

# **Report to Constitution Working Group**

**Date of meeting: 22 March 2016**



**Epping Forest  
District Council**

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**Subject:** Constitution Review – Final Draft Recommendations

**Officer contact for further information:** S Hill (01992 564249)

**Democratic Services Officer:** M. Jenkins (01992 564607)

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## **Recommendations/Decisions Required:**

**(1) That the Working Group consider:**

**(i) the Counsels Opinion obtained on the totality of the new proposed Constitution;**

**(ii) responses of officers to the suggested amendments; and**

**(iii) views taken on the preceding reports;**

**(2) Subject to (1) above, recommend the Constitution for adoption by the Council at its meeting on 26 April 2016**

## **Report:**

1. (Assistant Director Governance and Performance Management) As members will know, Counsel has been engaged by the Council to advise officers and members on:

(i) The appropriateness of its proposed constitution;

(ii) Whether any matters that have been included in the Constitution should not have been and conversely are there matters that must be contained in the document that have been omitted;

(iii) On any material deficiencies on the summation of the new constitution and what amendments need to be made to correct these deficiencies;

(iv) Whether the proposed constitution contained any errors that needed to be corrected; and

(vi) Whether the proposed provisions meet the ongoing requirements of the Local Government Act 2000 and subsequent regulations.

2. Opinion was received on 9 March 2016 and runs to some 23 pages. This is attached for members consideration.

3. In summary (and from the Opinion) Counsel has addressed these issues and his answers are repeated below:

“Appropriateness

24. Having regard to the requirements of section 9P of the 2000 Act and the statutory purposes of a local authority constitution, in general term I consider the proposed constitution to be appropriate and a significant improvement on the Council's existing adopted Constitution.
25. The structure of the proposed constitution has been rationalised by removing the 'Responsibility for Functions' (formerly within Part 3) into the Articles (within the revised Part 2), which include within the Appendices to various Articles the specific terms of reference, procedural rules, protocols and other detailed provisions relevant to that Article.
26. In my view, this is a substantial improvement on the structure of the existing Constitution, which successfully rationalises and simplifies the existing document, avoids duplication and fragmentation of relevant provisions, substantially shortens the document and improves its overall navigability and accessibility.....

#### Relevancy

29. In my view, the matters included within the proposed constitution should be included and, subject to my specific observations (see below) there are no matters which ought to have been included which have been omitted.

#### Adequacy

30. Subject to the matters addressed in my specific observations in respect of each Part of the proposed constitution, in general terms, the draft provided is adequate, there are no material deficiencies and, subject to those qualifications, it is not necessary to make any substantial amendments to the draft.”
4. It is suggested that members may wish to consider the remaining issues raised within the opinion, many of which have been accepted by officers and included in the final draft printed for members of the Panel.
5. Two pieces of work remain to be completed. These are:
  - (1) The Planning Protocol – Counsel is to provide some examples for members further consideration; and
  - (2) Advice on gifts and Hospitality

It is suggested that these two elements are put onto the Working Groups work programme for 2016/17.
6. The draft that was sent to Counsel was subject to wider member consultation during February, no comments were received.
7. Having considered the foregoing items and the final draft, it is hoped that members are able to recommend the Constitution to the Council for adoption on 26 April 2016.