

Report to Constitution Working Group

Date of meeting: 1 November 2022



**Epping Forest
District Council**

Subject: DocuSign – Proposed Amendment to Article 15 of the Constitution

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Recommendations/Decisions Required:

- (1) That the Working Group consider and recommend to Council for adoption, the proposed amendment to Article 15 of the Constitution.**

Report:

- 1.1. At the Working Group meeting of 30 June 2022, the Monitoring Officer reported that the Council is looking into adopting DocuSign. This is not as an alternative to wet signing but in addition, as there is a need that has been highlighted by the Covid pandemic and remote working.
- 1.2. The Monitoring Officer is assured that electronic signatures are legally binding and agreeable to the Land Registry. In addition, other local authorities are already using DocuSign satisfactorily.
- 1.3. In relation to anti-fraud concerns, a link to Government guidance on DocuSign was provided by the Monitoring Officer for the Working Group's last minutes of 30 June 2022 meeting (see Note no 3(a). For information: Government guidance on DocuSign can be viewed at this weblink: <https://www.gov.uk/government/publications/electronic-signatures-accepted-by-hmland-registry-pg82/practice-guide-82-electronic-signatures-accepted-by-hm-landregistry>
- 1.4. To ensure the Constitution is fit for purpose Article 15 – Finance, Contracts and Legal Matters, needs to be amended slightly at sections 6, 7 and 8. It is proposed that an extra sentence be added, as section (9), to read: The common seal may be in physical or electronic form as determined by the Monitoring Officer to give flexibility (see attached at appendix 1).
- 1.5. Pursuant to recommendation (1) above, the Working Group is asked to recommend to Council that use of DocuSign be approved.

Resource Implications:

The recommendations of this report seek 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 Undertaken:

The proposed amendment has been subject to consultation by the Monitoring Officer.

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.