



## **Committee Agenda**

### **CONSTITUTION WORKING GROUP Thursday 13th March 2025**

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

on **Thursday 13th March 2025**  
at **7.00 pm** .

**Andrew Small**  
Chief Executive

**Democratic Services  
Officer:**

M Picking Tel: (01992) 564000  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

#### **Members:**

Councillors A Lion (Chairman), J H Whitehouse (Vice-Chairman), R Bassett, C McCann, M Dadd, K Williamson, E Gabbett, H Kauffman and C C Pond

#### **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](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 - 4)**

To agree the notes of the Working Group held on 14 November 2024

#### **4. TERMS OF REFERENCE & WORK PROGRAMME**

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

**5. CONSTITUTION - REVISIONS & AMENDMENTS (Pages 5 - 8)**

(Monitoring Officer) To consider the recommendations on the attached report.

**6. DATE OF NEXT MEETING**

To note that the next meeting of the Working Group will be held on 10 July 2025 at 19:00.

## EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Constitution Working Group                      **Date:** Thursday 14 November 2024

**Place:** Microsoft Teams    **Time:** 19:00 – 20:07

**Members Present:** Councillors A Lion (Chairman), J H Whitehouse (Vice-Chairman), R Bassett, C McCann, M Dadd, E Gabbett, H Kauffman and C C Pond

**Apologies:** K Williamson

**Officers Present:** N Boateng (Service Manager / Solicitor - Legal Services (Shared Services)), M Picking (Democracy & Elections Apprentice) and G Woodhall (Team Manager - Democratic & Electoral Services)

### 9. SUBSTITUTE MEMBERS

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

### 10. NOTES OF PREVIOUS MEETING

The Working Group enquired if formal dates had been set for the Members planning training yet and when a timetable would be released.

G Woodhall informed the Working Group that the first training session is being held on 11 December and that the Planning Department are working hard on getting a training plan out to members as soon as possible.

#### **ACTION:**

Councillor Lion to liaise with Technical Services Portfolio Holder (Councillor Keska) to acquire a timeframe on the member training plans and dates for committees.

#### **RESOLVED:**

That the notes of the working Group held on 11 July 2024 be agreed as a correct record.

### 11. TERMS OF REFERENCE & WORK PROGRAMME

#### **(a) Terms of Reference**

The Working Group noted the Terms of Reference.

#### **(b) Work Programme**

The Working Group noted the Work Programme and there were no further comments.

**12. CONSTITUTION - REVISIONS & AMENDMENTS**

The Working Group noted all the recent revisions and amendments made to the constitution on 25 September which had been agreed by council or approved by the Monitoring Officer as minor amendments.

**ACTION:**

Ensure that the occurrences where DDMC or old-style Planning Committees are mentioned in the Constitution are updated or removed.

**13. CONSTITUTION REVIEW**

The Monitoring Officer discussed her report with the Working Group which outlined the proposed changes to the Constitution as part of the Constitution review. There were three proposed changes which were ready to seek authority to go to Full Council for approval. The areas of the Constitution that were updated were as follows, the EFDC management chart, the scheme of delegation, and the Local Government Association Councillor code of conduct.

Councillor Pond raised a query on the Scheme of Delegation around householder planning applications and how the Parish/Town councils can get the application to a planning committee should they object to it under the new planning system.

G Woodhall (Democratic & Electoral Services Team Manager) informed Councillor Pond that householder applications have been changed from class A to B which means that applications can be processed by officers even if the Town/Parish objects. The Working Group noted that the Planning department are preparing a presentation that will be given at the Local Council Liaison Committee, so the Town/Parish Councils know their rights.

The Working Group went through the pages of the revised constitution one at a time and highlighted minor amendments to the Monitoring Officer to fix before it goes to full Council for final approval. The Working Group all agreed that the proposed changes can go forward to Full Council for final approval.

The Monitoring Officer explained that she would be leaving the organisation in December and the Working Group wished their thanks and best wishes to be put on record.

**14. DATE OF NEXT MEETING**

It was noted that the next meeting of the Working Group would be held on 13 March 2025 at 19:00.

**CHAIRMAN**

# OUR CONSTITUTION

## INTRODUCTION

- Context – How EFDC operates – review Part 1
- What is the Constitution – live document under constant review – how it's reviewed
- Review Article 16 - Review, Revision & Suspension of the Constitution
- Glossary

## OUR COUNCIL/COMMITTEE? RULES

- Council Rules – split out areas if relevant to another theme
- PFH Responsibilities
- Terms of Reference
- Our committee rules – publication, member absences
- Decision making responsibilities of Committees
- Key Decisions/Forward Plan

## COUNCILLOR RULES

- Councillor Code of Conduct, consider social media and predetermination advice
- Pre election periods
- Standards Committee
- Councillor Code of Conduct
- Complaints handling
- Member allowances
- Access to Information
- Voting
- Planning Code of Practice?
- Questions, addresses/statements
- Effective Councillor/Officer Relationships
- Call-ins – set out CfSG recommended criteria

## YOUR CITIZEN/CIVIC? RIGHTS

- Access to Information
- Article 3 – The Public and the Council
- Speaking at meetings i.e. questions, addresses, statements
- Petitions
- Relevant Council Procedure Rules
- Information on how Planning decisions are taken/what is taken to Committee and how i.e. flow chart

## OFFICER RULES

- How we recruit/appoint our Chief Officer Roles
- How do we recruit/appoint to our Statutory Roles
- How do we deal with disciplinary issues for CO and statutory roles
- Protections for Statutory Roles
- Officer Scheme of Delegations
- Politically restricted posts?

