

Committee: COUNCIL

Date: OCTOBER 18, 2005

Title: REVIEW OF THE CONSTITUTION

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510400

Agenda Item

9

Item for
decision

Summary

This report advises members of the results of the consultation on the proposed revised constitution, on the costs of the proposed new structure and on certain issues regarding the implementation of the new structure. It recommends that the revised constitution be adopted with effect from December 14, 2005.

Recommendations

1. That the council notes the report from the consultation exercise and the amendments that have been suggested to the proposed constitution as a result.
2. Specifically, the council should consider lowering the threshold for the consideration of petitions as a result of public and parish feedback.
3. That the council agrees that the revised constitution be implemented from 14 December 2005.
4. That each committee meeting during the next council should receive a report from the lead officer on the implications of the new structure for the work of the outgoing committee and any task groups etc. within its purview and agree any actions they wish to recommend to the council at its meeting of 13 December 2005.
5. That the Chief Executive and Executive Manager (Corporate Governance) be given authority to finalise Part 1 (Summary and Explanation) of the new constitution in consultation with the Chairman of the Council and the leaders of the political groups represented on the council to ensure that decisions taken at this meeting are properly reflected in the final document.

Background Papers

The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

- The working papers and minutes of the Constitution Task Group
- The draft constitution moved and seconded at the July council meeting
- The responses received by mail or e-mail to the consultation exercise
- The current home addresses of members of the council.

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Impact

Communication/Consultation	A consultation has been carried out on this issue and the results are in the Appendix to this report. The new structure once agreed will need to be communicated widely to public and stakeholder.
Community Safety	None
Equalities	The council's constitution is designed to promote fairness and equality: the requirement to keep it under review will allow any adjustments necessary to be identified.
Finance	Marginal variations in the running costs of the structure are identified in section ?? of the report.
Human Rights	The constitution needs to be consistent with all legal requirements including those of the Human Rights Act. The requirement to keep the constitution under review will allow any changes thought necessary to be identified.
Legal implications	
Ward-specific impacts	All
Workforce/Workplace	Some reconfiguration of officer responsibilities in respect of the new committee structure and a likely additional requirement for officer travel as a result of the proposed creation of area panels.

Situation

1. This report is presented to members in support of the debate on the revised constitution.
2. At its July meeting, a revised constitution was tabled. Having been moved and seconded, it is required to lay on the table until the subsequent ordinary meeting of the council. The details of the new constitution are therefore the subject of debate and decision at this meeting of the council.
3. At its July meeting, the council instructed me to carry out a consultation exercise with partners, stakeholders, parish and town councils and the public on the proposed constitution. This report brings the results of that exercise to the attention of members.
4. A seminar for members to discuss the constitution was held on September 17, 2005 at Wicken House, Wicken Bonhunt. At that seminar, members requested more information on the costs of the new structure and that some further consideration be given to the necessary tasks for the implementation of the revisions. Both these issues are addressed in this report.
5. If the council decides not to make substantial revisions to its constitution then much of this report does not need to be considered.

Consultation

6. The following steps were taken to consult all necessary groups on the proposed new constitution:
 - The draft constitution and accompanying reports were placed on the council website;
 - All town and parish councils in Uttlesford and partner organisations in membership of Uttlesford Futures were sent a copy of the report and the draft constitution and were asked for any comments;
 - A letter was published in the local press inviting comments from the general public and referring them to the presence of the relevant documents on the website. Paper copies of the document were available to the public on request, though no such requests were received.
 - At the regular liaison meeting with town and parish councils which took place on September 6, the leader of the council made a presentation of the proposed constitution. The comments made at that meeting by parish council representatives were recorded.
7. Comments were received from seven town or parish councils, 1 member of the public and four partner organisations. These comments are detailed in Appendix 1 to this report.
8. The overall tone of the responses received was supportive, though a large number of points of clarification were sought. This was particularly the case on the role and functioning of the area panels. The revised version of the

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constitution that has been circulated in advance of this meeting goes some way to addressing that point, though full clarity will only be established through budget decisions and by experiencing the actual operation of the panels.

9. A specific point made by respondents was that the proposed threshold for petitions set out in the constitution was too high. It is therefore suggested that, if the council wishes to proceed with this element of the proposed constitution, the threshold should be set at a lower level.

