



Epping Forest District Council

CONSTITUTION WORKING GROUP **Thursday 18th January 2024**

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

Virtual Meeting on Microsoft Teams
on Thursday 18th January 2024 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

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 - 5)

To agree the notes of the meeting of the Working Group held on 28 September 2023.

4. TERMS OF REFERENCE & WORK PROGRAMME (Pages 6 - 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 (Page 9)

(Monitoring Officer) To note the report outlining the Constitution updates for January 2024.

6. CONSTITUTION REVIEW UPDATE (Pages 10 - 11)

(Monitoring Officer) To consider the attached report summarising progress to date with the Constitution Review project.

7. DATE OF NEXT MEETING

To note that the next meeting of the Working Group will be held on 14 March 2024 at 7.00pm.

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.

Agenda Item 4

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: Cllr 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
<p>(2) Comprehensive review of the entire Constitution as part of the wider Council "Project 2025".</p> <ul style="list-style-type: none"> • Update and amend the Constitution to make it shorter, easier to understand, easier to find references within it, create a more user-friendly document, accessible to stake holders and the public. • Streamline the Constitution. • Remove unnecessary references to legislation. • Remove references to named officers and only refer to job titles. • Remove the need for frequent updates. • Consider the accessibility criteria when making changes to the layout of the Constitution. • Review and consider how the Constitution should be displayed on the Council's website, ensure accessibility, with clear search functions. This will involve liaising and working with IT. 	Ongoing	<p>To streamline and review the entire Constitution so it is fit for purpose by 2025.</p> <ul style="list-style-type: none"> (i) A project team has been established of officer to undertake the research and comparison with other Councils Constitutions. (ii) The project team consists - Nathalie Boateng (MO), Lynne Ridley, Corporate and DPO, Vivienne Messenger – Democratic Services Officer, Matthew Picking Democratic Services Officer, Louise Mascall – Solicitor Apprentice and Perfect Yeboah – Solicitor Apprentice. (iii) The team have compared and reviewed over 20 other Constitutions to establish good practice. (iv) The team have started reviewing the Scheme of delegation which was seen as the most problematic and complex section. (v) The Scheme of delegation has been re-written and will be sent to stakeholders for comments and feedback. First stage holders to review will be the CWG, then SLT and managers/officers across the Council would will be affected. (vi) Once the Scheme of delegation is finalised the project team will then move to consideration of the rest of the Constitution, taking the document from front to end. (vii) The project team with report progress to each CWG with examples of the changes made for comment, suggestions and endorsement from CWG. 	N Boateng / V Messenger

<ul style="list-style-type: none"> The Planning department will be having a PASS review of their processes and procedures on 26 January, the project team will take on board comments from the PASS review and implement as appropriate. 			
(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 – January 2024

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 Update of January 2024.

Report:

Constitution Update of January 2024

- Article 6 – Overview and Scrutiny, further minor amendments following approval of the changes proposed at Council on 4 April 2023.
- Article 7 – The Executive, minor amendments to remove references to Cabinet Committees.
- Article 8 – Regulatory & Other Committees, minor amendments to JCC section.
- Part 1 – Summary and Explanation, minor revisions to incorrect references.
- Part 3 – Scheme of Delegation, minor revision to Service Director title.

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.

Agenda Item 6

Report to Constitution Working Group

Date of meeting: 18 January 2024



**Epping Forest
District Council**

Subject: Constitution Review Update

Officer contact for further information: N Boateng (01992) 564323

Democratic Services Officer: G Woodhall (01992) 564243

Recommendations/Decisions Required:

- (1) To update the Constitution Working Group on progress with the review of the Constitution, Scheme of Delegation.**

Report:

- Epping Forest District Council's (EFDC) Constitution is being reviewed as part of the wider workstream in Democratic Services called Programme 25. The aim of the review is to produce a concise, streamlined, user friendly document where the information is easily accessible.
- To determine best practice, we analysed and compared the Scheme of Delegation of multiple Councils in regions such as North London, South London, Hertfordshire, Essex, and the of South England. Best Practice was identified and specific areas for improvement in EFDC's Constitution highlighted.
- The main trend across the Councils was that the Scheme of Delegation was set out in bullet point lists rather than in tables. This instantly made them easier to read and the horizontal format kept consistent throughout the entirety of the document. Another common practice was to have the role of officer as a heading then any relevant delegation listed underneath. EFDC's delegations are listed alphabetically which makes finding a particular officer's delegations difficult to find.
- In comparison to other schemes of delegation EFDC's uses lots of legal jargon. Additionally removing large sections of legislation/statutory instruments from delegations will aid simplification and reduce the size. We could either reference the legislation without reproducing the wording or provide hyperlinks to it.
- The use of a Terms of Reference page or Key was recorded in many of the Councils Scheme of Delegations. A simple text box detailing the role of the officers where any shorthand or alternative references were used. EFDC does have a Terms of Reference page however it appears cluttered with information that may not be necessary, the table with 'Service Director Officer Role' and 'Current Services', as an example.
- It was also agreed that the overall accessibility of EFDC's Constitution does not meet the standard that it should as a Local Authority document. Future drafting or amendment of the Constitution should consider the Web Content Accessibility Guidelines (WCAG) to improve accessibility to everyone, including users with impairments to their vision, hearing, mobility and thinking and understanding. This can be achieved through the application of WCAG design principles stated on the GOV.UK Service Manual. It was not typical to see minutes or original authority details noted in the Scheme of Delegation in the Councils reviewed. When cited in EFDCs Constitution it was considered this information did not add clarity or relevance to the information. However, as this information is needed by some users it is recommended that

hyperlinks could be utilised.

7. EFDC was the only Council reviewed to use specific officer names or initials in the Scheme of Delegation. Not only does this create room for administrative errors in circumstances whereby officers may leave or move around the Council and the document is not updated, but it is also done inconsistently with officers being named for one delegation but only their role being specified for the next. It is suggested that only roles of officers should be used going forward.

Next Steps

Circulate to SLT an updated scheme of delegation for comments and confirmation that the new format is acceptable. Once agreed by SLT the scheme of delegation will be brought back to the CWG for final sign off. If all agreed the project group will commence the review of the rest of the Constitution.

Resource Implications:

The recommendations of 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:

The proposed revisions to the Constitution have been subject to consultation with the Monitoring Officer.

Following comments and direction from the CWG, the proposed changes will be taken to the Leadership team.

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.