

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION WORKING GROUP
HELD ON TUESDAY, 27 JULY 2021
IN VIRTUAL MEETING ON ZOOM
AT 7.00 - 7.52 PM**

Members Present:	S Rackham (Chairman), M Sartin (Vice-Chairman), D Dorrell, S Heap, H Kauffman, J McIvor, J Philip, C C Pond, J Share-Bernia and J H Whitehouse
Other members present:	None
Apologies for Absence:	S Jones
Officers Present	J Leither (Democratic Services Officer, P Maginnis (Service Manager (Corporate Services)), V Messenger (Democratic Services Officer), J Warwick (Acting Service Director (Contracts)) and G Woodhall (Team Manager - Democratic & Electoral Services)

1. SUBSTITUTE MEMBERS

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

2. NOTES OF PREVIOUS MEETING

Councillor M Sartin advised that she had given her apologies for the meeting on 12 March 2020, and her attendance was amended accordingly.

RESOLVED:

That the notes of the meeting of the Working Group held on 12 March 2020 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

Item (4) Part 3 – Scheme of Delegation – Appendix 3 – Delegation to Officers from Full Council

On delegated powers in relation to planning officers, Councillor Heap was pleased this had been added to the work programme.

Councillor C C Pond hoped this was not another attempt to water down the powers of the parish councils because, as Chairman of the Epping Forest Branch of the Essex Association of Local Councils, they would be concerned.

Review of select committees

Councillor J H Whitehouse asked if a review was overdue and should this be included in the work programme.

Councillor M Sartin, Chairman of Overview and Scrutiny, replied that the terms of reference of the select committees in relation to the new portfolios had been discussed by the Joint Meeting of Overview and Scrutiny Chairmen and Vice-Chairmen on 22 July 2021. It had generally been agreed that there was reasonable alignment between the new portfolios and select committees.

Councillor J Philip commented that it was for the Overview and Scrutiny Committee to look at the select committees' terms of reference.

G Woodhall, Team Manager (Democratic and Electoral Services), clarified that it was the prerogative of the Overview and Scrutiny Committee to appoint the select committees for each municipal year as well as determining their terms of reference, including appointing task and finish panels. A review of the current select committees was an issue for Overview and Scrutiny rather than the Constitution Working Group and that was why there was very little in the Constitution on select committees.

RESOLVED:

That the Working Group noted the work programme.

4. CONSTITUTION - REVISIONS & AMENDMENTS

The Constitution had been rewritten during 2016/17, which had substantially reduced its size, but cyclical reviews of the Constitution were not undertaken. It was noted that if it was the conclusion of other committees to identify items for the Constitution Working Group's work programme these would be added throughout the year. Usually recommendations would come via other committees during their normal business for the Working Group to look at a specific item and to decide on the work required.

Councillor C C Pond asked if the role and composition of the Joint Meeting of Development Management Chairmen and Vice-Chairmen could be considered by the Working Group at its first meeting in 2022. In his opinion the committee was not understood, ill-defined and its composition was very narrow. Councillor J Philip did not see its composition as narrow. G Woodhall replied the joint meeting met twice a year and this item could be added to the work programme.

Councillor J H Whitehouse remarked that this joint meeting was not well known by other members unless you were a planning committee chairman or vice-chairman, and could a discussion be held with other members before one of its meetings took place to raise any issues.

It was noted that details of this committee were published as part of the Annual Calendar of Meetings and a forthcoming meeting would be publicised in the Bulletin. The agendas and minutes were also available on the Council's Intranet (Members' Extranet) at this link:

<https://eppingforestintranet.moderngov.co.uk/ieListMeetings.aspx?CId=757&Year=0>

Following discussion it was suggested that any councillor could informally approach the chairman of a planning committee after a meeting and bring an issue to their

attention for raising at the joint meeting. Councillors J Share-Bernia and D Dorrell, who were both members, supported this informal approach as it had merit.

RESOLVED:

That Councillor C C Pond would submit a paper on the role and composition of the Joint Meeting of Development Management Chairmen and Vice-Chairmen for discussion by the Working Group at the meeting in February 2022.

5. COVID-19 DEVELOPMENT PROJECTS - LOCAL BUSINESS SUPPLIERS / PROCUREMENT STRATEGY AND RULES

J Warwick, Acting Service Director (Contracts), introduced the updated Procurement Strategy 2021 – 2026, which supported the Council's objectives under Covid-19 development projects, and the Procurement Rules of January 2021 that had also been updated. Following Cabinet approval on 3 December 2021, both of these had been implemented on 1 January 2021. The new procurement strategy should increase the number of local suppliers. The social value and sustainability evaluation criteria would be used where possible, and a social value template was being used to measure contractors on the benefits they would bring to the District. The Procurement Rules had been updated to ensure these changes would be adopted in everyday practices. A Procurement Checklist guided officers throughout the process, but training had been provided to the Procurement and Contract Development Team. The team was also working with Economic Development to offer EFDC Procurement support to local businesses through Meet the Buyer days or similar events, which helped inform local businesses of the Council's processes.

Unfortunately, the updated Procurement Rules of January 2021, Social Value Proforma for EFDC and Procurement and Contracts Checklist had been omitted from this agenda, so members did not have all the supporting documentation before them and this item would be revisited at the next meeting. It was noted that Cabinet's responsibility covered the Procurement Strategy while the Constitution Working Group's remit was confined to the Procurement Rules, which would replace the February 2018 version currently in the Constitution. However, members raised the following points.

- Strategies should go to a select committee to be scrutinised, so Stronger Council should have been provided with an update to scrutinise. J Warwick replied he did provide updates to the select committee and would continue to do so in future when requested.
- What was the social value matrix based on? There were many toolkits being used but the Procurement and Contracts Team had created this specifically for the benefit of the Council and was an ongoing piece of work. The Council was also a member of the Essex Procurement Hub.
- Procurement had to work within several controls including EU legislation, but was this EU legislation still relevant? J Warwick replied that at the time the strategy was written and submitted to Cabinet, the UK still came under EU legislation. He would ask the Team Manager (Procurements and Contracts), S McNamara, if this was the latest legislation.

- In terms of the Working Group and who could change the criteria, it was not clear if this was by delegated authority, by a Cabinet decision or an officer decision, and on the social value elements did this come under the Procurement Rules or was this a regulation. It was noted that these criteria were detailed in the Procurement Rules.
- Regarding sustainability and climate change in the Procurement Strategy 2021 – 2026 and the use of environmentally friendly goods wherever possible and practicable, what about being financially viable as well? If the uplift in cost was 10% that might be agreeable but if substantially higher, was this practicable? J Warwick replied that he would liaise with the Team Manager (Procurement and Contracts) and come back on this.
- On whether use of hempcrete might be financially viable, it was noted that the Working Group could only look at the Procurement Rules, not policy.

RESOLVED:

- (1) That the item be revisited at the next meeting with all the documentation before members;
- (2) That J Warwick / S McNamara inform members at the next meeting whether EU legislation was still relevant to the Procurement Rules and Strategy; and
- (3) That J Warwick / S McNamara apprise members on the use of environmentally friendly goods wherever possible and practicable in relation to being financially viable.

6. DATE OF NEXT MEETING

After the meeting and in discussion with the Chairman, an extra meeting of the Working Group was organised to be held virtually on **2 September 2021 at 19.00**.

It was noted that the meeting of the Working Group originally scheduled for 5 October 2021 at 19.00 would still go ahead.