

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION WORKING GROUP
HELD ON TUESDAY, 26 JANUARY 2016
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.00 - 9.10 PM**

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

Other members present:

Apologies for Absence:

Officers Present A Hall (Director of Communities), S Tautz (Democratic Services Manager) and M Jenkins (Democratic Services Officer)

28. APOLOGIES FOR ABSENCE

It was advised that the Assistant Director (Performance Management) had tendered his apologies.

29. SUBSTITUTE MEMBERS (MINUTE ITEM 39 - 23.7.02)

There were no substitute members present at the meeting.

30. DECLARATIONS OF INTEREST

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

31. NOTES OF PREVIOUS MEETING

RESOLVED:

That, subject to the following amendment to Minute Item 21 (Terms of Reference and Work Programme), paragraph (iv) (Local Charter for Parish Councils) the notes of the last meeting of the Working Group held on 30 November 2015 be agreed:

That the Town Clerk of Loughton Town Council was speaking as the Epping Forest representative in regard to undertaking a draft of the Local Charter for Parish Councils and not in any other capacity.

32. TERMS OF REFERENCE AND WORK PROGRAMME

(a) Terms of Reference

The Working Group noted its Terms of Reference.

(b) Work Programme

The Working Group was advised that the agenda for the meeting contained an incorrect Work Programme, the correct version was tabled and progress noted.

33. NEW DRAFT PROCUREMENT RULES

The Working Group received a report from the Director of Communities regarding the New Draft Procurement Rules. The Corporate Governance Group (CGG) had requested that the Director of Communities chair an all officer group called the Contract Standing Orders Working Party to fundamentally review the Council's Contract Standing Orders and formulate a new set of Procurement Rules that:

- (a) Adopted a more modern and flexible approach;
- (b) Were simpler to understand and comply with;
- (c) Were more responsive to the current and future procurement needs of the Council;
- (d) Met the recently enacted Public Contracts Regulations 2015; and
- (e) Ensured appropriate controls and probity to safeguard the use of public money.

The Working Party had met on 6 occasions since June 2015. The draft procurement rules, incorporating all of the comments from the Working Party, were approved by the CGG this month and recommended to this Working Group for consideration.

Members noted that the new rules were fundamentally different from the existing CSOs. They supported the new draft and were advised that they would be checked externally by a specialist procurement lawyer to confirm that they complied with UK/EU procurement legislation.

RECOMMENDED:

- (1) That the new Draft Procurement Rules be agreed; and
- (2) That the final version of the Draft Procurement Rules, incorporating the comments of the Working Group and the specialist procurement lawyer, be considered at the next meeting of the Working Group to be held on 22 March 2016.

34. CONSTITUTION REVIEW - ARTICLE 18 (ACCESS TO INFORMATION)

The Working Group received a report from the Democratic Services Manager regarding the Constitution Review – Article 18 (Access to Information).

Members were reminded that the current Constitution review was looking critically at each part of the document and rationalising procedures against the relevant legislative background. The opportunity was being taken to incorporate these provisions within a new Article 18. In accordance with the wishes of the Working Group, officers had taken the various sections and moved them to the rules.

RESOLVED:

- (1) That the proposed revisions to Article 18 (Access to Information) be agreed subject to the amendments made at the meeting of the Working Group; and
- (2) That the Democratic Services Manager review the Council's approach to "private" meetings of the Cabinet and report further to the Working Group if required.

35. CONSTITUTION REVIEW - ARTICLE 13 (OFFICERS)

The Working Group received a report from the Democratic Services Manager regarding the Constitution Review – Article 13 (Officers).

Under the current Constitution, rules relating to the Council's officers were contained in Article 13 and a number of separate protocols and conventions. Members had already given consideration to a revised version of Article 13. Members noted the proposed final draft version of the revised Article, in particular:

- (a) The existing Statutory Officer Protocols were now incorporated within Article 13;
- (b) The Conventions on the Relationships between Political Groups/Councillors and officers had been revised and incorporated within Article 2 (Members) and the new Article 18 (Access to Information) as appropriate; and
- (c) The existing Member's Charter had been revised as necessary and incorporated within Article 2 (Members).

RESOLVED:

That subject to the amendments made at the meeting the revisions to Article 13 (Officers) of the Constitution be agreed.

36. CONSTITUTION REVIEW - ARTICLE 6 (OVERVIEW & SCRUTINY)

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

At its meeting in September 2015, the Working Group considered a review of Article 6 of the Constitution and the procedure rules relating to Overview and Scrutiny, the revised article and procedure rules were later agreed by the Overview and Scrutiny Committee on 20 October 2015.

Article 6 of the Constitution contained a procedure for the consideration and reporting on executive decisions that were "called in" by members setting out how the Overview and Scrutiny Committee should deal with call-in matters. This procedure also made provision for consideration to the "withdrawal or modification of a call-in" whereby a meeting was held with the Chairman of the Overview and Scrutiny Committee prior to the call-in being considered by the committee to discuss the likelihood of reaching an agreement on removing any objections to the decision subject of the call-in.

This procedure was introduced as a result of the last (2013) review of the Council's Overview and Scrutiny arrangements and had recently been exercised for the first time at the request of the lead member to a call-in and the relevant Portfolio Holder.

RESOLVED:

That subject to the revisions made at the meeting the proposed additions to Article 6 (Overview and Scrutiny) of the Constitution be agreed.

37. CONSTITUTION REVIEW - ARTICLE 2 (MEMBERS)

The Working Group received a report from the Democratic Services Manager regarding the Constitution Review – Article 2 (Members).

At its meeting on 30 November 2015, the Working Group considered a revised version of Article 13 of the Constitution relating to the Council's officer arrangements.

The initial proposals for the review of Article 13 included the incorporation of the existing Member's Charter. However, the content of the Charter was clearly more focussed on the provision of services, support and facilities for members and it was felt that it would be more appropriately located within Article 2 of the Constitution relating to members. A revised version of Article 2 had already been agreed by the Working Group as part of the on-going review. However members asked for a revised version to be re-submitted to the Working Group with amendments.

RESOLVED:

That subject to the revisions made at the meeting the proposed addition to Article 2 (Members) of the Constitution be agreed.

38. FUTURE MEETINGS

It was advised that the next meeting of the Working Group would be held on Tuesday 22 March 2016 at 7.00p.m. in Committee Room 1.