Costs

10. Any identification of the costs of the democratic structures is necessarily an estimate. It is not easy to establish the true costs of the current structure. Any costs associated with the new structure are even less easy to estimate.
11. The main elements of the costs of the democratic structures of the constitution are:
 - The costs of the meetings themselves: room hire, agenda production, preparation of decision lists and minutes, travel costs and member and officer time.
 - The costs of preparing for the meeting: production of reports, time spent in briefing members and officers on the issues arising.
 - The costs of any allowances associated with the various posts and positions within the council's structures.
12. Taking each of these points in turn:
 - the meeting costs issue is addressed in Appendix 2.
 - Costs of preparation should not vary from one structure to another since the time spent on preparing reports and briefing on issues reflects not the number or scope of committees, but the range of work and issues that the council is undertaken.
 - The cost of allowances directly reflects the decisions taken by members on the advice of the remuneration committee. The revised allowances scheme will be finalised at the December 13 meeting of the council and will reflect the decisions members take today.
13. In summary, the anticipated costs of the new structure are not significantly different to that of the outgoing structure. The variation identified in Appendix 2 is well within the margin of error and costs should not be a determining factor in the decisions council makes on the proposed new structure.

Implementation

14. During discussions with members, officers and others on the revisions to the constitution three options have been canvassed for the implementation of the new constitution:

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- That the new constitution be implemented with immediate effect following today's meeting.
 - That the implementation be delayed until the next annual meeting of the council in May 2006.
 - That implementation be delayed until one more cycle of meetings has been completed.
15. There is a significant amount of preliminary work to be done if the new structure is to be implemented. This work has not been done, so immediate implementation is not a viable option.
16. The annual council meeting would be the normal forum for the determination of the size and remits of committees and so on – though not for fundamental revisions to the constitution. The next annual meeting will be held in May 2006. The subsequent annual meeting will not take place until after the May 2007 council elections.
17. Other than the annual meetings, there is no readily available slot in any meeting during the normal cycle for constitutional adjustments to be made. In all likelihood, decisions made in May 2006 would remain in place until the first meeting of the newly elected council in 2007 with no opportunity for adjustment to be made in the meantime.
18. As was stated in paragraph 8 above, the full range of responsibilities and roles of area panels will not be finally clarified until budget decisions are made in February 2006. It would be advantageous for those budget decisions to be made after the area panels and policy committees have had initial meetings to discuss the range of activities and roles they wish to develop.
19. For these reason, it is not my view that implementation should be delayed until May 2006. It is my view that the necessary preliminary work can be completed between now and December 13 and that therefore the implementation of the new structures should take place following that council meeting. This will allow some six months running of the new structure before the subsequent annual meeting and the opportunity for adjustments can be taken at that point.
20. The main heads of the preliminary work required are as follows:
- Agree the size of each proposed committee and who should be members of each;
 - Determine the calendar of future meetings;
 - Identify the future of any task groups, panels, working groups etc and where in the new structure they should fit;
 - Identify any outstanding items in the work programmes of the outgoing committees and their future destination;
 - Identify the necessary changes to the members allowance scheme;

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- Ensure that the summary of the constitution (part 1) reflects the decisions made today, is clearly written and strikes the right balance between completeness and conciseness.

Committee sizes

21. The size of committees is a matter for members to determine from time to time, but in order to allow groups to determine who they wish to represent them on committees it would be helpful to determine the intended sizes of committees at this stage.
22. It is proposed that there should be 44 places on the policy committees and a total of 44 places on the audit, scrutiny and regulatory committees. This will allow members to each sit on two bodies – one policy committee and one other perhaps – as well as sitting as of right as a member of their respective area panel.
23. The size of the committees proposed therefore is:
 - Operations Committee 14 places
 - Community Committee 15
 - Environment Committee 15
24. The two regulatory committees should remain unchanged with fourteen members on Development Control and eleven on Licensing.
25. It is proposed that the remaining two committees should therefore have nineteen members in total. It seems likely that the Performance Select Committee will be carrying somewhat more of a workload than the Review and Petitions Committee and it is therefore proposed that the membership should be as follows:
 - Performance Select Committee 11 places
 - Review and Petitions Committee 8

Calendar of meetings

26. Once the final structure is known, committee staff will develop a revised calendar of meetings to be agreed at the December 13 council meeting. Wherever possible, the calendar will use dates that have already been identified for council or committee meetings. It is assumed that the policy committees and the area panels will continue to meet on a five times a year cycle.

