



**MINUTES of
FINANCE AND CORPORATE SERVICES COMMITTEE
19 APRIL 2018**

PRESENT

Councillors	Mrs B F Acevedo, P G L Elliott, A S Fluker, Miss M R Lewis and Rev. A E J Shrimpton
Substitute Members	Councillors S J Savage and Mrs M E Thompson
In Attendance	Councillors R G Boyce MBE and D M Sismey

1027. APPOINTMENT OF CHAIRMAN

In the absence of both the Chairman and Vice-Chairman it was:

RESOLVED that Councillor A S Fluker be appointed Chairman for the meeting.

IN THE CHAIR : COUNCILLOR A S FLUKER

1028. CHAIRMAN'S NOTICES

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

1029. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J P F Archer, I E Dobson, M F L Durham, CC, and D M Sismey.

In accordance with notice duly given it was noted that Councillor Mrs M E Thompson was attending as a substitute for Councillor Dobson and Councillor S J Savage was attending as a substitute for Councillor Sismey.

1030. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 6 March 2018 be approved and confirmed.

1031. DISCLOSURE OF INTEREST

Councillor A S Fluker advised that in the interest of openness and transparency and in relation to Agenda Item 10A Market Site – Update he knew and was an acquaintance of the claimant.

1032. PUBLIC PARTICIPATION

No requests had been received.

1033. LEVEL ONE BUSINESS PLAN 2018 / 19 - RESOURCES DIRECTORATE

The Committee considered the report of the Director of Resources seeking Members' approval of the Level One Business Plan 2018 / 19 for the Resources Directorate, attached at Appendix 1 to the report.

The report reminded Members of the existing Corporate Plan for the period 2015 – 2019 which set the vision and corporate goals that the Council agreed to focus on over the four year period along with a suite of high level outcomes associated with each goal. The Level One Business Plan provided the priorities and targets within the Resources Directorate for the next 12 months.

RESOLVED that the part of the Level One Business Plan for the Resources Directorate for 2018 / 19 be agreed.

1034. CORPORATE HEALTH AND SAFETY

The Committee received the report of the Director of Resources on Corporate Health and Safety activity for Quarter Four (1 January to 31 March 2018). A summary by Directorate and a description of the reported accidents 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 2017 / 18 and it was noted that all procedures had been reviewed although some service risk assessments were outstanding review.

The Health and Safety Action Plan 2018 / 19 was attached at Appendix 2 to the report.

It was noted that there were very few accidents and no near misses during quarter four and none of the accidents required follow up action. The number of unacceptable behaviour reports remained constant with no significant trend upwards.

Members were advised that the Council's Health and Safety Advisory had undertaken a legionella audit. The audit had resulted in some improvements being identified and these had been notified to the relevant managers for appropriate action.

RESOLVED

- (i) that the accident and incident statistics for quarter four be noted;

- (ii) that progress with the Health and Safety Action Plan for 2017 / 18 be noted;
- (ii) that the Health and Safety Action Plan for 2018 / 19 be agreed.

1035. HUMAN RESOURCES POLICIES AND PROCEDURES

The Committee considered the report of the Director of Resources seeking Members consideration of Human Resources policies and procedures which had been amended and developed.

Appendix 1 to the report provided a list of all policies and procedures which had recently been updated along with details of the amendments made.

A new Equality and Diversity in Employment Policy (Appendix 2 to the report) had been developed, to assist the Council in fulfilling its commitment to provide equal opportunities in employment whilst avoiding unlawful discrimination. Appendix 3 to the report contained Equality Act 2010 Guidance to be placed alongside the Equality and Diversity in Employment Policy.

In response to a question, the Director of Resources advised that equality and diversity training should be included as part of the induction process for new Members but also as a refresher for existing Members.

RESOLVED

- (i) that the updates to policies and procedures are noted;

RECOMMENDED

- (ii) That the Equality and Diversity Policy (**APPENDIX 1** to these Minutes) and Equality Act 2010 Guidance (**APPENDIX 2** to these Minutes) be approved.

1036. SUPPLEMENTARY ESTIMATES, VIREMENTS AND USE OF RESERVES: 1 FEBRUARY - 21 MARCH 2018

The Committee considered the report of the Director of Resources, reporting virements and supplementary estimates agreed under delegated powers and procurement exemptions granted. The report also sought Members' approval of a request to draw down on reserves.

Members were advised that there had been:

- no virements.
- one supplementary estimate to commence in 2018 / 19 for the Treasury Advisory Service. It was noted that having been out to tender one quotation had been received which was higher than the current budget allocation for the 2018 / 19 financial year. Following a review of contract costs from other Authorities it was noted that the contract cost was in line with the cost for other authorities.

- one procurement exemption for the Treasury Management Advisory Contract as only one tender had been received.

In response to a question regarding the Treasury Advisory Service and whether Councils could achieve economies of scale and value for money if such service was procured in bulk, the Director of Resources advised that this was being reviewed by Essex Finance Officers Association.

RESOLVED

- (i) that the supplementary estimate granted during the period 1 February – 21 March and as detailed in paragraph 3.3.1 of the report, be noted;
- (ii) that the procurement exemption granted during the period 1 February – 21 March and as detailed in paragraph 3.4.1 below be noted.

