



Epping Forest District Council

CONSTITUTION WORKING GROUP **Thursday 28th September 2023**

You are invited to attend the next meeting of **Constitution Working Group**, which will be held at:

Virtual Meeting on Microsoft Teams
on **Thursday 28th September 2023 at 7.00 pm**

Georgina Blakemore
Chief Executive

Democratic Services Officer: G Woodhall Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members: Councillors A Lion (Chairman), J H Whitehouse (Vice-Chairman), R Bassett, P Bhanot, S Heap, H Kauffman, J McIvor, J Philip and C C Pond

PLEASE NOTE THAT THIS MEETING IS OPEN TO ALL MEMBERS TO ATTEND

This meeting will be broadcast live and recorded for repeated viewing.

1. APOLOGIES FOR ABSENCE

To be announced at the meeting.

To report non-attendance before the meeting, please use the Members Portal webpage https://eppingforestdc-self.achieveservice.com/service/Member_Contact to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the Council's website, at the bottom under 'Contact Us'
<https://www.eppingforestdc.gov.uk/your-council/members-portal/>

2. SUBSTITUTE MEMBERS

To report the appointment of any substitute members for the meeting.

3. NOTES OF PREVIOUS MEETING (Pages 3 - 6)

To agree the notes of the meeting of the Working Group held on 16 March 2023.

4. TERMS OF REFERENCE & WORK PROGRAMME (Pages 7 - 8)

To review the terms of reference and progress with the achievement of the current work programme for the Working Group.

5. CONSTITUTION - REVISIONS & AMENDMENTS (Pages 9 - 10)

(Monitoring Officer) To note the report outlining the Constitution Updates of 18 April 2023 and 22 September 2023 (attached).

6. CONSTITUTION REVIEW UPDATE

To consider the attached report summarising progress to date with the review of the Constitution project, including the work undertaken on the Scheme of Delegations (report to follow).

7. DATE OF NEXT MEETING

To note that the next meeting of the Working Group will be held on 18 January 2024 at 7.00pm.

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Constitution Working Group	Date:	Thursday, 16 March 2023
Place:	Virtual Meeting on Microsoft Teams	Time:	7.30 - 8.45 pm
Members Present (Virtually):	Councillors P Bhanot (Chairman), R Bassett (Vice-Chairman), S Heap, S Kane, J McIvor, C C Pond, R Pugsley, M Sartin and J H Whitehouse		
Other Councillors (Virtual):	Councillors R Brookes and S Murray		
Apologies:	H Kauffman and J Philip		
Officers Present (Virtually):	P Maginnis (Service Director (Corporate Services)), V Messenger (Democratic Services Officer) and G Woodhall (Team Manager - Democratic & Electoral Services)		

13. SUBSTITUTE MEMBERS

It was noted that there were no substitute members for this meeting.

14. NOTES OF PREVIOUS MEETING

RESOLVED:

That the notes of the working Group held on 1 November 2022 be agreed as a correct record.

15. TERMS OF REFERENCE & WORK PROGRAMME

(a) Terms of Reference

The Working Group noted the Terms of Reference.

(b) Work Programme

Action:

- (1) Item (3) Programme 2025 Workstream (5) – What should the Constitution look like? It was agreed the Monitoring Officer would amend the progress description for 2023/24, as the entire Constitution was to be reviewed with the Scheme of Delegations initially identified.

16. CONSTITUTION - REVISIONS & AMENDMENTS

The report detailing the Constitution Update of 26 January 2023 was noted.

17. PROPOSED CHANGES TO THE SCRUTINY COMMITTEES

The Council had faced a very challenging budgetary situation for 2023/24, which had required several difficult decisions to be taken. Within the Democratic Services

Team, this had necessitated a reduction of 1.5fte to 2.73 fte officers, which was to be achieved through voluntary redundancies. As the team would not have the resources to support the Council in the way it had done previously, senior officers progressed the changes that had been agreed as part of the budget setting process in February 2023. It was felt the Constitution Working Group should be convened to consider and recommend to Council its preferred option for the structure of the Council's scrutiny committees for 2023/24

After discussions the Working Group agreed this report should also be considered by the Stronger Communities Select Committee on 21 March 2023 and therefore, a supplementary agenda would be published. The Democratic and Electoral Services Team Manager would provide a verbal update at this meeting on the Working Group's recommendations, which was for option 1 below, and these would be included in the Annual Calendar of Meetings report due for consideration by Council on 4 April 2023. There should also be appropriate training provided for scrutiny chairmen and all scrutiny members.