Task groups, outstanding work etc

27. In order to address the full range of task groups, working panels and other items of outstanding work, it is proposed that each committee should receive a report in the next cycle detailing the full range of such issues within its remit and that they be asked to make recommendations to the council as to the

future destination of that work. The respective lead officers for each committee will prepare the necessary reports for committees to consider.

Members Allowances

28. Once the revised constitution is finalised, it will be necessary to ask the Remuneration Panel for their advice on the necessary adjustments to the allowances scheme. A report of those recommendations will be brought to the council meeting on 13 December for any alterations to be agreed.

Finalising the summary

29. The purpose of part 1 of the Constitution is to offer an easy to read summary of the council's procedures for the use of those within and outwith the council. Clearly this must be both well written and accurate. However, it is not suggested that the council should spend its time tonight trying to finalise this draft. It is proposed that the Chief Executive and the Executive Manager (Corporate Governance) be asked to develop a draft which reflects the final decisions of council and agree that draft with the Chairman of the Council and group leaders so that it can be incorporated into the final document.

Risk Analysis

30. The following have been assessed as the potential risks associated with the revised constitution.

Risk	Likelihood	Impact	Mitigating actions
That the proposed constitution does not conform to law	Low	High	The constitution has been based on the model issued by the ODPM.
That the proposed constitution creates an unaffordable structure financially	Low	Medium	Appendix 2 and paragraph 13 summarise this issue. Costs will be monitored and any acceleration in costs incurred will be addressed as they are identified.
That issues are missed in implementation that create difficulties for the customer, partner organisations,	High	Low	Implementation in December rather than October allows greater consideration to avoiding such glitches to be made, but it is still likely that some issues will be missed. However, the opportunity

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councillors or council staff			exists to correct such oversights in May 2006 thereby minimising the impact.
That the new area panels exacerbate division within Uttlesford and lead to inconsistent service delivery or policies	Low	High	The area panels will operate within a policy framework that is determined by the council as a whole. They will not have authority to go outside that framework in their deliberations.

Appendix 1

Summary of representations received

1. During the period since the draft constitution was tabled to the council we have sought views from various partner bodies and the public:
 - all town and parish councils were asked for their views in a letter which was sent at the end of July.
 - The issue was discussed at the Parish and Town Council liaison meeting which took place on September 6.
 - Letters were published in the local press inviting comments from the public. There was also some editorial coverage of the launch of the new constitution.
 - The proposals were publicised on our website and comments invited.
 - Letters were sent to partner organisations in the local strategic partnership asking for views.
2. The table which starts on the next page sets out the issues that were raised in the responses received and the appropriate response. Where the response suggests that members might wish to consider a change to the draft this has been highlighted with a tick in the final column of the table.
3. Where an individual is named in association with an organisation's response, it signifies that the respondent made clear that he or she was responding in a personal capacity.

Respondent	Issues raised	Response	✓
Parish and Town Council Liaison meeting – September 6			
Hatfield Heath PC	How much will area panels cost?	There will be some additional cost in running the meetings of the area panels, but other savings will largely offset this. The issue of costs is addressed in the main report and in Appendix 2.	
Saffron Walden TC (Malcolm White)	<p>To what extent will decision making be devolved to area panels?</p> <p>Why is planning not being devolved?</p>	<p>The draft constitution permits area panels to make decisions about local service delivery in accordance with the overall policy framework of the council.</p> <p>Planning decisions are not being devolved because:</p> <ul style="list-style-type: none"> • Doing so would significantly increase the costs of managing the planning service and might undermine the gains that have been made recently in performance; • Devolution of planning decisions to area panels would have the effect of ‘gagging’ all local councillors on planning matters rather than just those who are members of Development Control Committee. 	

