED that the contents of the report be noted.

416. HUMAN RESOURCES STATISTICS - QUARTER ONE 2019 / 20

The Committee received and noted the report of the Interim Section 151 Officer presenting Human Resources statistics for the period 1 April to 30 June 2019 (Quarter One (Q1)).

Statistics and updates relating to the following areas were detailed in the report:

- Labour Turnover;
- Recruitment, including vacancies;
- Agency workers – Appendix 1 to the report set out agency expenditure for Q3;
- Staff Sickness Levels;
- Attendance Management Compliance;
- Workforce Statistics – attached as Appendix 2 to the report.
- Future Model.

Concern was raised that the information contained in Appendix 1 to the report (Agency Costs) was incomplete as budget values were not shown and a similar query to that on the previous item of business regarding the Technology Implementation Manager was raised. In response the Interim Section 151 Officer provided Members with detailed information regarding budgeting for agency staff and how monies were allocated to accommodate such requirements. He advised that he would ensure the production of future tables relating to this matter would address concerns raised, however it was noted that information relating to quarter two would provide greater clarity in light of the transformation programme that the Council was currently undergoing.

Following further discussions, Councillor A S Fluker proposed that the Interim Section 151 Officer reviewed Appendix 1 to the report and circulated the revised version to Members. In response, the Interim Section 151 Officer agreed to update the table at Appendix 1 and include the budget values (where budget had been set) and clearly show the actual variances against such budgets.

In response to a question regarding the amount of monies being spent on Agency costs (as shown in Appendix 1), the Interim Section 151 Officer advised that this was necessary expenditure to deliver the Council's services and in order see the transformation programme through to its conclusion adequate provision would have been made for such agency staff.

RESOLVED

- (i) That the contents of the report be noted;
- (ii) That the Interim Section 151 Officer revise Appendix 1 to the report and circulate this to Members outside of the meeting with an explanatory note.

417. INTERNAL AUDIT FRAUD RISK ASSESSMENT - ADVISORY REPORT - MARCH 2019

The Committee considered the report of the Interim Section 151 Officer presenting the findings of the Internal Audit Fraud Risk Assessment for consideration, as requested by the former Director of Resources for the period November 2018 to January 2019.

Appendix 1 to the report provided detailed information on the Council's approach to address fraud, corruption and bribery risks (prepared by the Council's Internal Auditors) and how it assessed the suitability of the arrangements and documented policies in place to help mitigate these risks.

It was noted that the Audit Committee had considered this report at its meeting on 13 June 2019 where it was recommended that this Committee review and consider the findings. An extract from the Audit Committee Minutes was attached as Appendix 2 to the report.

In response to questions regarding action taken by the Council since receiving this report, the Interim Section 151 Officer provided the Committee with detailed information on what he had been progressing since August 2019 in response to the recommendation as set out in Appendix 1 to the report.

The Chairman advised that in accordance with Procedure Rule 20, Councillor E L Bamford had requested to speak on this item of business.

Councillor Bamford advised that she was the Chairman of the Audit Committee and provided the Committee with some background to the request by the former Director of Resources for this piece of work to be carried out. In response to comments made the Interim Section 151 Officer explained that Internal Audit had carried out the piece of work but in order to address the recommendation arising from it a further piece of work carried out by a specialist team was required. It was noted that there was a cost implication in relation to this.

A lengthy debate ensued, and a number of questions were raised regarding some of the points in the Internal Audit report. In response the Interim Section 151 Officer advised that he was happy to bring an updated report to Members highlighting the work programme currently being discussed. He also made reference to the new structure that the Council was implementing with new posts and how the Council would be looking at these postholders to deliver training and ensure value for money.

It was agreed that the Interim Section 151 Officer would provide a report to the next meeting of the Performance, Governance and Audit Committee to update Members on the progress of work in respect of the Internal Audit recommendation.

RESOLVED

- (i) That the findings of the Internal Audit Fraud Risk Assessment – Advisory Report – March 2019 be noted;
- (ii) That the Performance, Governance and Audit Committee consider a report at its next meeting providing an update on the progress of work in respect of the Internal Audit recommendation.

418. FINANCIAL OUTTURN 2018 / 19

The Committee received the report of the Interim Section 151 Officer providing information on the outturn position for the 2018 / 19 financial year and also movements in relation to the Council's General Fund / Earmarked Reserves and Capital Commitments as at 31 March 2019.

Appendix 1 to the report gave details of the salary budgets and actual expenditure at the end of the financial year and Appendix 2 detailed the Earmarked Reserves and the movements in 2018 / 19. Commitment information was set out in Appendix 3 and approval was sought from Members to carry these forward into 2019 / 20.

The report also provided Members with detailed information on performance against the net revenue budget, major sources of income and capital commitments. It was noted that income and expenditure levels came in under the revised budget.

