

Report to Constitution Working Group

Date of meeting: 18 January 2024



**Epping Forest
District Council**

Subject: Constitution Review Update

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Recommendations/Decisions Required:

- (1) To update the Constitution Working Group on progress with the review of the Constitution, Scheme of Delegation.**

Report:

- Epping Forest District Council's (EFDC) Constitution is being reviewed as part of the wider workstream in Democratic Services called Programme 25. The aim of the review is to produce a concise, streamlined, user friendly document where the information is easily accessible.
- To determine best practice, we analysed and compared the Scheme of Delegation of multiple Councils in regions such as North London, South London, Hertfordshire, Essex, and the of South England. Best Practice was identified and specific areas for improvement in EFDC's Constitution highlighted.
- The main trend across the Councils was that the Scheme of Delegation was set out in bullet point lists rather than in tables. This instantly made them easier to read and the horizontal format kept consistent throughout the entirety of the document. Another common practice was to have the role of officer as a heading then any relevant delegation listed underneath. EFDC's delegations are listed alphabetically which makes finding a particular officer's delegations difficult to find.
- In comparison to other schemes of delegation EFDC's uses lots of legal jargon. Additionally removing large sections of legislation/statutory instruments from delegations will aid simplification and reduce the size. We could either reference the legislation without reproducing the wording or provide hyperlinks to it.
- The use of a Terms of Reference page or Key was recorded in many of the Councils Scheme of Delegations. A simple text box detailing the role of the officers where any shorthand or alternative references were used. EFDC does have a Terms of Reference page however it appears cluttered with information that may not be necessary, the table with 'Service Director Officer Role' and 'Current Services', as an example.
- It was also agreed that the overall accessibility of EFDC's Constitution does not meet the standard that it should as a Local Authority document. Future drafting or amendment of the Constitution should consider the Web Content Accessibility Guidelines (WCAG) to improve accessibility to everyone, including users with impairments to their vision, hearing, mobility and thinking and understanding. This can be achieved through the application of WCAG design principles stated on the GOV.UK Service Manual. It was not typical to see minutes or original authority details noted in the Scheme of Delegation in the Councils reviewed. When cited in EFDCs Constitution it was considered this information did not add clarity or relevance to the information. However, as this information is needed by some users it is recommended that

hyperlinks could be utilised.

7. EFDC was the only Council reviewed to use specific officer names or initials in the Scheme of Delegation. Not only does this create room for administrative errors in circumstances whereby officers may leave or move around the Council and the document is not updated, but it is also done inconsistently with officers being named for one delegation but only their role being specified for the next. It is suggested that only roles of officers should be used going forward.

Next Steps

Circulate to SLT an updated scheme of delegation for comments and confirmation that the new format is acceptable. Once agreed by SLT the scheme of delegation will be brought back to the CWG for final sign off. If all agreed the project group will commence the review of the rest of the Constitution.

Resource Implications:

The recommendations of this report seeks to ensure that the Council's Constitution remains fit for purpose.

Legal and Governance Implications:

The Council's Constitution sets out procedures and rules for the operation of its functions and responsibilities.

Safer, Cleaner, Greener Implications:

There are no implications arising from the recommendations of this report in respect of the Council's commitment to the Climate Local Agreement, the corporate Safer, Cleaner, Greener initiative, or any crime and disorder issues within the district.

Consultation:

The proposed revisions to the Constitution have been subject to consultation with the Monitoring Officer.

Following comments and direction from the CWG, the proposed changes will be taken to the Leadership team.

Background Papers:

None.

Risk Management:

The Council's Constitution sets out procedures and rules for the operation of its functions and responsibilities.

Equality:

There are no equality implications arising from the recommendations of this report.