

Epsom and Ewell Borough Council Faces Scrutiny Over Constitutional Reforms

19 April 2025



The Standards and Constitution Committee meeting of Epsom and Ewell Borough Council on 16th April was marked by heated exchanges and concerns over transparency, democratic participation, and officer-councillor relations.

The meeting, chaired by Councillor **Hannah Dalton** (RA Stoneleigh), dealt with contentious proposals affecting the structure of council committees, rules on public participation, and the delegation of powers to council officers. In the words of Councillor **Chris Ames**, (Labour Court) “There hasn’t been a meeting of the Constitution Working Group for seven months,” raising the stakes and intensity of the evening’s debate.

A Push for Plurality Rejected

A major flashpoint was the proposal to increase the number of councillors on the influential Strategy and Resources (S&R) Committee from eight to ten. Liberal Democrat Councillor **James Lawrence** (LibDem College) introduced the motion, arguing that the change would reflect “the plurality on the council” following the expansion to five political groups. “Strategy and Resources is, of course, our most important committee... and particularly so with unitarisation occurring and property decisions,” he said, asserting the need for broader representation.

Independent Councillor **Alex Coley** (Ruxley) added, “We should attempt to achieve the best plurality so that voices of smaller groups can also be heard and we can undertake proper, robust scrutiny.”

Despite the support, the motion fell. Councillor **Robert Leach** (RA Nonsuch) dismissed it as a matter of “*adiaphora* — decisions that don’t really matter,” and declared, “The RA group can put through anything it likes... so I don’t think this would make much difference.”

Others expressed scepticism over inclusivity. Councillor **John Beckett** (RA Auriol) questioned the logic of the expansion: “We’re only going to give a voice to four [groups] if we go with this enlargement, so not everybody’s voice will be heard.”

Clashes Over Public Participation Rules

The committee also reviewed proposed changes to public participation rules, particularly Standing Order 3.1.3, which would allow officers to reword public questions for clarity. Councillor **Bernie Muir** (Conservative Horton) condemned the change as “seriously open to abuse,” warning it could “deny transparency, public accountability... and result in many issues and decisions being conducted without appropriate discussion.”

Councillor Lawrence suggested a compromise, proposing that officers “may suggest rewording” questions, rather than having an absolute right to do so. This amendment was accepted.

More fiercely contested was Standing Order 3.1.4, which sought to restrict questions relating to past legal cases or complaints. Councillor Ames described it as “having a chilling effect on public participation,” and stated bluntly, “We should not be trying to exclude members of the public... from participating at this meeting.”

In the end, the committee voted unanimously to refer the contentious clause back to the Constitution Working Group (CWG), along with concerns about the reduced five-to-three day notice period for residents’ questions.

Officer-Member Protocol Sparks Sharp Exchange

Perhaps the most contentious moment came with the debate on proposed additions to the officer-member protocol. Redrafted clauses sought to clarify officers’ expectations of councillors’ conduct.

Councillor Leach objected to the tone of the changes, declaring, “The council comprises councillors... not its officers... Officers are staff who are employed to do what we tell them to do.” This drew a stern rebuke from the Monitoring Officer, who warned that such language failed to acknowledge officers’ statutory duties: “If, in their professional opinion, something is unlawful or unconscionable, they have obligations.”

Councillor Lawrence defended the need for balance: “I don’t mind there being a look at the update of the officer-member protocol... but I would like it to be balanced.”

Ultimately, the committee agreed to refer the proposed changes to CWG, with a review of the Surrey County Council protocol as a potential model for achieving parity between officers’ and councillors’ expectations.

Delegated Powers Under the Microscope

Another area of concern was the list of proposed delegations to officers. Councillor Lawrence warned that not all proposals were “minor service changes,” pointing to one that would authorise officers to purchase properties for temporary accommodation.

“We should not delegate such significant capital decisions,” he argued. The committee eventually agreed to amend the wording, allowing officers to “identify and negotiate” but not to “purchase” without committee approval.

A Question of Process

Underlying the evening was a shared frustration with procedural breakdowns. Several members criticised the administration for sidelining the Constitution Working Group. “This administration, under your leadership, has twice postponed or cancelled the CWG,” Councillor Ames alleged, adding, “It would appear the CWG was not giving the answers that the administration wanted, so it’s been done away with.”

Chair Hannah Dalton acknowledged the delay, attributing it partly to the “devolution white paper” and pressures of local government reorganisation. However, she also committed to convening a new CWG to consider unresolved matters, stating, “You’ll probably need an extraordinary SNC and then bring it to the July meeting.”

As public trust and democratic scrutiny hang in the balance, the committee’s decisions to refer key changes back to the CWG suggest a desire to tread carefully. Whether this marks a course correction or a temporary pause in constitutional reform remains to be seen.

Image: The meeting from Epsom and Ewell Borough Council YouTube channel