1037. URGENT ITEMS OF BUSINESS

Councillor A S Fluker announced that in accordance with Section 100B(4) of the Local Government Act 1972 the Chairman of the Committee had agreed to allow the Director of Resources to raise two urgent items of business as it was necessary to consider and make a decision on them prior to the next meeting of the Finance and Corporate Services Committee being Agenda Item 10A - Market Site Update and Agenda Item 10B - Lease of Office Accommodation. Due to the nature and content of these items the Committee agreed to consider them following Agenda Item 11 – Exclusion of Public and Press.

1038. EXCLUSION OF 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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1, 2, 3 and 5 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

Further to the earlier agreement, it was agreed that the two urgent items of business would be considered after Agenda Item 13 – Legal Services Expenditure.

1039. CHIEF EXECUTIVE'S PERFORMANCE APPRAISAL

The Committee received the report of the Leader of the Council updating Members on progress of the Chief Executive's performance appraisal.

It was noted that the Chief Executive's appraisal had been undertaken on 29 January 2018 by the Leader and Deputy Leader of the Council. The appraisal reviewed performance against previous appraisal objectives which were set out in Appendix 1 to the report. Objectives to be set for the Chief Executive for 2018 / 19 were agreed at the appraisal and set out in the report.

A number of concerns were raised relating to the process of undertaking the Chief Executive's appraisal and whether the appraisal had been carried out in accordance with the agreed procedures. Concerns were also raised around the lack of reporting of this item during 2017 / 18. Councillor Miss M R Lewis stated that an appraisal had taken place in April 2017 and following a debate the Chairman advised that he would look into the issue and report back to the Committee.

In light of the comments raised Councillor A S Fluker proposed that the Committee should advise the Leader of the Council and Chief Executive that it did not believe that the Chief Executive's performance appraisal had been carried out correctly and procedures followed. In addition, a report should be brought back to this Committee once the correct procedures had been followed. This was agreed. Councillor Fluker also undertook to update the Committee by email on this item following discussions with the Leader of the Council and Chief Executive.

RESOLVED that the Leader of the Council and Chief Executive be advised that the Finance and Corporate Services Committee did not believe that the Chief Executive's performance appraisal had been carried out correctly and procedures followed. In addition, a report should be brought back to the Finance and Corporate Services Committee once it could be confirmed that correct procedures had been followed.

1040. LEGAL SERVICES EXPENDITURE 2014 / 15 TO 2016 / 17

The Committee considered the report of the Director of Resources providing a summary of the Council's expenditure on Legal Services following the decision in May 2014 to provide Legal Services internally.

The report provided detailed background information regarding the delivery of legal services at the Council including levels of expenditure incurred on legal services. The Director of Resources presented the report and highlighted a number of areas for Members' consideration.

Following a lengthy debate, a number of areas were highlighted for further investigation and it was:

RESOLVED that the Director of Resources:

- considers and reports on whether the appointment of the Deputy Monitoring Officer fully complied with the Council's Human Resources policies and procedures;
- reviews the options for the provision of legal services including outsourced delivery models with and without an in-house Monitoring Officer and reports back to this Committee;
- reviews and reports back on the mechanisms put in place by the Joint Negotiating Committee Handbook in respect to the role of Deputy Monitoring Officer;
- undertakes a review of the appointment of Deputy Monitoring Officer and whether this should be a Member appointment;

Councillor D M Sismey joined the meeting during this item of business.

1041. MARKET SITE - UPDATE

The Committee considered the urgent report of the Director of Resources, providing details of a recent offer received by the Council.

It was noted that this matter was brought forward for consideration, as it was necessary to consider and make a decision on the recent offer received prior to the next meeting of the Finance and Corporate Services Committee.

The report provided a summary of key issues and detailed background information. A map of the Market Site area was provided at Appendix 1 to the report.

A lengthy debate ensued, during which concerns were raised regarding the length of lease suggested (50 years) and level of discount requested. It was agreed that the recommendations in the report not be agreed but that the Director of Resources, in consultation with the Chairman of this Committee (or his substitute), be authorised having sought Counsel's advice to negotiate the terms of the lease with the claimant.

RESOLVED that the Director of Resources, in consultation with the Chairman of this Committee (or his substitute), be authorised having sought Counsel's advice to negotiate the terms of the lease with the claimant.

Councillor Rev. A E J Shrimpton left the meeting at this point.

1042. LEASE OF OFFICE ACCOMMODATION

The Committee considered the urgent report of the Director of Resources seeking Members' agreement to market unutilised space within the Council Offices on the open market to find a new tenant.

It was noted that this matter was brought forward for consideration, as it was necessary negotiate and enter into a new lease prior to the next meeting of the Finance and Corporate Services Committee.

Appendix 1 to the report provided a map of the Council offices highlighting the area for consideration.

RESOLVED that the Director of Resources in consultation with the Chairman of the Finance and Corporate Services Committee, and on the advice of a legal advisor and Independent Valuer, be authorised to negotiate and enter into a new lease for unutilised space in the Council Offices.

There being no further items of business the Chairman closed the meeting at 9.10 pm.

A S FLUKER
CHAIRMAN