In his presentation of the report, the Interim Section 151 Officer advised Members that the figures detailed in respect of the Revenue Account (page 72 of the document pack) were subject to change once the budget had been finalised.

In response to a question, Members were advised that the Council's original budget had been put together in January / February 2018 and the revised budget had been drawn up in November / December 2018. The Interim Section 151 Officer explained that the revised budget took into account the actual spend to the end of October / November and then forecasted to the end of the year what the estimated outturn would be.

Following a question regarding what line 121 - Council Offices of Appendix 1 to the report related to, the Interim Section 151 Officer advised he would clarify this and provide this information to Members outside of the meeting.

RESOLVED

- (i) That the outturn position for the 2018 / 19 financial year be noted;
- (ii) That the movement in earmarked reserves as set out in Appendix 2 to the report be noted;
- (iii) That Revenue commitments as set out in Appendix 3 to the report be approved to be brought forward to 2019 / 20;
- (iv) That the Capital commitment roll forward into 2019 / 20 be approved.

419. BUDGETARY CONTROL (APRIL - JULY 2019)

The Committee received the report of the Interim Section 151 Officer providing Members with key financial information on the progress to date against the approved budget over the period 1 April – 31 July 2019.

The report detailed the variance analysis for the following areas:

- Revenue Budgets (as shown in Appendix 1 to the report);
- Vacancy savings (as shown in Appendix 2 to the report);
- Agency expenditure;
- Major Sources of Income;
- Capital Projects (as shown in Appendix 3 to the report);

It was noted that current financial performance was within the approved budget limits and income was performing as expected. Capital projects were progressing and the programme at this stage in the financial year was expected to be completed within this financial year.

Members were advised by the Interim Section 151 Officer that profiling was done on an annual basis as part of the review of budget cycles.

In response to a question raised regarding the Homeless Grant received by the Council, the Interim Section 151 Officer advised that he did not have this information available but would circulate it to the Committee outside of the meeting. Comments were also raised at this time regarding value for money in respect of the Council's utility bills.

RESOLVED that the contents of the report be noted.

420. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

421. APPLICATION TO COMMERCIAL FEASIBILITY FUND

The Committee considered the report of the Director of Strategy, Performance and Governance seeking Members consideration of an application made under the recently agreed Commercial Project Opportunities – Feasibility Fund. This fund had been created to facilitate the undertaking of feasibility studies for corporate projects with commercial potential.

The report provided detailed information regarding a specific corporate project relating to Council owned land and the work undertaken to date. Appendix 1 to the report detailed a proposal received by the Council and Appendix 2 set out a procurement

exemption for which approval was sought. It was noted that architectural advice would also be required and Appendix 3 set out the proposal in relation to this.

The Chairman advised that in accordance with Procedure Rule 20, Councillor E L Bamford had requested to speak on this item of business.

Councillor A S Fluker supported the project detailed in the report and proposed that the recommendations as set out in the report be agreed. This was duly seconded.

In response to a question, the Interim Section 151 Officer clarified that the feasibility study would look at all aspects of economics, including options for the Council in terms of the development of the land.

RESOLVED

- (i) That the allocation of the sum of £27,000 from the Commercial Project Opportunities - Feasibility Fund for the provision of a study to inform the potential development (as set out in the report) on Council owned land be agreed;
- (ii) that subject to (i) above the Committee notes the intention of the Chairman of the Finance and Corporate Services Committee to authorise the necessary procurement exemption;
- (iii) that subject to (i) & (ii) above Members note that architectural advice will be sought in connection with the feasibility study.

422. PRIOR TO THE CLOSURE OF THE MEETING

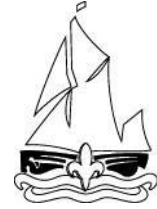
Councillor A S Fluker thanked the Chairman of the Committee for his stewardship of the Committee and advised that he looked forward to working with him at the Strategy and Resources Committee.

There being no further items of business the Chairman closed the meeting at 8.45 pm.

**B E HARKER
CHAIRMAN**

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**CIRCULATED PRIOR
TO THE MEETING**



RESPONSE FROM THE CHAIRMAN OF THE COUNCIL TO QUESTIONS FROM MEMBERS

to
**COUNCIL (EXTRAORDINARY)
3 OCTOBER 2019**

QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 6(2) OF WHICH NOTICE HAS BEEN GIVEN

1. QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

- 1.1 In accordance with the Council's Procedure Rule 6(2) the following questions were received from a Member of the Council.

2. QUESTIONS

The following questions were received from Councillor C Swain on Monday 28 September 2019.

Question one:

What has been the amount of identifiable expenditure attributable to the Transformation Programme (including redundancy payments) to date, and what is the eventual total expected to be?

