

was relevant to the Working Group in respect of the Constitution and governance of meetings. For example, a councillor might have difficulty in making a decision at a hybrid meeting if they could not hear an officer's virtual presentation in the chamber or when there was voting at a planning committee. The Democratic and Electoral Services Team Manager replied that under the Local Government Act 1972, members must be physically present to be able to vote. Registered speakers that attended planning committees virtually were encouraged to send in a transcript of their statement, so that if technical difficulties arose, the Democratic Services Committee Officer could read this out on their behalf. However, many registered speakers attended meetings in person. The Council offered the hybrid meeting option, but it was not a legal requirement, and it was not the Council's responsibility if someone lost connectivity during a meeting.

Agreed:

- (1) That the work programme was noted.

9. CONSTITUTION - REVISIONS & AMENDMENTS

(a) Constitution Update of 18 July 2022

The Working Group noted the latest updates to:

- Article 10 – District Development Management and Area Plans Sub-Committees, which included the Terms of Reference for the Joint Meeting of the Development Management Chairmen and Vice-Chairmen;
- Article 13 – Officers, appendix 1 – an updated Council structure for management and specialist levels;
- Part 3 – Scheme of Delegation – Appendix 4 – Portfolio Holder Responsibilities, under Leader Decision LDR-001-2022/23; and
- Part 4 – Council Procedure Rules – Rule T1, as Council meetings started at 7.00pm.

(b) Minor amendments to the Constitution, Part 4 – Financial Regulations, paragraphs A5 and 3.7

Article 4 – The Full Council, sub-paragraph 1(c) was updated in November 2021, to remove Statutory Statement of Accounts from the list of plans and strategies requiring adoption by Council. It was noted that paragraphs A5 and 3.7 of the Financial Regulations also needed to be amended to verify that Audit and Governance Committee approved the Annual Statement of Accounts.

In response to a query that members of the Audit and Governance Committee were capable of making competent decisions, the Democratic and Electoral Services Team Manager replied this was stated in the Committee's Terms of Reference and one of the independent members used to be a Chief Finance Officer at a London borough council.

The Working Group agreed for these minor amendments to be implemented by the Monitoring Officer, N Boateng, under delegated powers allowed in the Constitution.

(c) Finance and Performance Management Cabinet Committee (FPMCC) references proposed to be amended in the Financial Regulations and Article 7 – The Executive, Appendix 2

The Financial Regulations also contained several references to the FPMCC, which was decommissioned in March 2021, but these needed to be rectified at various parts in the Constitution as detailed in the report. The Democratic and Electoral Services Team Manager advised the Working Group that these were minor amendments that could be carried out by the Monitoring Officer under delegated powers, which was agreed.

(d) Amendments of other ad hoc “Finance and Performance Management” references in the Financial Regulations

Reference was made to the “Finance and Performance Management Scrutiny Panel” that was decommissioned in June 2015, at Appendix B, 2.26 and should be replaced by the Overview and Scrutiny Committee. Another reference to the “Finance and Performance Management Portfolio Holder” at Appendix B, 4.3, should be amended to read, “relevant Portfolio Holder”. The Democratic and Electoral Services Team Manager advised that using “relevant portfolio holder” allowed for name changes to the title of the Finance Portfolio Holder. These were amendments that the Monitoring Officer could enact under delegated powers, which was agreed by the Working Group.

Agreed:

- (2) That the Working Group noted the Constitution Update of 18 July 2022;
- (3) That the Working Group noted the proposed minor amendments to the Constitution under delegated powers afforded the Monitoring Officer to Part 4 (Financial Regulations), paragraphs A5 and 3.7, to change the references made from “Council” to “Audit and Governance Committee”, which was responsible for approving the Annual Statement of Accounts;
- (4) That the Working Group noted the proposed minor amendments to the Constitution under delegated powers afforded the Monitoring Officer to remove references to the decommissioned Finance and Performance Management Cabinet Committee within Part 4 (Financial Regulations) and Article 7 (The Executive); and
- (5) That the Working Group noted the proposed amendments to the Constitution under delegated powers afforded the Monitoring Officer to other ad hoc “Finance and Performance Management” references within Part 4 – Financial Regulations.