Resolved:

- (1) That the preferred option for the structure of the Council's Overview and Scrutiny committees for 2023/24 was that option 1 be recommended to Council for approval;
- (2) That Overview and Scrutiny Committee be retained on the Council's committee list;
- (3) That the Stronger Council Select Committee be removed from the Council's committee list and its work programme be absorbed by the Overview and Scrutiny Committee;
- (4) That the Stronger Communities and Stronger Place Select Committees be retained on the Council's committee list and their work programmes continued to be aligned with the corresponding key themes within the Council's Corporate Plan;
- (5) That the two select committees be renamed as Communities Scrutiny Committee and Place Scrutiny Committee;
- (6) That nominations for all three scrutiny committees be undertaken by the Appointments Panel and recommended to the Annual Council meeting for approval each year – therefore, the first meeting of the Overview and Scrutiny Committee in June would not be required;
- (7) That the position of Chairmen for all Overview and Scrutiny Committees should be filled by a member outside of the majority group but experienced in scrutiny matters;
- (8) That the position of Vice-Chairmen for all Overview and Scrutiny Committees need not all be filled outside of the majority group; and
- (9) That the Monitoring Officer be delegated authority to make the necessary revisions within the Constitution to implement the changes above.

18. SUPPLEMENTARY AGENDA DEADLINE

Councillor J Whitehouse was concerned this had arisen as a result of a very late supplementary agenda item on devolution that had been published on 20 December 2022 after 17.00 for the Full Council meeting at 19.00, in addition to a devolution briefing at 18.00. Consequently, not many members had had adequate time to read or even knew about the supplementary agenda. Councillor J Whitehouse was of the opinion that sufficient time should be allowed for a supplementary agenda to be properly considered and proposed a deadline of 17.00 the day before a meeting was scheduled to be held – not on the day. The Working Group agreed that this would allow for exceptional circumstances, and it would be helpful if the number of supplementary agendas being published was also monitored.

Resolved:

That the Working Group recommended officers should be given guidance by the Strategic Team that supplementary agendas were published no later than 17.00 the day before a meeting was scheduled to be held.

19. DATE OF NEXT MEETING

It was noted that the dates of the Working Group meetings for 2023/24 would be circulated in due course, subject to the agreement by Council of the Annual Calendar of Meetings.

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CONSTITUTION WORKING GROUP

TERMS OF REFERENCE

Title: Constitution Working Group

Status: Working Group

Terms of Reference:

- (1) To review any aspect of the authority's constitutional arrangements as requested by the Council;
- (2) To undertake general reviews of specific elements of the Constitution in order to ensure that the authority's constitutional arrangements complement current legislative requirements and decisions made by the Council; and
- (3) To consider any proposals of the Monitoring Officer for necessary revision to any element of the Constitution.

Reporting:

The Working Group shall report directly to the Council in connection with its Terms of Reference and the achievement of its work programme.

Chairman: Councillor A Lion

**Constitution Working Group
(Chairman – Councillor A Lion)
Work Programme 2023/24**

Item	Timescale	Progress	Officer / owner
(1) Constitution	Ongoing	To consider the ongoing review of the Constitution to ensure alignment with the Council's management structure.	N Boateng
(2) Programme 2025 Workstream (5) – What should the Constitution look like?	Ongoing	To streamline and review the entire Constitution so it is fit for purpose by 2025. (i) Scheme of Delegations	N Boateng / V Messenger
(3) Section 106 Agreements	tbc	Discussion on policy and procedures.	N Richardson

Report to Constitution Working Group

Date of meeting: 28 September 2023

Subject: Constitution Update of 22 September 2023

Responsible Officer: N Boateng (01992) 564323

Democratic Services: G Woodhall (01992) 564243



**Epping Forest
District Council**

Recommendations/Decisions Required:

(1) That the Working Group note the Constitution Updates of 18 April 2023 and 22 September 2023.

Report:

Constitution Update of 18 April 2023

- Article 6 – Overview and Scrutiny, following approval of the changes proposed at the meeting of the Council on 4 April 2023.
- Article 11 – Audit and Governance Committee, following approval of the changes proposed at the meeting of the Council held on 4 April 2023.
- Article 17 – Access to Information, minor amendments.
- Part 3, Scheme of Delegation, Appendix 2 – Delegation of Council Functions to other Committees, minor amendments.
- Part 6 – Member Allowance Scheme, the agreed scheme for 2023/24.

Constitution Update of 22 September 2023

- Part 1 – Summary and Explanation, minor revisions to incorrect references.
- Part 3, Scheme of Delegation, Appendix 4 – Portfolio Holder Responsibilities, as agreed by the Leader of the Council (LDR-001-2023/24 refers).

Resource Implications:

This report seeks to ensure that the Council's Constitution remains fit for purpose.

Legal and Governance Implications:

The Council's Constitution sets out procedures and rules for the operation of its functions and responsibilities.

Safer, Cleaner, Greener Implications:

There are no implications arising from the recommendations of this report in respect of the Council's commitment to the Climate Local Agreement, the corporate Safer, Cleaner, Greener initiative, or any crime and disorder issues within the district.

Consultation Undertaken:

N/A.

Background Papers:

None.

Risk Management:

The Council's Constitution sets out procedures and rules for the operation of its functions and responsibilities.

Equality:

There are no equality implications arising from the recommendations of this report.