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Respondent	Issues raised	Response	✓
UALC	The main committees will be somewhat larger than they are now – that is likely to mean that there are more people involved in decision making and the decisions will take longer to reach.	The policy committees currently have ten or eleven members. The proposal is to increase this to fourteen or fifteen. It might increase the length of some discussions, but we do not think the increase will be significant. The broader remit of the policy committees reduces the scope for overlapping or confused responsibilities and would therefore reduce the number of times that a given issue would need to be discussed. This gain would outweigh any loss that might arise from longer discussions at given meetings.	
Ashdon PC	Will there be direct parish representation on area panels?	The constitution allows for co-option but not for direct representation of parish councils. Co-opted members of a panel would not be voting members since this would be unlawful.	
Saffron Walden TC (Cllr Shibata)	There is a danger of divisiveness emerging from the area panels.	This is the reason that area panels will be required to act within the scope of the overall policy of the council.	
Ashdon PC	Internal-only scrutiny is bound to be ineffective.	This may be true, but we are required by law to have a scrutiny function. Local interest, the Audit Commission and other inspection regimes do expose the council to a significant level of external scrutiny.	

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Respondent	Issues raised	Response	✓
Parish Council written responses			
Great Canfield PC	Unable to respond until after they meet in October	No further response from Great Canfield has been received.	
Birchanger PC	In general a 'model constitution' but how can Birchanger be involved – it has been missed off the list of parishes in areas	Birchanger was omitted in error from the definition of areas. It belongs in the proposed South West area and this has now been rectified.	
Keith Beeson, Wendens Ambo PC	<p>The area of Parish Council-District Council relations is omitted from the document. The whole document does not put the District Council within a context of a partnership with the Parish Councils that make up the district, giving Parish Councillors a recognised role. At the moment I feel that Parish Councillors are given scant respect, and no acknowledgement is given to their democratic accountability.</p> <p>Where a Parish Councillor (given appropriate warning and within the appropriate context) addresses the council or one of its committees, and asks that members present should vote on a proposition put by that Parish Councillor, then the guidance in the constitution given should be that the Chair should normally permit a vote to take place if a District Councillor supports the proposition.</p>	<p>This may be clearer now in the revised version. However, the constitution is a statement of our internal processes rather than a statement of policy towards other organisations.</p> <p>In most cases, parish councillors have no additional rights to those of the general public. In the interests of clear accountability, it would not be appropriate to vary this practice in the way suggested. Elected members of this council are the only ones who have the kind of standing that Mr Beeson suggests within our processes. The same 'restriction' would apply to members of parliament, the European Parliament or County Councillors.</p>	

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Respondent	Issues raised	Response	✓
Keith Beeson, Wendens Ambo PC (cont)	<p>The section on the "free votes" for members in planning issues strikes me as being odd as I have noted clear political lines of voting on planning issues, indeed I have heard the statement "I oppose this development but cannot vote against my group" at meetings of Development Control Committee. It seems to me that the Constitution should either include some sanction to ensure free voting takes place or it should drop it entirely and replace it with a statement that groups should make prior declarations of their positions before any matter is discussed.</p> <p>The section on Site Visits should be changed so that as many Parish Councillors who wish to be present should be welcome to attend and that one Parish Councillor should be invited to address the District Councillors present for a period of time to be specified by the Chair at the time. The current practice is quite unacceptable from many points of view.</p>	<p>If Mr Beeson has evidence of this statement actually being made then he should report it to the monitoring officer since it would be a clear breach of standards. Officers have no recollection of any such statement, nor does it appear to officers that votes within Development Control are ever along party lines.</p> <p>See the earlier comments regarding the status of parish councillors.</p>	

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Respondent	Issues raised	Response	✓
Keith Beeson, Wendens Ambo PC (cont)	<p>The management of the public participation at Development Control can be improved (this is something for members and officers to look at outside the constitution: a short briefing document on procedure, a personal welcome and indication of timing). Where there is public participation, I agree the 3 minutes for a Parish Councillor, followed by someone for the scheme and someone against the scheme. This should be then followed by any appropriate comment by officers present, debate by members and any concluding comment from officers. However from my experience and observation it would make enormous sense for the Parish Councillor present to be asked if he/she wished to make any further observations before the matter was put to the vote. It would also make sense, where there is a really major or contentious issue involved, for all speakers to be given the opportunity to use the presentation aids available in the council chamber and/or to distribute additional information to members. I have noted, at times, that the need to get through the business of the meeting within a strict timescale is given more import than making sensible, well-reasoned decisions.</p>	<p>The comments are noted, and the Executive Manager (Development Services) will consider them as part of the normal review of practice at Development Control Committee. The suggestions are beyond the scope of the current exercise.</p>	✓

