

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION WORKING GROUP
HELD ON TUESDAY, 22 SEPTEMBER 2015
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.00 - 9.30 PM**

Members Present: M McEwen (Chairman), M Sartin (Vice-Chairman), J Philip, C P Pond, C C Pond, D Stallan, G Waller, S Watson and J H Whitehouse

Other members present:

Apologies for Absence: D Dorrell and A Mitchell MBE

Officers Present S G Hill (Assistant Director (Governance & Performance Management)), S Tautz (Democratic Services Manager) and M Jenkins (Democratic Services Officer)

9. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

There were no substitutions made at the meeting.

10. DECLARATIONS OF INTEREST

There were no declarations of interest made pursuant to the Member's Code of Conduct.

11. NOTES OF THE LAST WORKING GROUP MEETING

RESOLVED:

That the notes of the last meeting of the Working Group, held on 30 June 2015, be agreed.

12. TERMS OF REFERENCE AND WORK PROGRAMME

(a) Terms of Reference

The Working Group noted its Terms of Reference.

(b) Work Programme

There would be two items for consideration at the November Committee:

(i) Item 8 Schedule of Delegation – Revision; and

(ii) Item 9 Proposals for External Review

Item 10 regarding draft proposals would be put before the January 2016 meeting.

In addition, three extra items were added to the Work Programme, these were:

- Issues raised from the forthcoming Development Management Chair and Vice-Chairman's meeting.
- Surveillance powers for the RIPA officer.
- Amendments to the delegation rules regarding Estates.

13. UPDATE ON PROGRESS

The Assistant Director (Governance and Performance Management) updated the Working Group on their progress since June 2015.

- (a) Re-drafting of sections from previous meetings. Good progress had been made on the suggested re-drafts of Constitution sections since the last meeting.
- (b) Executive Procedure Rules and Articles. Again, good progress had been made, the Executive had been consulted in August of which the Leader had raised two minor issues.
- (c) Contract Standing Orders. It was advised that the Director of Communities was in the processing of amending these.
- (d) Audit and Governance – Articles. The new Chief Internal Auditor was trying to change the Audit and Governance Articles. New drafted rules would be discussed at the Working Group.
- (e) Standards Code of Conduct. The proposed revised wording of the Code of Conduct would be put before the Standards Committee on 12 October 2015.
- (f) Officer Employment Procedure Rules. The rules had been to Council and agreed.

14. CONSTITUTION REVIEW - ARTICLE 6 (OVERVIEW & SCRUTINY) AND OVERVIEW & SCRUTINY PROCEDURE RULES

The Working Group received a report from the Democratic Services Manager, regarding the Constitution Review – Article 6 (Overview and Scrutiny) and Overview and Scrutiny Procedure Rules.

Members made progress through the article making amendments and recommendations.

Members were advised that it was intended to seek the views of the Overview and Scrutiny Committee on the proposed changes to Article 6 and the Procedure Rules at its meeting on 20 October 2015.

RECOMMENDED:

That the revised Article 6 (Overview and Scrutiny) and Procedure Rules be referred to the Overview and Scrutiny Committee on 20 October 2015 for further consideration.

15. CONSTITUTION REVIEW - DEALING WITH CODES AND PROTOCOLS

The Working Group received a report from the Assistant Director (Governance and Performance Management) regarding the Constitution Review – Dealing with Codes and Protocols.

The Working Group considered a table listing the various codes and protocols and made proposals for recommendation to the Council, some sections would return to this Working Group for greater clarification.

RECOMMENDED:

- (1) That the following Constitutional codes and protocols be recommended to the Council for approval, deletion or amendment as indicated:
 - (a) Item 1 (Member's Charter) be amalgamated with Items 5 (Conventions on the relationships between political groups/Councillors and officers) and 9 (Councillors with officers and Officer Support Arrangements);
 - (b) Item 3 (Officer's Code of Conduct) to be deleted;
 - (c) Item 4 (Protocol – Allocation of Chairmanships and Vice-Chairmanships and Outside Organisation Places) be added to the section regarding the Appointments Panel;
 - (d) Item 8 (Code of Recommended Practice on Local Authority Publicity) be deleted;
 - (e) Item 10 (Corporate Enforcement Policy) be deleted;
 - (f) Item 14 (Protocol on the use of facilities for Councillors) be added to the Member's Charter);
 - (g) Item 15 (Statutory Officer Protocols) be added to Article 13 (Officer's Structure); and
 - (h) Item 16 (Member's Allowance Scheme) be retained but the Member's Accountability Statements section be deleted.

- (2) That the following codes and protocols be returned to the Working Group for further consideration, pending additional information as indicated:
 - (a) Item 2 (Member's Code of Conduct);
 - (b) Item 6 (Protocol for Councillors and Officers engaged in the determination of planning applications and other planning decisions);
 - (c) Item 7 (Guidance on Gifts and Hospitality) to be contained within Code of Conduct;
 - (d) Item 11 (Local Code of Corporate Governance);
 - (e) Item 12 (District Council and Local Council Charter); and
 - (f) Item 13 (Protocol on Partnerships and Other External Organisations).

16. CONSTITUTION REVIEW - OTHER PROCEDURE RULES

The Select Committee received a report from the Assistant Director (Governance and Performance Management) regarding the Constitution Review – Other Procedure Rules.

In addition to the main Council rules, the Constitution contained other sets of procedure rules, a table of which was submitted to Members for recommendation to the Council. As before some sections would be returned to this Working Group for greater clarification.

RECOMMENDED:

(1) That the following Procedure Rules be recommended to the Council for approval, deletion or amendment as indicated:

- (a) Access to Information Procedure Rules be made into a new article;
- (b) Executive Procedure Rules be deleted following review and new article;
- (c) The Overview and Scrutiny Procedure Rules be retained, but shortened in length;
- (d) The Financial Regulations be retained, unchanged;
- (e) The Officer Employment Procedure Rules be retained, unchanged;
- (f) The Administrative Operational Standing Orders be amended as follows:
 - (i) Sections 1-5 should be incorporated into Article 2;
 - (ii) Sections 6-7 should be deleted as they were duplicated elsewhere;
 - (iii) Section 9 deleted, no longer required in the Constitution; and
 - (iv) Sections 10-12 should be added to the delegation schedule.
- (i) Non-Executive Bodies – Operational Standing Orders be deleted following review.

(2) That the following Procedure Rules be returned to the Working Group for consideration pending more information:

- (a) Budget and Policy Framework Procedure Rules;
- (b) Contract Standing Orders; and
- (c) Section 8 of Administrative Operational Standing Orders be revised pending clarification.

17. FUTURE MEETINGS

The next scheduled meeting of the Working Group would be held on Tuesday 24 November 2015 at 7.00p.m. in Committee Room 1 and thereafter on the following dates:

- Tuesday 26 January 2016; and
- Tuesday 22 March.

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