

**EPPING FOREST DISTRICT COUNCIL  
NOTES OF A MEETING OF CONSTITUTION WORKING GROUP  
HELD ON WEDNESDAY, 26 JUNE 2019  
IN COMMITTEE ROOM 2, CIVIC OFFICES, HIGH STREET, EPPING  
AT 7.00 - 7.55 PM**

<b>Members Present:</b>	S Jones (Chairman), D Dorrell, S Heap, M McEwen, J Philip, C C Pond, S Rackham, J H Whitehouse, H Kane and C Roberts
<b>Other members present:</b>	S Kane
<b>Apologies for Absence:</b>	M Sartin, C P Pond and J Share-Bernia
<b>Officers Present</b>	R Pavey (Service Director (Customer Services)), S Tautz (Democratic Services Manager) and V Messenger (Democratic Services Officer)

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**1. SUBSTITUTE MEMBERS**

The following substitutions were reported:

- That Councillor H Kane was substituting for Councillor J Share-Bernia, and
- That Councillor C Roberts was substituting for Councillor C P Pond.

**2. NOTES OF PREVIOUS MEETING**

**RESOLVED:**

That the notes of the meeting of the Working Group held on 28 March 2019 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

The Working Group reported directly to the Council on its Terms of Reference and the achievement of its work programme. The first four items, Constitution (1), Gifts and Hospitality (2), Member Champions (3) and Paperless Working and Digital Roll-out (4) were on this meeting agenda. Site Visits (6) and Public Speaking (7), particularly at Council meetings, were scheduled for the next Working Group meeting in September 2019.

The Working Group noted the current work programme.

#### 4. CONSTITUTION - REVISIONS & AMENDMENTS

S Tautz, Democratic Services Manager, was in attendance.

A revised version of the Constitution was published on 7 May 2019 having been agreed by Council on 25 April 2019. This had included updates to:

- (i) reflect the appointment of the new 151 Officer (Chief Finance Officer) and the appointment of the Chief Executive as the Electoral Registration Officer and Returning Officer;
- (ii) Article 10 – District Development Management Committee and Area Plans Sub-Committees;
- (iii) the Members Allowances Scheme; and
- (iv) an announcement informing members of this revised Constitution had been published in the Council Bulletin (no 18/2019 - 10 May 2019).

Councillor J H Whitehouse queried why a link to the Constitution was given each week in the Council Bulletin. S Tautz replied that this was for members who might not know where the Constitution was on the Intranet or website.

#### **RESOLVED:**

That the report be noted and agreed.

#### 5. MEMBER GUIDANCE ON GIFTS AND HOSPITALITY

S Tautz, Democratic Services Manager, was in attendance.

A full review of the Constitution had been undertaken in 2016/17 which had led to the current Constitution. However, it had always been the intention of the Working Group to review gifts and hospitality separately.

During the last municipal year Internal Audit had reviewed both aspects of gifts and hospitality, for members and staff. Overall the current arrangements were operating well as members were required to provide full details of gifts and hospitality received by keeping their Register of Interests form up to date and were reminded through regular training. However, the audit had identified that the existing gifts and hospitality guidance for members needed to be updated, published in the Council's Constitution and that members were informed to ensure full compliance with the Member Code of Conduct.

The guidance update required reference to the Bribery Act 2010. This had not been covered previously, as the existing guidance had been adopted by Council in 2007. The audit also specified that the current gifts and hospitality value of £25 in the guidance, should be amended to match the figure of £50 specified on the Register of Interests form. After benchmarking with other local authorities, the Chief Internal Auditor recommended £50 was an appropriate level for the declaration of gifts and hospitality.

The revised guidance was set out at Appendix 1 to the agenda report. This also encompassed the registration of declined gifts and hospitality and to inform the Monitoring Officer, N Boateng, if the limits were exceeded. The Monitoring Officer and Chief Internal Auditor had reviewed this guidance, as well as the Corporate Governance Group and members of the Standards Committee.

Members were asked to consider the guidance before them so that the Working Group's recommendations could be made at the next Council meeting on 30 July 2019.

Councillor C C Pond remarked on the uncertainty of the value of a gift or hospitality when he attended events, such as the Corporation of London that extended invites to those that had wards within Epping Forest. S Tautz replied that the guidance accepted and handled this under (4) General Consent to Accept Gifts and Hospitality, specifically at (4.6) What if I do not know the value of a gift or hospitality?

The Chairman, Councillor S Jones, advised it was essential that gifts or hospitality were declared and that the monetary value was as accurate as possible, or what was a reasonable amount.

Councillor H Kane commented that members' circumstances might change and that not a lot of people realised they needed to complete a new Declaration of Interests form, and asked how members could be encouraged to update their declaration. S Tautz agreed and emphasised to members that the legislation allowed members only 28 days to update their Register of Interest or Disclosable Pecuniary Interest forms. Code of Conduct training was organised twice a year for this reason, to reinforce this message that was a key aspect of the training, and from a 'standards' point of view to promote and maintain high standards of conduct by councillors.

