

## ***Report to the Constitution Working Group***



**Epping Forest  
District Council**

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***Date of meeting: 22 September 2015***

Subject: Constitution Review –  
Dealing with Codes and Protocols

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### **Recommendations:**

- (1) To consider how the various Codes and Protocols are to be handled within the new Constitution; and**
- (2) To recommend to Officers accordingly.**

### **Report:**

1. (Assistant Director Governance and Performance Management) The Council's Constitution document has become the place that many other associated documents have resided. It is the view of officers that some of these documents should be part of the Constitution but others could be removed whilst not compromising their validity. Removing documents from the Constitution does not have the effect of altering Council policy in relation to the subject matter. Other sections could be deleted entirely.
2. The following table lists the various codes and protocols and makes suggestions how these could be dealt with. Members are asked to consider these proposals. The table contains references to page numbers. Members are reminded to bring their constitutions with them to the meeting for reference. The page numbers quoted for reference are taken from the most recent published constitution dated 29 July 2015.

<b>Item</b>	<b>Page reference</b>	<b>Commentary</b>	<b>Recommendation of officers</b>
1. Members Charter	Q2 Page 406	The members' charter, conventions between officers and members and officer support arrangements could be rationalised and brought into one document which could be an appendix to the article on members?	Consider as part an article?
2. Members Code of Conduct	Q4 Page 409	A recent standards case has highlighted two areas of the Code of Conduct that require review. A report will be made initially to the Standards Committee before coming back via this working group.	Retain and review through Standards Committee
3. Officers Code of Conduct	R1 Page 423	The view of the Assistant Director of HR has been sought. It is her view that this document does not need to be part of the constitution, it is to be revised and agreed by the JCC. It is suggested that it may be referred to in (1) above.	Refer to JCC for review. Remove
4. Protocol – Allocation of Chairmanships and Vice Chairmanships and Outside Organisation Places	S1 Page 449	This document could be added to the document dealing with the appointments panel and rationalised.	Link to appointments panel info?
5. Conventions on the relationships between political groups and Councillor with Officers	S4 Page 453	See commentary under (1) above	Consider as part an article?
6. Protocol for Councillors and Officers engaged in the determination of planning applications and other planning decisions	T1 Page 463	This document requires revision and is significantly out of date.	
7. Guidance on Gifts and Hospitality	T20 Page 483	Could this be added to the Code of Conduct as an appendix?	Add to CoC?
8. Code of Recommended Practice on Local Authority Publicity	U1 Page 487	This is a published document and shouldn't be reprinted here	delete
9. Officer Support Arrangements	U7 Page 497	See commentary under (1) above	Combine with 5
10. Corporate enforcement policy	U9 Page 499	Does this need to be in the constitution?	Remove Consider if published on website

<b><i>Item</i></b>	<b><i>Page reference</i></b>	<b><i>Commentary</i></b>	<b><i>Recommendation of officers</i></b>
11. Local Code of Corporate Governance	U15 Page 505	The view of the Monitoring Officer has been sought on whether this needs to be retained within the constitution.	Advice from MO?
12. District Council and Local Council Charter	U22 Page 513	This document requires revision and is significantly out of date.	Needs revision LCL job?
13. Protocol on Partnerships and Other External Organisations	U66 Page 557	This document should be brought together with those that deal with Outside Body appointments (see 4 above)	Link to appointments panel info?
14. Protocol on the use of facilities for Councillors.	U74 Page 565	This document should be brought together with those that deal with embers charter under 1 above  Appendix 1 can be deleted as allowance for IT now forms part of basic allowance.	Rationalise and add to members charter.  Appendix 1 on use of IT to be deleted
15. Statutory Officer protocols	U84 Page 573	These could be reviewed and added as an appendix to article 13 (officers structure)	Review and add to article 13
16. Members allowances Scheme	V1 Page 585	Retain – required  Members accountability statements	Retain in Constitution  ??