

Epsom and Ewell Borough Council's Constitution

Head of Service/Contact: Amardip Healy, Chief Legal Officer
Annexes/Appendices (attached): None
Other available papers (not attached): Constitution

Report summary

The purpose of this report is to seek the Council's approval of the Constitution.

Recommendation (s)

That the Council approves the Constitution.

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

- 1.1 Good Corporate Governance underpins delivering the Council's Key Priorities.

2 Background

- 2.1 A comprehensive review of the current Constitution is currently underway to ensure that it complies with all relevant statutory requirements, and its processes and procedures meet the needs for organisational efficiency and achieve good governance.
- 2.2 The Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure business is conducted in an efficient, transparent, and accountable manner. Some of the content of the Constitution is required by law; the remainder is for the Council itself to determine.
- 2.3 The Monitoring Officer has a duty to keep the Constitution under review and has delegated authority to amend the Constitution where there has been a change in law, job title, and structure, rearrangement of job responsibilities or for general administrative convenience. All extensive changes to the Constitution, however, must be approved by Full Council.

Council

21 May 2019

- 2.4 Work started on Part 3 and on the Protocol for Managing Member/Officer relations (in Part 5), which Council approved at the meeting on the 17 July 2018. Changes to Part 4 were approved by Council in December 2018. As a result of changes to Part 4, an additional Protocol was added to Part 5 (the Protocol and Guidance on recording, photography & use of social media). Further changes were agreed to Part 5 by Council at the meeting on 30 April 2019.
- 2.5 The Council's Rules of Procedure, FCR 2, set out in Part 4, require approval of the Constitution, with or without changes at the annual meeting.

3 Proposals

- 3.1 That the Council approves the Constitution.

4 Financial and Manpower Implications

- 4.1 There are no financial implications for the purposes of this report.
- 4.2 **Chief Finance Officer's comments:** *None for the purposes of this report*

5 Legal Implications (including implications for matters relating to equality)

- 5.1 Section 37 of the Local Government Act 2000 and the guidance issued under it requires the Council to keep the Constitution up to date and regularly review it and the Council's Rules of Procedure require approval of the Constitution, with or without changes at the annual meeting.
- 5.2 **Monitoring Officer's comments:** It is important to note that the Local Government Act 2000 requires the Council to have and maintain a Constitution.

6 Sustainability Policy and Community Safety Implications; Partnerships

- 6.1 There are no implications for the purposes of this report.

7 Risk Assessment, Conclusion and Recommendations

- 7.1 The Council needs a sound Constitution that is kept up-to date and fit for purpose. By adhering to the rules and guidance set out in the Constitution, Officers and Members alike protect themselves from risk of challenge.
- 7.2 The changes to the Constitution are being taken in sections and a further review of the whole document will be undertaken when all parts have been individually reviewed. In accordance with the Council's Rules of Procedure, the Council is asked to approve the Constitution as it currently stands.

Ward(s) Affected: (All Wards);