Councillor J H Whitehouse asked if the existing Declarations of Interest form could just be amended, to which S Tautz indicated that the Council's arrangements required that a new form be submitted each time a change occurred.

Councillor J Philip suggested keeping the Declarations of Interest form as a Word document, which could be more easily updated when necessary. It would be helpful if members were sent a new form every year to update. S Tautz replied that the Council could not require a new form each year, but indicated that this was best practice.

Councillor C C Pond advised asking the Monitoring Officer if a new form was required every year. County councillors could send amendments to ECC Democratic Services Officers to update their forms.

Councillor C C Pond remarked that some members had been nonplussed about being asked to sign the Related Party Transactions by Democratic Services Officers at recent meetings. S Tautz replied that the Related Party Transaction process had been undertaken by the Council in this way for a number of years and was an end of financial year requirement by the Chief Finance Officer.

Councillor S Kane asked if at (4.1) (iv) small gifts of low intrinsic value below £25 branded with the name of the company etc. and at 4.1 (vii) modest souvenir gifts with a value below £25 from another Council etc. could read £50. S Tautz replied that he could correct this discrepancy if members would allow officers to revise the report appropriately to ensure consistency, which was agreed.

Councillor C C Pond asked if members should try and refuse gifts/hospitality. Councillor J Philip replied that a member could reciprocate an offer, e.g. to buy another coffee, if you had just been bought one. It was about getting a balance so it wasn't the same person buying a drink (hospitality) all the time. S Tautz supported Councillor Philip's advice to return the offer of buying a drink and therefore, purely reciprocating only.

**RESOLVED:**

- (1) That the report be noted and agreed, subject to the £25 gift values given in (4.1), Members may accept gifts and hospitality in the following circumstances, at bullet points (iv) and (vii) be revised to £50 to ensure consistency;
- (2) That Member Services send all members new Declarations of Interest and Disclosable Pecuniary Interests forms after elections to reinforce best practice;
- (3) That S Tautz check with the Monitoring Officer whether a member needed to submit a new Declaration of Interest or Disclosable Pecuniary Interest form each time an update was made; and
- (4) That the draft member guidance on gifts and hospitality be recommended to Council for adoption on 30 July 2019.

**6. APPOINTMENT OF MEMBER CHAMPIONS**

S Tautz, Democratic Services Manager, was in attendance.

The appointment of Member Champions and the development of a suitable protocol had been raised by the Appointments Panel at its meeting on 9 May 2019. The Council had previously designated members to 'champion' causes affecting the Epping Forest District, thereby acting as advocates or spokespersons for a specific area of business or its activities to promote communication and positive action. A draft Members Champions Protocol accompanied the report, which detailed the ground rules, for members to base their discussions on. The appointment of Member Champions would be made at the first meeting of each municipal year - Annual Council.

Councillor S Rackham asked how members would be kept informed of Member Champions and had the Council had Member Champions in the past. S Tautz replied that was the purpose of the protocol and the Council had appointed Champions previously. Member Champions would become part of the appointments process, and midway through a year this would be discussed with the leaders of the political groups.

Members commented that there had previously been an Olympics Champion (former Councillor E Webster, a Business Champion (former Councillor A Grigg), and also a Tourism Champion. There had been recent interest from local military groups for an Armed Forces Champion.

Councillor C C Pond suggested the Council could have for instance, a clean air champion, who might attend relevant conferences, but would the champion be eligible to claim travel and subsistence? S Tautz replied, yes. Councillor Pond asked if this could be included in the protocol for clarity. S Tautz advised that he would raise this issue with the Remuneration Panel later in the year. The Chairman commented that this could be included under section (10), Allowances.

Councillor J Philip wanted to clarify that the protocol stated that Member Champions must be elected members of this Council, as there were also Community Champions. S Tautz replied that section (2), Appointment of Member Champions, covered this clearly.

Councillor J H Whitehouse said that if a member had an interest in cycling and a cycling policy was being developed, it would be beneficial if the councillor's views were taken into consideration.

**RESOLVED:**

- (1) That the report be noted and agreed, subject to the inclusion to allow Member Champions to be eligible to claim travel and subsistence when attending events in an official capacity.
- (2) That the proposed Member Champions Protocol be recommended to Council for adoption on 30 July 2019.

**7. PAPERLESS WORKING AND DIGITAL ROLL-OUT**

R Pavey, Service Director (Customer Services), and S Tautz, Democratic Services Manager, were in attendance.

'Paperless' committee meetings had been promoted by the Government since 2015 when the Local Government (Electronic Communications) Order 2015 legislation facilitated the use of electronic communications to summon members to meetings. This was provided that members had given their consent to receive agendas electronically, via email, although they could withdraw that consent at any time. With more councils becoming paperless, which was anticipated to become standard practice in local government, the Council continued to look at smarter digital ways of working against the ongoing financial pressures the local government sector was experiencing. Although the frequency of the Council's committees and the size of these agendas varied widely, around 20,000 pages of agendas, minutes and reports were published annually. Therefore, it was expected the paperless initiative would deliver cost savings.