10. DOCUSIGN - PROPOSED AMENDMENT TO ARTICLE 15 OF THE CONSTITUTION (NOTE NO. 3(A))

The proposed amendment to Article 15 was under the section entitled “Common Seal of the Council” with an additional sentence at (9), to read: “The common seal may be in physical or electronic form as determined by the Monitoring Officer”. This would allow DocuSign to be used for signing or sealing contracts and agreements on behalf of the Council. The Democratic and Electoral Services Team Manager explained this

would permit DocuSign to be used when necessary. Officers of level 3 and above could also use the seal.

The Working Group queried the following points, which the Democratic and Electoral Services Team Manager answered.

- How was DocuSign going to be used and was it when a document could not be signed in person, for example, or was there a preference? The additional paragraph would give flexibility, as determined by the Monitoring Officer.
- What was the process for document management when documents had been signed, so they were not misplaced? The Council had a corporate Data Retention and Disposals Policy to ensure it complied with the requirements of the General Data Protection Regulation. The type of data listed was split into service areas, and what types of data they dealt with.

The Working Group agreed that the proposed flexibility to use an electronic seal was a practical solution and made a recommendation to Council to adopt DocuSign at its next meeting in December 2022.

Agreed:

- (6) That the Working Group recommended to Council the use of DocuSign be approved; and
- (7) That in Article 15 – Finance, Contracts and Legal Matters, under Common Seal of the Council, an additional paragraph (9) be added, to read: “The common seal may be in physical or electronic form as determined by the Monitoring Officer”.

11. PROGRAMME 2025 WORKSTREAM - WHAT SHOULD THE CONSTITUTION LOOK LIKE?

Programme 25 was a large project encompassing the seven workstreams detailed in the report, so that Democratic and Electoral Services would be fit for purpose by 2025. The Constitution Working Group would be involved with workstream (5) – What the Constitution should look like? Suggested improvements included: a reduction in the overall size of the Constitution; more use of plain English; more delegations to officers to reduce the number of meetings; and increased agility by using generic job titles of officers. A risk identified was that the Constitution was considered difficult to use. It was acknowledged that information for individual committees was not in one place, so it was necessary to look at, for instance, the Articles for a committee’s Terms of Reference, the Schemes of Delegation and the Council Procedure Rules.

During discussions, the Working Group raised the following concerns.

- Members also struggled to identify which parts of the Constitution they needed to look at to find the information they wanted. Perhaps it would be useful to have two versions – a version for members, which was more user friendly, and one for officers.
- What was meant by more delegations to officers to reduce the number of meetings and would this be part of the consultation? Also, to what extent would it devalue councillors’ input? Any amendments suggested by officers for more delegations of planning matters, for example, would have to go to Full Council.

- Workstream 4, Shape of meetings and behaviours, also seemed relevant, but what did this mean? This included data retention and disposal. The Democratic and Electoral Services Team Manager had reviewed this for Democratic Services to ensure officers were complying with the legislation. Future scrutiny and decision making were also included under this workstream.
- Where were all these meetings? Would scrutiny committees have fewer meetings and was the pressure on the Executive side? In comparison to other councils, this Council did hold more meetings. The last review of the Development Management delegations did help reduce the number of applications coming before the planning committees. It was also unusual to have a parent planning committee with three sub-committees. Many local authorities just had one planning committee, while some had north and south planning committees.
- How could legal documents such as the Constitution be made to look more readable? By thinking of starting to use infographics for various parts of the Constitution for Full Council, the Executive, Scrutiny and Planning, this would make it more appealing and readable. The current Constitution was based on the Government's constitution model published around 22 years ago. Other local authorities were moving away from this template. The Monitoring Officer had just completed a review to streamline Broxbourne Council's Constitution.

It was noted that proposed changes to the Constitution would come to the Working Group for review and then go to Full Council.

12. DATE OF NEXT MEETING

It was noted that the next meeting of the Working Group would be held on 2 February 2023 at 19.00.

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