Question two:

How many officers and employees who were on the payroll when the Transformation Programme was initiated are still with the Council?

3. RESPONSE

From the Chairman of the Council:

Question one:

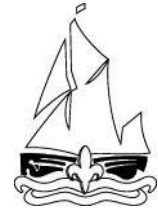
The Section 151 Officer will be providing a budget up to the Transformation Board tomorrow (Friday 4 October 2019). The detail will then be available via the Minutes of the meeting which are made available to Members.

Question two:

Originally 259 of which 174 are still on payroll.

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**CIRCULATED PRIOR
TO THE MEETING**



**REPORT of
HEAD OF PAID SERVICE**

to
**COUNCIL (EXTRAORDINARY)
3 OCTOBER 2019**

APPOINTMENT OF MEMBERSHIP ON COMMITTEES OF THE COUNCIL

1. PURPOSE OF THE REPORT

1.1 To consider the appointment of Membership on Committees of the Council for the remainder of the municipal year, in light of the new Committee structure agreed by the Council.

2. RECOMMENDATIONS

- (i) that the Council notes the nominations of the Leader of the Conservative Group and the Leader of the Independent Group to the places allocated to their respective Groups and agrees the suggested allocation made for Councillor C Morris;
- (ii) that the Council ratifies the existing arrangements for the District Planning Committees and Area Planning Committees (minus ex-officio membership) for the remainder of the current municipal year;
- (iii) that subject to (i) above, the Council is asked to agree the membership of the following Committees of the Council for the remainder of the current municipal year:

<p>Strategy and Resources Committee (16 Members)</p>	<p>Councillors: R G Boyce MBE Mrs P A Channer CC M R Edwards Miss J L Fleming A S Fluker B E Harker A L Hull K M H Lagan C Mayes C Morris N G F Shaughnessy R H Siddall N Skeens J Stilts M E Thompson Miss S White</p>
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<p>Performance, Governance and Audit Committee (15 Members)</p>	<p>Councillors: E L Bamford Mrs P A Channer CC M F L Durham CC A S Fluker B E Harker M S Heard K W Jarvis J V Keyes K M H Lagan S P Nunn N Skeens W Stamp J Stilts C Swain Mrs M E Thompson</p>
<p>Licensing Committee (10 Members)</p>	<p>Councillors: R G Bassenger B S Beale MBE R G Boyce MBE Mrs P A Channer CC M F L Durham CC A S Fluker C Mayes R H Siddall J Stilts Mrs M E Thompson</p>
<p>Overview and Scrutiny Committee (8 Members)</p> <p><i>(including the Overview and Scrutiny Committee (meeting as the Crime and Disorder Committee))</i></p>	<p>Councillors: V J Bell R P F Dewick Mrs J L Fleming M S Heard M W Helm C P Morley S P Nunn R H Siddall</p>
<p>Joint Standards Committee (5 Members plus 2 Parish Councillors)</p>	<p>Councillors: R G Boyce MBE M W Helm S P Nunn R H Siddall Mrs M E Thompson</p> <p>Parish Councillors: J E Anderson P Stilts</p>
<p>Investigating and Disciplinary Committee (5 Members)</p>	<p>Councillors: M G Bassenger R G Boyce MBE M R Edwards M W Helm Mrs M E Thompson</p>

<p>Investigating and Disciplinary Panel (5 Members)</p> <p><i>Minimum of five Members drawn from a pool of ten, three of whom must not have participated in the initial investigation of a case by the Investigating and Disciplinary Committee.</i></p>	<p>Councillors: E L Bamford M G Bassenger R G Boyce MBE Mrs P A Channer CC M R Edwards A S Fluker M W Helm W Stamp C Swain Mrs M E Thompson</p> <p>Plus Independent Persons appointed by the Council to assist the Joint Standards Committee</p>
<p>Appointments Board (6 Members)</p> <p><i>Procedure Rule 16(8) provides for the Committee to consist of five Members drawn from those listed, politically balanced where possible.</i></p>	<p>Leader or Deputy Leader of the Council Leader or Deputy Leader of the Opposition</p> <p>Chairman or Vice-Chairman of the Strategy & Resources and Performance, Governance & Audit Committees</p> <p>Councillors V Bell M W Helm</p>

3. LOCAL GOVERNMENT AND HOUSING ACT 1989 – POLITICAL BALANCE ON COMMITTEES

3.1 In light of the new Committee structure agreed by the Council it is necessary to review the proposed seats on Committees. By law, seats on committees must be allocated in proportion to the political composition of the Council. In addition, the total number of seats across all of the Committees must reflect the overall political balance of the Council.

3.2 The political groups constituted for the purposes of the political balance provisions are:

Conservative	17 Members
Independent	13 Members

3.3 It should be noted that in addition to the above, Councillor C Morris is not aligned to a political group and is therefore not covered by the political balance provisions. However, paragraph 4.3 below suggests that the Council considers allocating him a position on a Committee.