The new Mod.Gov app for the committee management system allowed members to download agendas, minutes and reports to mobile devices along with annotation tools to aid paperless working. In addition, councillors would each be issued with a standardised domain email address '@eppingforestdc.gov.uk' to address Internal Audit's concerns around the security of personal data and the General Data Protection Regulation (GDPR).

R Pavey reported that mobile devices were being rolled-out to members and so far 52 members out of 58 were in receipt of them. One to one support was being provided if needed. The Customer Services Portfolio Holder, Councillor S Kane, had agreed to three months parallel running with paper copies following members' concerns and therefore, had delayed the cessation of the distribution of hard copies of agendas until 30 August 2019. Hard copies of agendas would still be required for the public to inspect at the Civic Offices and for the public attending meetings.

Councillor S Rackham was pleased to see the Council had taken this project on to reduce its carbon footprint, which she considered was a good move forward.

Councillor J Philip agreed this was a good thing and welcomed the parallel running to find out what worked and what did not work. It would be useful at planning meetings if on planning applications, members were able to look at the site map and report at the same time.

Councillor M McEwen queried the use of two email addresses - councillors' original one and the new standardised domain email address '@eppingforestdc.gov.uk'. R Pavey replied that ICT was currently working on an option that would enable Council emails to be received on their personal devices.

Councillor S Kane said that the new Mod.Gov app allowed five years of committee papers to be retained. S Tautz continued that in the setting up of the app and the new Mod.Gov software, the new Council email was the default email address. All existing personal and private emails could be used for routine correspondence during this transition until this was resolved.

Councillor H Kane commented that it was easy for councillors to reply from the wrong email address during work hours. She said it was good practice to work on one device for council work to minimise this risk.

Councillor S Jones said that members could elect to have all emails sent to the new email address.

Councillor C C Pond stated that he did not want the new iPad as he already used another device, nor did he want a Council email address. He had refused a device from Essex County Council and had also refused the Outlook web app (OWA). County had taken a different tack and used OWA Windows XP. R Pavey replied that ICT was looking at a secure app and that email would not be secure unless councillors used the Council standardised domain email address.

Councillor S Kane said that the responsibility rested with the Council which had a duty to maintain control, to which Councillor C C Pond replied that this would not work and Councillor J Philip added that this was fundamentally flawed. R Pavey replied that a new solution would protect the Council's position but would also help councillors work as flexibly as possible.

Councillor C C Pond asked why the email address could not be '@efdc.gov.uk'. Councillor S Jones thought use of '@efdc.gov.uk' would be perceived better by the public.

Councillor C Roberts remarked that he had an iPad and had worked paperless for a long while. He had initially accepted the new iPad but found it too cumbersome to carry around and did not want another device. Residents could contact him on his current email address, which he had set up for council work in 2014 and would not want to give it up.

Councillor S Kane replied that the Auditor's report was driving this and the Council's desire to go paperless.

Councillor S Heap asked if all the old emails could be transferred. Councillor S Kane said that this was riddled with problems as it was not as straight forward as you would think.

Councillor McEwen said she was emailed agendas from parishes which she forwarded to her iPad.

Councillor C C Pond stated that if you viewed the Council Bulletin through the Mod.Gov app then you could read it in one click. However, if you went through the website then four clicks were needed.

The Chairman asked if members agreed with the recommendations/decisions of the report, to which Councillor C C Pond replied, no. He asked if the word 'purely' could be removed from recommendations (2b), (2c) and (3), which was agreed.

**RESOLVED:**

- (1) That the Working Group noted current progress with regard to the proposed move to paperless working in respect of the publication and distribution of the Council's committee agenda and minutes etc.;
- (2) That the following recommendations be made to Council on 30 July 2019:
  - (a) in order to complete the roll-out of mobile devices and appropriate training for all members of the Council, the general cessation of the publication and distribution of committee agenda and minutes etc. in hard copy, took effect from 30 August 2019; and
  - (b) that, subject to the receipt of appropriate consent from members of the Council to the publication and distribution of committee agenda and minutes etc. by electronic means, such arrangements commenced with effect from 2 September 2019; and
  - (c) that, until the commencement of arrangements for the publication and distribution of committee agenda and minutes etc. to members by electronic means, such publication and distribution continued to be made concurrently in both hard-copy and electronic forms; and
- (3) That pursuant to Recommendations 2(a), (b) and (c) above, the Monitoring Officer be authorised to make any necessary revisions to the Council's Constitution to give effect to the publication and distribution of committee agenda and minutes etc. by electronic means, from 2 September 2019.

**8. DATE OF NEXT MEETING**

It was noted that the next meeting of the Working Group would be held on 24 September at 7.00pm.

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