

# **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.