

EPPING FOREST DISTRICT COUNCIL CONSTITUTION WORKING GROUP MEETING MINUTES

Thursday 28 September 2023, 7.00 pm – 7.45 pm
Virtual Meeting on Microsoft Teams

Members Present:	Councillors A Lion (Chairman) J H Whitehouse (Vice-Chairman), R Bassett, P Bhanot, S Heap, H Kauffman, C C Pond and I Hadley
Apologies:	Councillor(s) J McIvor and J Philip
Officers In Attendance:	Nathalie Boateng (Service Manager (Legal) & Monitoring Officer), Gary Woodhall (Team Manager - Democratic & Electoral Services), Perfect O Yeboah (Solicitor Apprentice), Louise Mascall (Solicitor Apprentice) and Lynne Ridley (Corporate and Data Protection Officer)

1 SUBSTITUTE MEMBERS

The Working Group noted that Councillor I Hadley had been appointed as substitute for Councillor J Philip.

2 NOTES OF PREVIOUS MEETING

Action:

(1) G Woodhall to confirm if the Supplementary Agenda Deadline item had been raised at the Senior Leadership Team.

Resolved:

(1) That the notes of the Working Group held on 16 March 2023 be agreed as a correct record.

3 TERMS OF REFERENCE & WORK PROGRAMME

(a) Terms of Reference

The Working Group noted the Terms of Reference.

(b) Work Programme

The Group felt that two new items should be added to the Work Programme for 2023/24.

Resolved:

(1) That the following items be added to the Working Group's Work Programme for 2023/24:

- (a) making the Constitution easier to navigate; and
- (b) reviewing the current structure and format of the Constitution.

4 CONSTITUTION - REVISIONS & AMENDMENTS

G Woodhall reported that the Constitution Update of 22 September 2023 had not been

implemented yet, as he needed to liaise with N Boateng.

The Working Group noted the Constitution update of 18 April 2023.

5 CONSTITUTION REVIEW UPDATE

The Council's Monitoring Officer, N Boateng, presented a report summarising the progress made with the Constitution Review project, including the work undertaken on the Scheme of Delegations.

N Boateng informed the Group that the Project Team had analysed the Scheme of Delegation at several other Councils, to identify best practice and highlight areas for improvement within the Councils' Constitution. The Scheme of Delegation for most Councils was set out in bullet point lists rather than tables, and another common practice was to have all the relevant delegations for an Officer listed together. Additionally, removing legislation and/or statutory instruments from delegations would simplify the listings and reduce the size of the section. It was also not typical to see minute numbers noted in the delegations, but some users needed this information so hyperlinks could be used instead.

N Boateng added that Epping Forest was the only Council reviewed that used specific Officer names in their Scheme of Delegation, but it was applied inconsistently with the Officer name used for some delegations and their role for others. It was proposed that only Officer roles, not names, should be used in the future. The overall accessibility of the Council's Constitution did not meet the Web Content Accessibility Guidelines (WCAG) to improve accessibility for everyone. It was intended to apply the design principles to the Constitution.

Members of the Group raised the issue of searchability of the Constitution, and that the whole document should be searchable, not just searchable in each section. The Democratic & Electoral Services Team Manager, G Woodhall, informed the Group that the Constitution was currently published to the Council's website via the Committee Management System. Thus, each section was akin to an agenda item for a meeting and comprised a separate document. Officers had been discussing moving the Constitution out of the Committee Management System and using HTML so that it would become both more accessible and searchable. The Group agreed that this should be examined as part of the wider review of the Constitution currently being undertaken.

Cllr S Heap felt that the actual delegations to Officers should be able to be reviewed without always having to undertake a full review of the Constitution; the delegations to Planning Officers were highlighted as a particular issue. G Woodhall advised the Group that they could request a review of any part of the Constitution, including existing delegations to particular Officers, at any time and make any recommendations they saw fit to the Council for approval. However, the Council had the final authority on the Constitution and could veto, amend, or agree the Group's recommendations. In addition, if the Group were minded to review the delegations to Planning Officers in the future, then G Woodhall counselled that the Senior Planning Officers should be involved in the review as they possessed the technical expertise to explain why certain delegations were in place.

Actions:

- (2) That options to improve the Constitution's accessibility and searchability be examined as part of the wider review of the Constitution;
- (3) That the existing mechanism for reviewing delegations to particular Officers be noted; and

Resolved:

- (1) That the proposed approach for revising and streamlining the Scheme of Delegations section within the Constitution be noted and approved.

6 PROPOSED CHANGES TO THE AUDIT & GOVERNANCE COMMITTEE TERMS OF REFERENCE

The Council's Monitoring Officer, N Boateng, introduced a report on the proposed changes to the Terms of Reference for the Audit & Governance Committee, and its compliance with the guidance issued by the Chartered Institute of Public Finance & Accountancy (CIPFA).

N Boateng reported that the Terms of Reference for the Audit & Governance Committee had been compared with the CIPFA 2022 model Terms of Reference by the Internal Audit Team, and some minor changes were proposed. These changes had been ratified by the Audit & Governance Committee at its meeting on 27 July 2023, and were now referred to this Group for comment prior to final approval by the Council.

Cllr I Hadley felt that the previous wording for paragraph 1(f) – "...making best use of its resources..." – was better than the proposed wording. However, N Boateng reminded the Group that the wording was taken from the CIPFA model Terms of Reference and it had been endorsed by the Audit & Governance Committee.

Resolved:

- (1) That the proposed changes to the Terms of Reference for the Audit & Governance Committee be agreed and referred to the Council for approval.

7 DATE OF NEXT MEETING

It was noted that the next meeting of the Working Group would be held on 18 January 2024 at 7.00pm.