

Report to Constitution Working Group

Date of meeting: 14 November 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.**
- 2) To authorise referral of the amendments made to Constitution illustrated in this report to Council for approval.**

Background

The review of the Constitution started with the Scheme of Officer Delegation contained in Part 3 of the Constitution. The purpose of this report is to update members of the CWG on the progress made so far and to seek authority to refer the amendments made to Council for approval.

Scheme of Delegation Part 3 of the Constitution

The Council's current scheme of delegation is contained in part 3 of the Constitution. The scheme of delegation lists all officer delegations in alphabetical order which makes it difficult to find specific delegations. Following a comparison with other Councils it was considered that a simpler and more user-friendly way of presenting the delegations would be to list delegations under specific posts. For example, all the delegations related to the Chief Executive under that heading, rather than having to scan through hundreds of different delegations to find the one you require. Listing the delegations in alphabetical order requires that you know what you are looking for rather than seeing clearly all the delegations that relate to a particular post. Duplication has been removed, some of the appendices have also been removed together with a reduction in specific reference to legislation. The names of officers have been removed with instead reference to job title or Level 1, 2, 3 or 4.

The new officer scheme of delegation lists all the delegations under five headings focusing on statutory powers. The headings are: -

Chief Executive/Head of Paid Service
Strategic Director/S151 Officer
Strategic Director/Chief Operating Officer
Legal Service Manager/Monitoring Officer
Service Director of Planning
Level 2,3 and 4 Level Manager (General delegations applicable to any manager of these levels).

A note is presented under the delegations advising that the authorisations delegate down as necessary to Service Directors, Service Managers and Level 1 or 2 Managers.

The new style Scheme of Delegation was presented to the Senior Leadership Team on 1 July 24. The feedback was positive. It is therefore the intention to proceed with the new style Officer Scheme of Delegation for adoption by Council. The updated Officer Scheme of Delegation is provided at annex 1.

Council Management Structure Chart

With reference to Part 2, appendix 1 of Article 13 – ‘Officers’, currently this appendix contains 14 different structure charts. This level of detail is not necessary, it is proposed to remove the 14 structure charts and replace it with one EFDC Management Structure. This updated structure chart is attached at annex 2.

Local Government Association - Model Code of Conduct

Part 5 of the Councils constitution displays the current Councillor Code of Conduct. In 2020 the Local Government Association introduced an updated model Councillor Code of Conduct. It is proposed that the Model Code of Conduct is adopted by the Council. The updated Code is attached at annex 3.

Resource Implications:

The recommendation 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, SLT and the CWG.

Background Papers:

Draft Scheme of Delegation, attached at annex 1.
EFDC Management Structure, attached at annex 2.
LGA Model Councillor Code of Conduct at annex 3.

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.