

UTTLESFORD DISTRICT COUNCIL

Summary of Constitution

This statement follows the structure set out in the Local Government Act 2000 (Constitutions) (England) Direction of December 2000.

a) Summary Constitution

This document summarises the arrangements for the political management and accountability of the Council which the Council has resolved will take effect from 1 September 2001. It complies with the provisions of the Local Government Act 2000 and draws on national guidance produced by Government departments and professional associations. This document will act as a preface to the Members' Handbook for the Authority; it makes reference to other key documents where appropriate including:-

- Council Procedure Rules
- Overview and Scrutiny Procedure Rules
- Financial Regulations
- Contracts Procedure Rules
- Finance, Contracts and Legal Matters
- Delegation Scheme
- Access to Information Procedure Rules
- Policy on Members' Allowances
- Code of Conduct for Councillors
- Protocol on Member/Officer Relations
- Statutory Officers' Protocol
- Officer Employment Procedure Rules

b) Composition of the Council

The Council currently consists of 42 members. At 1 September 2001, the political composition is as follows:-

Conservative 15, Independent 6, Labour 2, Liberal Democrat 18, Other 1.

Electoral Arrangements

District elections are held every four years with all members having a four-year term of office. The next District Council elections are due to take place in 2003. At that time, there will be a number of changes to ward boundaries as a result of a recent review by the Local Government Commission. There will then be 44 members.

c) Committee Structure

The Council has a population of less than 85,000. At the meeting on 24 April 2001, the Council determined to adopt a structure of “alternative arrangements” as defined in Section 32 of the Local Government Act 2000. The structure is summarised in the attached diagram (Appendix 1). In addition to these main groups, there will be a Standards Committee, a Staff Appeals Committee and an Emergency Committee. Task groups/working parties will be established as required.

Rights and Duties of Members

The rights and duties of members are set out in the National Code of Local Government Conduct, supplemented by a locally agreed Code.

d) Members’ Allowances

The current scheme of allowances for members of the authority was agreed by the Council on 24 April 2001. It consists of a basic allowance for all members with special responsibility allowances for the Leader of the Council, leaders of political groups and Committee Chairmen. The Council is in the process of establishing an independent panel to review members’ allowances; this will make recommendations to the Council for 2002/03 and thereafter will then review the position annually.

e) Rights of the District’s Inhabitants

Elections for the Council are held every four years.

Information to local residents is made available in a number of ways, including:-

- published leaflets about the Council, its services and how to be involved in meetings;
- electronic information on the Council’s website and linked community website;
- annual publication of performance information and the Best Value Performance Plan, including a summary to all residents;
- monthly information in local newspapers via a “Council Page”;
- local community information points at the Council’s offices at Saffron Walden and Great Dunmow and its shared premises at Thaxted;
- annual open meetings to be held in the main centres of population in the district.

Notification of the Council’s meetings is published in accordance with the Local Government Act 1972 as amended and subsequent regulations. Agendas and reports (other than confidential items) are made available on request and

electronically through the web site. Members of the public are encouraged to attend meetings of the Council or any committee to make a statement or ask a question. These arrangements are set out in the Access to Information Procedure Rules.

f) Role and Function of the Council

The Council is the prime democratic body. Its role is summarised as:

- 1) Approve Constitution (including Political Management Structure, Council's Procedure Rules, Contracts Procedure Rules, Delegation Schemes, Financial Procedure Rules, Code of Conduct, Protocols (Member/Officer etc.))
- 2) Appoint Chairman
- 3) Appoint Vice-Chairman
- 4) Appoint Leader and Deputy Leader
- 5) Appoint Committees
- 6) Review annually task groups and working parties to assess need
- 7) Agree strategic objectives and budget strategy to form the Budget and Policy Framework
- 8) Agree individual strategies/policy documents
 - Best Value Performance Plan
 - Community Strategy
 - Local Plan
 - Housing Strategy
 - LA21 Strategy
 - Leisure and Cultural Strategy
 - Partnership Strategies (eg Crime and Disorder Reduction and Health Authority Strategies)
- 9) Approve budgets
 - Council Tax
 - Capital and Revenue Expenditure
 - Housing Revenue Account Estimates
 - Members' Allowances Scheme
- 10) Ratify appointment of Chief Executive and Chief Officers

- 11) Resolve differences between Policy and Overview and Scrutiny Committees
- 12) Make appointments of Members to external organisations
- 13) Deal with other major matters not within the terms of reference of any committee of the Council.

Detailed rules governing the conduct and proceedings of meetings are set out in the Council's Procedure Rules. The aim of these rules is to enable debate and promote open and efficient decision-making.

g) Chairman of the Council

A Chairman of the Council is elected at the Annual Meeting. The role of the Chairman is to chair meetings of the Council and to represent the Council at civic and community events within and outside the Council. The Chairman takes a politically impartial view in debate but is able to vote, with, if necessary, a casting vote.

h) Overview and Scrutiny Committees

The Council's structure includes two overview and scrutiny committees, each with 14 members. Their terms of reference are:-

1. Monitor, review and advise on policy.
2. Be responsible for service reviews and make recommendations to relevant policy committee(s).
3. Monitor service and budget performance and implementation of policy.
4. Consider matters referred by individual Members.
5. Obtain community views and expert opinions, where appropriate.
6. Establish task groups and working parties as necessary for specific purposes.

