

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION WORKING GROUP
HELD ON TUESDAY, 23 NOVEMBER 2021
IN VIRTUAL MEETING ON ZOOM
AT 7.00 - 7.50 PM**

Members Present: S Rackham (Chairman), M Sartin (Vice-Chairman), R Baldwin, S Heap, S Jones, J McIvor, L Mead, J Philip and J H Whitehouse

Apologies for Absence: D Dorrell, H Kauffman, C C Pond and J Share-Bernia

Officers Present: N Boateng (Service Manager (Legal) & Monitoring Officer), G Woodhall (Team Manager - Democratic & Electoral Services) and V Messenger (Democratic Services Officer)

13. SUBSTITUTE MEMBERS

The Committee noted that Councillor R Baldwin was appointed as substitute for Councillor C C Pond and Councillor L Mead was appointed as substitute for Councillor H Kauffman.

14. NOTES OF PREVIOUS MEETING

RESOLVED:

That the notes of the meeting of the Working Group held on 2 September 2021 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

The Working Group noted the work programme.

16. CONSTITUTION - REVISIONS & AMENDMENTS

N Boateng, Service Manager (Legal) and Monitoring Officer, informed members that updates to the Constitution had been published on 5 August and 12 November 2021.

The update on 5 August 2021 incorporated minor changes to officers' names in various posts, as previously agreed at meetings, as well as revisions to Article 11 Audit and Committee Terms of Reference and Part 4 Employment Officer Rules that Council approved on 30 July 2020.

The update on 12 November 2021 included the latest agreements of the Working Group namely, approval of the Statutory Statement of Accounts by Audit and Governance Committee and a revised version of the Procurement Rules – both approved by Council on 28 October 2021. A revision of Part 3 Scheme of Delegation Appendix 4 Portfolio Holders Responsibilities was published, Members' Allowances

Scheme 2021/22 and minor amendments were made on licensing legislation – the Gambling Act and a general tidying up within Article 8 Regulatory and other Committees.

RESOLVED:

That the updates to the Constitution be noted.

17. CONSTITUTION - REVIEW OF ARTICLE 4 THE FULL COUNCIL TERMS OF REFERENCE SUB-PARAGRAPH 1(C)

N Boateng informed members that this review had occurred as a result of questions from members on a Constitution training course in May 2021 on whether the plans and strategies listed in sub-paragraph 1(c) of Article 4 (Appendix 1 of the agenda report) needed to be updated. These plans, policies and strategies made up the Council's strategy framework and were agreed by Full Council. It was noted that some strategies did not necessarily need to go to Council as it depended on their degree of influence and it would be sufficient for some to go to a scrutiny committee and then to Cabinet, as with the recent amendment to the Constitution on the Annual Statement of Accounts that now went yearly to Audit and Governance Committee and not afterwards to Council to be rubber stamped.

The Working Group took each plan or strategy in the order listed in Appendix 1 of the agenda report, as detailed below.

(a) Terms of Reference – (c) Adoption of the following

(i) Asset Management Plan (Strategy)

The Working Group supported the need for more participation by going to scrutiny with a review being undertaken by the Stronger Council Select Committee and then to Cabinet. Regarding a timeline, Councillor J Philip advised that, as the Portfolio Holder (Finance, Qualis Client and Economic Development), this would be coming forward in a year because members were aware the Asset Management Team was seconded to Qualis, so it should undergo scrutiny by the select committee followed by Cabinet. The recommendation was to remove this from the list.

(ii) Capital Strategy

The Working Group recommended that as this was a key part of the budget it should go to Council following scrutiny by the Audit and Governance Committee.

(iii) Community Plan / Strategy

The Working Group was of the opinion that because of the long timeframe it was unsure if in 21 years' time it would have much bearing on the Council and that a significant number of councillors would not remember it if they were still councillors, so concluded that it should usefully be removed from this list.

(iv) Corporate Plan

The Working Group firmly recommended this was a key document that should continue to go to Council.

(v) Crime & Disorder Reduction Strategy

It was noted this was known as the Epping Forest Community Safety Partnership Plan. The Working Group recommended its reporting should continue with the Stronger Communities Select Committee and then go to Council.

(vi) Leisure & Cultural Strategy

The Working Group was not convinced it was useful for this strategy to go to Council, as it was in a very different position now to that in 2014. The equivalent could go to a scrutiny committee when there was an update available. It was noted that two select committees currently scrutinised the reach of the strategy – Stronger Communities (cultural / museum) and Stronger Place (leisure). Therefore, the relevant Portfolio Holder should ensure the title of the strategy adequately reflected what was in the strategy. The recommendation was that this should be removed from the list.

(vii) Local Plan, plus plans / strategies which comprise the Plan

The Working Group recommended that as this was a key strategy and it was a legal requirement that it went to Council, it must remain on the list.

(viii) Economic Development Strategy

Councillor J Phillip, the Portfolio Holder, advised that the strategy had now been superseded and was a quickly moving sector. The town centre regeneration reports and gone to Overview and Scrutiny Committee [8 June 2021] and then to Cabinet [21 June 2021], which was a better process. The Council had funded a Town Centre Manager and local councillors had contributed input. The Portfolio Holder said he would not commit to a strategy at this stage but when appropriate, scrutiny would be undertaken and then it would be brought before Cabinet. The Working Group recommended this be removed from the list.

(ix) Housing Investment Programme

It was noted this was a long-lasting business plan for the Housing Revenue Account (HRA). The Working Group recommended it should pass through scrutiny, via Audit and Governance Committee, followed by Cabinet and continue to go to Council given the monetary size of the HRA. It also recommended changing the name to “30-year Housing Revenue Business Plan”. Therefore, it should stay on the list.

