

Report to Constitution Working Group

Date of meeting: 1 November 2022

Subject: Constitution Revisions and Proposed Amendments

Officer contact for further information: N Boateng (01992) 564323

Democratic Services Officer: V Messenger (01992) 564243



**Epping Forest
District Council**

Recommendations/Decisions Required:

- (1) That the Working Group note the Constitution Update of 18 July 2022;**
- (2) That the Working Group note the proposed minor amendment to the Constitution, Part 4 – Financial Regulations, paragraphs A5 and 3.7, to change the references made from “Council” to “Audit and Governance Committee”, which is responsible for approving the Annual Statement of Accounts;**
- (3) That the Working Group review and recommend to Council its proposed amendments to the Constitution to remove references to the decommissioned Finance and Performance Management Cabinet Committee within Part 4 – Financial Regulations and Article 7 – The Executive; and**
- (4) That the Working Group review and recommend to Council its proposed amendments to other ad hoc “Finance and Performance Management” references within Part 4 – Financial Regulations.**

Report:

1. Constitution Update of 18 July 2022

1.1 Following approval by Annual Council on 26 May 2022, the latest Constitution Update of 18 July 2022 included amendments to:

- Article 10 – District Development Management Committee and Area Plans Sub-Committees with the addition of the Terms of Reference for Joint Meeting of the Development Management Chairmen and Vice-Chairmen.

1.2 Following the appointment of the Executive for 2022/23 by the Leader at Annual Council on 26 May, Leader Decision LDR-001-2022/23 detailed the Portfolio Holders and members of the Cabinet Committees for the 2022/23 municipal year and the revised structure and responsibilities of Portfolio Holder Decisions, which was published on 23 June 2022 and incorporated into Part 3 – Scheme of Delegation – Appendix 4 – Portfolio Holder Responsibilities.

1.3 Following approval by the Monitoring Officer, the following minor amendments were also included in the same Constitution Update:

- Article 13 - Officers, appendix 1 – an updated Council structure management and specialist levels, which was published in the Bulletin issues of 22 April and 22 July 2022; and
- Part 4 – Council Procedure Rules – Rule T1 as Council meetings start at 7.00pm.

- 1.4 Members were advised of this Constitution Update in the Bulletin issue for 22 July 2022.
- 1.5 Pursuant to recommendation (1) above, the Working Group is asked to note the latest Constitution Update, which can be viewed on the Council's website at: <https://rds.eppingforestdc.gov.uk/ieListDocuments.aspx?CId=638&MId=11502&Ver=4&Info=1>

2. Minor amendments to Constitution, Part 4 – Financial Regulations, paragraphs A5 and 3.7

- 2.1 Article 11 (Audit and Governance Committee) of the Constitution was updated to change delegated authority for approving the Statutory Statement of Accounts from Council to Audit and Governance Committee, which was adopted by Council on 28 October 2021.
- 2.2 Article 4 (The Full Council Terms of Reference) of the Constitution, sub-paragraph 1(c), was reviewed by the Working Group in November 2021 and its recommendations were approved by Council on 5 April 2022 to remove Statutory Statement of Accounts from the list of plans and strategies requiring Council adoption.
- 2.3 Part 4 – Financial Regulations also needs to be amended at paragraphs A5 and 3.7 to correctly show that Audit and Governance Committee is responsible for approving the annual statement of accounts. The Financial Regulations can be viewed in the Constitution Update of 18 July 2022 at this link: <https://rds.eppingforestdc.gov.uk/documents/s111320/Part%204%20Financial%20Regulations.pdf>

The Monitoring Officer proposes to replace 'Council' with 'Audit and Governance Committee' (see below):

Financial Regulation A: Financial Governance (page 262)

A5 The Audit and Governance Committee ~~Council~~ is responsible for approving the annual statement of accounts following detailed scrutiny. ~~by the Audit and Governance Committee~~

Responsibilities of the Chief Finance Officer (page 278)

3.7 To prepare and publish the audited accounts of the authority for each financial year, in accordance with the statutory timetable and with the requirement for Audit and Governance Committee ~~Council~~ to approve the statement of accounts before 30 June.

- 2.4 These minor amendments can be rectified under delegated powers afforded the Monitoring Officer in the Constitution.
- 2.5 Pursuant to recommendation (2) above, the Working Group is asked to note the minor amendments that will be included in the next Constitution Update when it is published.

3. Finance and Performance Management Cabinet Committee (FPMCC) references proposed to be amended in the Financial Regulations and Article 7 – The Executive, Appendix 2

- 3.1 The Financial Regulations also contains several references to the FPMCC, which was decommissioned in March 2021. The Cabinet Committee held its last meeting on 23 January 2020, as subsequent financial reports are going directly to Cabinet.
- 3.2 The FPMCC is specifically referenced in the following paragraphs of the Financial Regulations, which can be viewed at this link: <https://rds.eppingforestdc.gov.uk/documents/s111320/Part%204%20Financial%20Regulations.pdf>

- A13 (page 7 (or page 263 of whole Constitution))
- B3 (page 11 (or page 266))
- B14 (page 11 (or page 267))
- C3 (page 12 (or page 268))
- Appendix B, 2.24 (page 27 (or page 283))
- Appendix B, 2.37 (page 28 (or page 284))
- Appendix B, 3.5 (page 32 (or page 288))
- Appendix B, 4.3 (page 33 (or page 289))
- Appendix C, 1.2 (page 36 or (or page 292))
- Appendix C, 1.12 (page 37 (or page 293))

3.3 The FPMCC is also referred to in the Constitution at Article 7 – The Executive, Appendix 2, Committees of the Executive – Terms of Reference (see appendix 1 attached). Please note the Terms of Reference of Audit and Governance Committee are also provided for information (see appendix 2 attached).

3.4 Pursuant to recommendation (3) above, the Working Group is asked to review and recommend to Council its proposed amendments to remove references to the decommissioned Finance and Performance Management Cabinet Committee in the Constitution within Part 4 – Financial Regulations and Article 7 – The Executive.

4 Amendments of other ad hoc “Finance and Performance Management” references in the Financial Regulations

4.1 Reference is made to the “Finance and Performance Management Scrutiny Panel”, which was decommissioned in June 2015, at Appendix B, 2.26 (page 27 (or page 283 of whole Constitution)). It is proposed this reference is replaced by the Overview and Scrutiny Committee.

4.2 Reference is made to the “Finance and Performance Management Portfolio Holder” at Appendix B, 4.3 (page 33 (or page 289)). It is proposed this is amended to read, “relevant Portfolio Holder”.

4.3 Pursuant to recommendation (4) above, the Working Group is asked to review and recommend to Council its amendments to these ad hoc “Finance and Performance Management” references within Part 4 – Financial Regulations.

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 proposals/contents of this report have been subject to consultation with 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.