

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY
PANEL
HELD ON TUESDAY, 23 SEPTEMBER 2014
IN COMMITTEE ROOM 1
AT 7.05 - 7.55 PM**

Members Present: Mrs M Sartin (Chairman), A Watts (Vice-Chairman), D Dorrell, Mrs M McEwen, J Philip, Mrs C P Pond, C C Pond, D Stallan, Mrs J H Whitehouse and G Waller

Other members present:

Apologies for Absence: S Weston

Officers Present S G Hill (Assistant Director (Governance & Performance Management)), S Tautz (Democratic Services Manager) and M Jenkins (Democratic Services Assistant)

9. NOTES OF THE LAST MEETING

RESOLVED:

That the notes of the last meeting of the Panel held on 28 July 2014 be agreed subject to the following amendment regarding Minute Item 5 Local Elections 22 May 2014 whereby "at no extra cost to the Council" be added after "refreshments be provided at the count for visitors and guests with more space for them."

10. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that Councillor C C Pond was substituting for Councillor S Weston.

11. DECLARATION OF INTERESTS

No declarations of interests were made pursuant to the Member Code of Conduct.

12. TERMS OF REFERENCE / WORK PROGRAMME

(a) Terms of Reference

The Panel's Terms of Reference were noted.

(b) Work Programme

It was noted that Item 3 of the work programme regarding the Joint Consultative Committee was being removed as it would be processed through the Cabinet.

The panel were advised that the Constitution review programme would be amended in the light of discussions at this meeting.

13. CONSTITUTION REVIEW - INITIAL SCOPING REPORT

The Panel received a scoping report regarding the Review of the Constitution from the Assistant Director Governance and Performance Management.

The requirement for a Constitution stemmed from the Local Government Act 2000 which had also given options for governance which saw the establishment of Leader and Cabinet arrangements. Section 38 of the Act required the Council to have and maintain a constitution that contained:

- (a) Information required by the Secretary of State;
- (b) The authority's Standing Orders;
- (c) The code of Conduct; and
- (d) Such other information that the authority considered appropriate.

The Council adopted a new constitution, based on a government model, in 2000. However in order to reflect changing circumstances, the constitution had grown to over 650 pages with no overriding review having been undertaken since its adoption.

The agreed Business Plan for the Governance Directorate included the aim of completing a review of the Constitution by March 2016. Although this Panel had undertaken a number of reviews of sections of the Constitution, the proposed review sought to ensure consistency of wording and rules across the piece and rationalise procedures to avoid duplication or repetition.

The Panel supported the following specific areas for further examination:

- (i) Articles of the Constitution;
- (ii) Minority references;
- (iii) Thresholds for leases and licenses within delegations and contract standing orders;
- (iv) Council Procedure Rules; and
- (v) Use of the Chairman's Casting vote

Officers had undertaken work to produce a commentary on each section of the constitution identifying recent reviews which formed a checklist. It was not intended to duplicate recent reviews. For each area recent reviews have been flagged up together with a commentary by officers. A work programme would be compiled based on the existing schedule of Panel meetings for approval by the main Overview and Scrutiny Committee, once the full programme was completed the new constitution document would be reaffirmed at full Council.

The Panel requested the following processes to support their review:

- At each meeting Members would have sections of the Constitution they were reviewing at that meeting with a short commentary of suggested changes made by officers

- Once an area of work had been concluded, consultation with other parties should take place through the Members Bulletin or via specific targeted consultation.
- Members felt that sub-groups from the Panel should be created for scrutinising sections of the Constitution and make subsequent reports if required later in the process.
- An invitation should be extended to Committee/Panel Chairmen when Constitutional review issues relevant to their areas arose.
- All Constitution documents should be submitted with any track changes being displayed.

RESOLVED:

- (1) That the Panel, within this Council year, review the following specific aspects of the Constitution:
 - (a) Articles of the Constitution;
 - (b) Minority references;
 - (c) Thresholds for leases and licenses within delegations and contract standing orders;
 - (d) Council Procedure Rules;
 - (e) Use of the Chairman's Casting vote; and
 - (f) That an updated Panel work programme be submitted to the forthcoming Overview and Scrutiny Committee reflecting these priorities.
- (2) That the Panel adopt the measures outlined in this minute during the review:
 - (a) That the Panel create sub-groups to scrutinise sections of the Constitution and report back to the Panel; and
 - (b) That an invitation be extended to Committee/Panel Chairmen when Constitutional review issues relevant to their areas arose.

14. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

It was advised that the Overview and Scrutiny Committee would receive an update on the work programme.

15. FUTURE MEETINGS

The next scheduled meeting of the Panel would be on Thursday 27 November 2014 at 7.00p.m. in Committee Room 1 and then on:

(a) Tuesday 13 January 2015; and

(b) Tuesday 17 March.

The Panel agreed that an extra meeting should be scheduled for the Panel in February 2015.