One overview and scrutiny committee has in its remit Community & Leisure and Health and Housing and the other Resources, Environment & Transport and Development Control & Licensing. Both these committees are chaired by opposition members.

Procedures for determining and supporting the business of the overview and scrutiny committees are set out in the Council Procedure Rules and in Scrutiny Procedures.

i) Committees

The overall roles of the Resources, Community & Leisure, Health & Housing and Environment & Transport Committees are:

1. Formulate and review policies within scope to meet the Council's objectives.
2. Control and review the use and allocation of resources, within approved budgets.
3. Promote community partnerships.
4. Respond to relevant documents and initiatives from other organisations.
5. Review and make recommendations on the delegation scheme.
6. Undertake statutory and other functions within their scope.
7. Establish task groups and working parties as necessary for specific purposes.

Environment & Transport Committee also has authority to determine referred planning applications.

The terms of reference for the Development Control and Licensing Committee are:-

1. Determine applications under the Town and Country Planning Act 1990, the Highways Act 1980 and related legislation.
2. Determine applications relating to services, persons, vehicles and premises requiring to be licensed or registered.

The Council also has an Emergency Committee and Staff Appeals Committee, both of which meet only as required. Their terms of reference are as follows.

Emergency Committee

To undertake consultations on the Council's behalf on matters relating to the District Peace Time Emergency Plan and to implement arrangements for meeting the Council's emergency responsibilities.

Staff Appeals Committee

To consider and determine staff appeals relating to rights under the appropriate conditions of service or to a decision of a disciplinary nature including dismissal or relocation and to consider and determine staff appeals against job evaluation assessments.

Terms of delegation are contained in the Council's Delegation Scheme. Rules governing the conduct and proceedings of meetings of committees are covered in the Council Procedure Rules.

j) Delegation to Officers

The terms of delegation to officers are set out in the Council's delegation scheme. In summary, they authorise the officers to operate the Council's

services on a day-to-day basis. They also provide for specific urgent action to be taken in consultation with the Chairman of the appropriate committee when it is not practicable to await a committee decision, subject to that action being consistent with Council policy and within budget. The officers in question are the Chief Executive, the Director of Community Services, the Director of Resources, the Assistant Chief Executive and officers nominated by them.

k) Standards Committee

The current terms of reference of the Standards Committee are:

1. To take steps to assist Members to avoid impropriety.
2. To formulate, review and disseminate guidance to Members and officers on matters of conduct.
3. To consider and form a judgement upon complaints of misconduct made against individual members.

Procedures for dealing with a complaint against a Member of the Council are set out in the Members' Handbook.

l) Area Committees

The Council does not have any Area Committees but from 2002 plans to hold annual open meetings in the four main centres of population in the district. The procedures for the conduct of these meetings are set out in the Access to Information Procedure Rules.

m) Joint Arrangements – None in force.

n) Discharge of functions by other authorities

Some specific arrangements exist with East Hertfordshire District Council regarding planning functions in a defined area. In addition, ad hoc arrangements are made on a project basis in order to secure and maintain appropriate levels of service. Examples have included internal audit and legal work.

o) Roles of Officers

The management structure of the authority is summarised in the attached chart (Appendix 2). The Chief Executive acts as Head of Paid Service, the Head of Legal Services as Monitoring Officer and the Director of Resources as Chief Finance Officer. The roles of these officers are set out in the Council's Statutory Officers' Protocol. In summary, the Head of Paid Service is responsible for the corporate and overall strategic management of the authority as a whole. The Monitoring Officer is responsible for reporting any actual or potential breaches of the law or maladministration to the full council and for ensuring that procedures

for recording and reporting key decisions are operating effectively. The Monitoring Officer is also responsible for promoting and maintaining high standards of conduct generally and provides support to the Standards Committee. The Director of Resources discharges the statutory duties in relation to the financial administration and stewardship of the authority. This includes responsibility for the proper administration of the authority's financial affairs and setting and monitoring compliance with financial management standards.

Expectations of relations between members and officers are set out in the Member/Officer Protocol. The appointment of Chief Officers is covered in the Officer Employment Procedure Rules, which comply with legislation and government guidance.

p) Access by the Public to Meetings

Meetings of the Council and all its Committees are public meetings and may be attended by any member of the public, subject to the exclusion of press and public for specific items in compliance with the 1972 Act (as amended). Members of the public are able to make a statement or ask a question at the beginning of any meeting of the Council, Policy (other than Development Control and Licensing) or Overview and Scrutiny Committee. Arrangements for this are set out in the Statement of Access to Information.

q) Access by the Public to Information

Notices of meetings are published on notice boards and an annual calendar drawn up and made available in a printed leaflet. Agenda papers are circulated to all members of the Council and are available on request (excluding any confidential items) to members of the public. Minutes of meetings are printed and available in a Council proceedings book for each cycle of meetings. Minutes of individual meetings are available on request, including electronically; they will soon be available on the Council's website.

r) Not applicable.

s) Rules and Procedures

Rules and procedures for the management of the Council's financial, contractual and legal affairs are contained in the Council's Financial Regulations, Contracts Procedure Rules and associated procedures. The Council works on a managed audit basis with the District Auditor.

t) Members' Interests

The register of members' interests is maintained by the Council's Monitoring Officer and is available as required.

u) Review of Constitution

The Council has decided to evaluate its new structure and arrangements in March-April 2002. This may result in changes for the Council's year commencing May 2002.