

EPSOM AND EWELL BOROUGH COUNCIL'S CONSTITUTION

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| Head of Service: | Piero Ionta, Head of Legal and Monitoring Officer |
| Report Author: | Tim Richardson |
| Wards affected: | (All Wards); |
| Appendices (attached): | None |

Summary

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

Recommendation (s)

The Council is asked to:

- (1) Approve the Constitution of Epsom and Ewell Borough Council.**

1 Reason for Recommendation

- 1.1 The Council's Rules of Procedure, FCR 2, set out in Appendix 4 of the constitution, require approval of the Constitution, with or without changes at the annual meeting.

2 Background

- 2.1 The Council last amended the Constitution at its meeting of 12 December 2023, approving updates to Appendices 1, 2, 3 and 4 of the Constitution and Annexes 2-4, 2-5, 3-3, 4-2, 4-7, 5-1, 5-2, 5-3 and 6-2 of the Operating Framework.
- 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 make minor changes in consultation with the Chair of the Standards and Constitution Committee. All extensive changes to the Constitution, however, must be approved by Full Council

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- 2.4 A review of elements of the Constitution and Operating Framework will be undertaken by the Standards and Constitution Committee over the next year, with recommendations to Full Council for adoption at the appropriate time.

3 Live Register of delegations

- 3.1 Appendix 2.1 of the Constitution is a Live Register of Delegations approved either by the Council, a Committee or further to an urgent decision taken in accordance with paragraph 3 of Appendix 2 of the Constitution. The Live Register has been updated to include all such delegations approved since the Constitution was last amended by Full Council (PPS130-131 of paragraph 7 and paragraphs 8 and 9 of Appendix 2.1)

4 Risk Assessment

Legal or other duties

- 4.1 Equality Impact Assessment

- 4.1.1 None.

- 4.2 Crime & Disorder

- 4.2.1 None.

- 4.3 Safeguarding

- 4.3.1 None.

- 4.4 Dependencies

- 4.4.1 None.

- 4.5 Other

- 4.5.1 None.

5 Financial Implications

- 5.1 None.

- 5.2 **Section 151 Officer's comments:** None arising from the contents of this report.

6 Legal Implications

- 6.1 The Council's Rules of Procedure require approval of the Constitution, with or without changes at the annual meeting.

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- 6.2 **Legal Officer's comments:** The only updates to the version approved by Full Council on 12 December 2023 are to Appendix 2.1 to reflect decisions taken over the course of the last municipal year by either full Council or any committee or by way of an urgent decision to either delegate or nominate and authorise officers authority relevant to decisions that they made which required implementation by officers thereafter.

7 Policies, Plans & Partnerships

- 7.1 **Council's Key Priorities:** Good Corporate Governance underpins delivering all the Council's Key Priorities.
- 7.2 **Service Plans:** The matter is included within the current Service Delivery Plan.
- 7.3 **Climate & Environmental Impact of recommendations:** None.
- 7.4 **Sustainability Policy & Community Safety Implications:** None.
- 7.5 **Partnerships:** None.

8 Background papers

- 8.1 The documents referred to in compiling this report are as follows:

Previous reports:

- [Updates to the Council's constitution, Full Council, 12 December 2023](#)

Other papers:

- [Constitution of Epsom and Ewell Borough Council](#)
- [Council Operating Framework](#)