3.4 The Conservative Group has a majority of the Members of the Council so that it has a right to request a majority on every Committee.

3.5 The Council is asked to ratify the allocation of seats on Committees in the following manner:

Committee	Conservative	Independent	Independent (non-aligned)
Strategy and Resources Committee	9	6	1 (subject to agreement of the Council)
Performance, Governance and Audit Committee	8	7	0
Licensing Committee	6	4	0
Overview and Scrutiny Committee	5	3	0
Investigating and Disciplinary Committee	3	2	0

	Conservative	Independent	Independent (non-aligned)	Parish Councillors
Joint Standards Committee	4	1	0	2

3.5.1 Investigating and Disciplinary Panel

3.5.1.1 In addition to the Committees of the Council referred to in Procedure Rule 16, the Council is required to establish an Investigating and Disciplinary Panel (see Procedure Rule 17(9)) to which Members are appointed and the political balance provisions apply. This is distinct from the Investigating and Disciplinary Committee in terms of both purpose and membership and has therefore been included in the list. The Terms of Reference for this Panel provide for a minimum of five Members of which three shall be Councillors who have not served on the initial investigation carried out by the Investigating and Disciplinary Committee and two or three Independent Persons appointed by the Council to assist the Joint Standards Committee under the Localism Act 2011. It is suggested that membership is drawn from a pool of ten named Councillors.

Conservative	Independent	Independent (non-aligned)	Independent Persons
6	4	0	As detailed above

3.5.2 Appointments Board

3.5.2.1 The Council is also required to appoint Members to serve on the newly established Appointments Board. The Council and Committee Procedure Rule 16(8) provides for the constitution of this Board and the political balance provisions apply. The Terms of Reference for this Board provide for two Members to serve in addition to the Leader or Deputy Leader of the Council, Opposition Leader or Deputy and Chairman or Vice-Chairman of the Strategy & Resources and Performance, Governance & Audit Committees.

Conservative	Independent	Independent (non-aligned)	Leader(s) / Committee Chairmen
1	1	0	As detailed above

- 3.6 It should be noted that the new Committee structure removed the concept of ex-officio appointments to Committees, including the three Area Planning Committees.

4. NOMINATIONS OF THE LEADER OF THE CONSERVATIVE GROUP AND LEADER OF THE INDEPENDENT GROUP

- 4.1 The nominations of the Leader of the Conservative Group to the allocated places are as follows:

Strategy and Resources Committee	Councillors R G Boyce MBE, Mrs P A Channer CC, Miss J L Fleming, A S Fluker, B E Harker, A L Hull, R H Siddall, Mrs M E Thompson and Miss S White
Performance, Governance and Audit Committee	Councillors E L Bamford, Mrs P A Channer CC, M F L Durham CC, A S Fluker, B E Harker, K W Jarvis, J V Keyes and Mrs M E Thompson
Licensing Committee	Councillors R G Boyce MBE, Mrs P A Channer CC, M F L Durham CC, A S Fluker, R H Siddall and Mrs M E Thompson
Overview and Scrutiny Committee	Councillors R P F Dewick, Mrs J L Fleming, M W Helm, C P Morley and R H Siddall
Joint Standards Committee	Councillors R G Boyce MBE, M W Helm, R H Siddall and Mrs M E Thompson
Investigating and Disciplinary Committee	Councillors R G Boyce MBE, M W Helm, and Mrs M E Thompson
Investigating and Disciplinary Panel	Councillors E L Bamford, R G Boyce MBE, Mrs P A Channer CC, A S Fluker, M W Helm and Mrs M E Thompson.
Appointments Board	Leader or Deputy Leader of the Council Councillor M W Helm

- 4.2 The nominations of the Leader of the Independent Group to the allocated places are as follows:

Strategy and Resources Committee	Councillors M R Edwards, K M H Lagan, C Mayes, N G F Shaughnessy, N Skeens and J Stilts
Performance, Governance and Audit Committee	Councillors M S Heard, K M H Lagan, S P Nunn, N Skeens, W Stamp, J Stilts and C Swain
Licensing Committee	Councillors M G Bassenger, B S Beale MBE, C Mayes and J Stilts
Overview and Scrutiny Committee	Councillors V J Bell, M S Heard and S P Nunn
Joint Standards Committee	Councillor S P Nunn

Investigating and Disciplinary Committee	Councillor M G Bassenger and M R Edwards
Investigating and Disciplinary Panel	Councillor M G Bassenger, M R Edwards, W Stamp and C Swain
Appointments Board	Deputy Leader of the Opposition Councillor V Bell

- 4.3 It is suggested that the Council considers allocating a place on the Strategy and Resources Committee for Councillor C Morris.