# **Report to the Constitution Working Group**



**Epping Forest  
District Council**

**Date of meeting: 13 March 2025**

**Subject: Discussion Paper – Constitution Review**

**Responsible Officer: Paula Maginnis (01992564536)**

**Democratic Services Officer: Matt Picking (01992 564205)**

## **Recommendations/Decisions Required:**

- (1) To discuss proposals for the structure of the Constitution in the following regard;**
  - a. The adoption of the suggested principles across the review of the Constitution**
  - b. The structure of the Constitution**
  - c. Agree the areas to remove from the Constitution**

## **Discussion Paper**

As part of the review of the Constitution the Constitution Working Group has recently agreed to the following;

1. Adoption of the LGA model Councillor Code of Conduct
2. The up-to-date Workforce Structure
3. Reviewed Officer Scheme of Delegation

All the above are being considered at Council at their meeting 8 April 2025.

As part of the next stage of the review, officers have begun to look at the structure of the Constitution, a proposed set of principles to guide us through the forthcoming detailed review, and the documents to remove from the Constitution. The purpose of this paper and attached documentation is to discuss with the Working Group how to proceed with the Constitution review and to develop a potential Work Programme for Officers and Councillors to monitor progress.

As Councillors are aware the Constitution sets out how the Council operates, and should include;

- Who is responsible for making decisions and how decisions are made
- Procedural matters of our committees
- The role of officers
- Standards and ethical governance

## **Proposed Principles**

The principles we are proposing to introduce to bring consistency to the document are:

1. Language is simple and easy to understand – accessibility
2. It is structured in a logical way – Articles is no longer a term used to describe sections
3. There are consistent rules across all Committees i.e. speaking, timings, which of course will be subject to any legislative requirements. For example an applicant for a licence can speak in favour of their application for an unlimited time however they are limited to 3 minutes regarding a planning application.

4. To use Councillor rather than member unless it is necessary. Councillor describes those who are elected, members are not elected.
5. Use Cabinet rather than the Executive
6. Use Officer to mean the paid workforce of the Council
7. Removal of unnecessary legislative references
8. Do not include Officer names

### Proposed Structure

The proposed structure (Constitution themes) are;

1. Introduction
2. Our Committee Rules or Our Council Rules?
3. Our Councillor Rules
4. Your Citizen or Your Civic Rights?
5. Officer Rules

The detail of the potential sections under each of these are out in appendix 2 and for discussion.

### Proposed Removal

Having mind to the purpose of our Constitution, officers are proposing that the following documents are removed from the Constitution. They are operational procedural documents for officer use which would benefit from standing outside the Constitution. They are linked to specialist areas of the Council and are used by officers to advise other officers (and in some instances Councillors). However, reference will still be made to these documents including details of where they can be found. The documents proposed for removal are;

1. Financial Regulations
2. Procurement Rules
3. Detailed Officer Recruitment Processes

Due to the constant updating of the Structure Chart and that it already sits on the website, Officers propose that reference to the structure is made in the Constitution, but it sits outside. This also removes duplication and to change documents in multiple places.

### Work Programme

The current Work Programme includes an overarching aim for streaming and reviewing the whole of the Constitution by 2025. This timescale has probably slipped slightly and realistically it will take longer than suggested, Officers are suggesting a more detailed work programme illustrated by the table below;

What	Who/Owner	Time Scales		Progress
		CWG	Council	
Introduction Section	P Maginnis	10 July 2025	24 July 2025	
PFH Responsibilities	V Messenger	10 July 2025	24 July 2025	
Removal of the procedural documents for officer use	P Maginnis	10 July 2025	24 July 2025	
Review of the Council Rules	G Woodhall	September 2025	25 October 2025	

(for illustrative purposes only)

## **Conclusion**

The purpose of this paper is to consult with the Constitution Working Group to discuss ideas and suggestions enabling officers to progress the items set out in this paper, before the detailed review of each Article takes place.

## **Resource Implications:**

No additional resources required. The review is being carried out in officer time.

## **Legal and Governance Implications:**

The review will ensure the Constitution contains legislative and local requirements. Our Legal Team will be consulted.

## **Safer, Cleaner and Greener Implications:**

N/A

## **Consultation / Scrutiny Undertaken:**

N/A

## **Background Papers:**

N/A

## **Risk Management:**

Officers will be methodical in the approach to the review so that all necessary legislative procedural matters are not included in the new streamline version of the Constitution. The Work Programme will enable the work to be broken down into manageable pieces of work, both for Officers and Councillors to review.

## **Equality:**

An Equality Impact Assessment was carried out and there was no significant impact. This is a review of a procedural document of our arrangements, largely influenced by legislation. However, Officers are mindful of accessibility to all our democratic processes by the public, councillors and officers.