(x) Local Transport Plan

The Working Group was not aware of the Council ever having a local transport plan in any shape or form but, as a Sustainable Transport Officer had been appointed, there might be a policy in future that should go through the scrutiny process first. The Working Group was of the opinion there were no plans to produce a different transport strategy as currently, local transport plans came under relevant policies within the Local Plan. It was noted that the Overview and Scrutiny Committee had scrutinised the Harlow and Gilston Garden Town Transport Strategy on 18 November 2021, which extended into

Epping Forest District on some borders. The Working Group recommended this plan was removed from the list.

(xi) Social Inclusion Strategy

The Working Group recommended this strategy be removed from the list as it had gone into abeyance since 2008. It tied in with the Council's Housing scheme 'More than bricks and mortar' that helped achieve this mission by creating great places where people wanted to live, so was now superfluous.

(xii) Statutory Statement of Accounts

The Working Group noted it had recommended on 2 September 2021 a change to the delegated authority for approving the Statutory Statement of Accounts to Audit and Governance Committee, which Council had ratified on 28 October 2021. This was incorporated in the Constitution update of 12 November 2021. Therefore, this should be removed from the list.

(b) Terms of Reference – 2(b) Ordinary meetings, (ix) receive reports about and receive questions and answers on the business of joint arrangements and external organisations

Councillor J H Whitehouse was concerned that little feedback was given to Council by its representatives on outside bodies and wanted to know what their role was. There seemed little point in the representatives attending these outside organisations if few reports were being provided to other councillors. A former Democratic Services manager used to write an annual report on this. Councillor S Heap agreed members needed to know the purpose of the role and better feedback was required.

Councillor J Philip replied that many of the Executive appointees' feedback was given in the Portfolio Holder reports that went to each Council meeting and suggested a report should come before the Working Group.

The Working Group agreed to add this item to its work programme, so it could be considered properly and that a report be submitted to a future meeting.

RESOLVED:

- (1) That the Working Group reviewed and updated the list of plans and strategies listed at sub-paragraph 1(c) of Article 4 of the Constitution;
- (2) That the Working Group recommended to Council the following updates to Article 4, sub-paragraph 1(c), as listed in Appendix 1 below; and
- (3) That the Working Group review the role of representatives appointed by Council to outside bodies, which was added to its work programme.

<u>Plan / Strategy</u>	<u>Date Last Agreed</u>	<u>Term of Plan / Strategy</u>	<u>Recommendations by Constitution Working Group on 23-Nov-21</u>
Asset Management Plan (Strategy)	<ul style="list-style-type: none"> Asset Management Strategy agreed by Cabinet 13 June 2019. 	N/A	REMOVE – to go to Stronger Council SC then to Cabinet.
Capital Strategy	<ul style="list-style-type: none"> Recommended to Council by AGC 22-Mar-21. On agenda for Council meeting 28-Oct-21 	5 years	KEEP – to go to Audit & Governance Committee then to Council.
Community Plan / Strategy	<ul style="list-style-type: none"> Interim Council & Community Plan considered by FPM Cabinet Committee 23-Jan-20 (updates on achievements with the Corporate Plan) Sustainable Community Strategy agreed by Council 14-Dec-10 	1 year 21 years	REMOVE.
Corporate Plan	21 December 2017	5 years	KEEP – to go to Council.
Crime & Disorder Reduction Strategy	<ul style="list-style-type: none"> Reported to the Stronger Communities Select Committee on 30-Mar-21 known as the Epping Forest Community Safety Partnership Plan 	1 year	KEEP – to go to Stronger Communities SC then to Council.
Leisure & Cultural Strategy	16-Dec-14	10 years	REMOVE – to go to scrutiny select committee(s) then to Cabinet. PFH should ensure title of strategy adequately reflects what is in the strategy.
Local Plan, plus plans / strategies which comprise the Plan	<ul style="list-style-type: none"> Process ongoing and not yet complete Submission Version of the Local Plan 2017 agreed by Council 14-Dec-17 Draft Local Plan agreed by Council 18-Oct-16 for consultation. 	2033	KEEP – to go to Council.
Economic Development Strategy	<ul style="list-style-type: none"> Consulted on in 2019 and submitted to Stronger Place Select Committee, but no evidence of it being adopted by Council. 	-	REMOVE – to go to scrutiny committee then to Cabinet.
Housing Investment Programme	<ul style="list-style-type: none"> Was agreed as part of the detailed Directorate budgets up to 2016. Superseded by ‘New House Builds’ in the HRA and the Council Housebuilding Programme agreed by Cabinet. Still agreed as part of the budget proposals each year: 25-Feb-21 	1 year	KEEP – to go to Audit & Governance Committee, then Cabinet and then to Council. Recommendation to change name to “30-year Housing Revenue Business

			Plan”.
Local Transport Plan	<ul style="list-style-type: none"> No direct evidence of adoption by Full Council recently but might now be superseded by the Transport policies in the Local Plan. 	-	REMOVE.
Social Inclusion Strategy	<ul style="list-style-type: none"> No direct evidence of adoption by Full Council recently. References to it in the Annual (Good) Governance Statement up to 2008. 	-	REMOVE.
Statutory Statement of Accounts	25 February 2020	2018/19	REMOVED – to go to Audit & Governance Committee <i>(incorporated in Constitution update of 12 Nov 21).</i>

18. DATE OF NEXT MEETING

It was noted that the next meeting of the Working Group would be held virtually on 3 February 2022 at 19.00.