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<p>Keith Beeson, Wendens Ambo PC (cont)</p>	<p>The management of planning applications by officers under delegated posers needs to be given a little more thought. At present the only way a Parish Council can ensure that its views are taken on board is by making the application go through the Development Control Committee procedure: this is excessively bureaucratic and costly, a better way is needed. Where a Parish Council has specified a condition in a planning application that officers plan to disregard, then I propose that officers should give the Parish Council seven days notice that this is their intention so that the Parish Council could arrange for the planning application to be considered by Development Control Committee if this was its wish. If you want a classic good example of where this would have helped, I just whisper "Courtlands".</p> <p>One small point of detail: I think the constitution should specify that the minutes of any council meeting should be available on the website within 5 working days of the date of any meeting. (You may get it faster, in which case, better.)</p>	<p>See comment above</p> <p>Minutes are already published as swiftly as they become available after the meeting. The internal target is that they should be published within ten working days. Decision lists are published within a statutory deadline to support the scrutiny power to recall a decision made.</p>	<p>✓</p>

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Respondent	Issues raised	Response	✓
Keith Beeson, Wendens Ambo PC (cont)	The section related to press relations is not appropriate in a modern democracy. The constitution should say that all statements on Council Policy and the Implementation of Policy will be made by Council Officers under the guidance of the Chief Executive, normally through official statements issues in writing by the Press Officer. All statements made by Members, whether as part of Council statements or otherwise, should be considered as being political and as such are entirely the responsibility of the Member concerned. It should be entirely up to Members to say whether any views they express are their personal views, their party's views or the council's view: the press is pretty well trained these days and will either ask or work it out.	This comment does not reflect an accurate understanding of the respective roles of officers and members in a local authority. It is for elected members – particularly those in leadership positions – to speak for the council's policy. No changes are suggested to this approach.	
Malcolm White, Saffron Walden TC	1) What is the raison d'etre of the Constitution? Is it a statutory requirement? If not why is it being produced	1) Yes - we must have a constitution, the law requires it, though the review that we have been undertaking was started as a political initiative as part of the original Quality of Life Plan	

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Respondent	Issues raised	Response	✓
<p>Malcolm White, Saffron Walden TC (cont)</p>	<p>2) What is the relationship between the Constitution and your Standing Orders? It seems to me that there is a lot of repetition between the two documents</p> <p>3) What procedures are there for taking action to enforce the Constitution? For example would an Ombudsman uphold the Constitution even if the Council had decided by a majority vote to breach it?</p> <p>4) Is there a danger of tying the Councils hands in decision making? For example Part 2 (1.4) states interalia "...the Council will always choose that option... etc." and Sec 14.2 "All decisions of the Council will be made in accordance...etc" (my italics). What happens if the Council wants to ignore that? - See 3) above</p>	<p>2) The standing orders should set out the rules for meetings of course, whereas the constitution is more about the function of the different parts of the structure. Some of the repetition is a result of the use of the ODPM's model constitution, other points have been tidied up in the redraft. Further improvement is no doubt possible, but duplication is better than contradiction</p> <p>3) If we breached our constitution in reaching a decision then we would be subject to both an ombudsman's finding of maladministration and potentially a judicial review of the decision that was reached in breach of our own rules</p> <p>4) See above - the council has to obey its own constitution, and (you touch on some of this later in your response) it is therefore important not to be needlessly specific.</p>	<p>✓</p>

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Respondent	Issues raised	Response	✓
<p>Malcolm White, Saffron Walden TC (cont)</p>	<p>5) Article 3 Citizens Rights seems remarkably short! What about the right to lobby members?; the right to stand at elections etc. The section seems rather piece meal.</p> <p>6) Article 4 Policy Framework seems very prescriptive. I can remember (Oh Happy Days!) when none of these plans or strategies existed. The point I am trying to make is that new policies and strategies are always emerging. What provision is there for incorporating them into the Constitution? Do you need a catch all phrase - "...and any other such policy or strategy that the council may determine?</p> <p>7) Article 6 Policy Committees. Perhaps the naming of the committees needs looking at. Whilst I can see why environmental health matters comes under the community committee, it does seem rather silly to then have an Environment committee with that name. At the very least it's confusing!</p>	<p>5) The section is designed to cover only those points where a citizen might touch our own formal processes - lobbying and elections are outside of that - but there may well be merit in a separate publicly available document on how the public can engage with the council. We will examine that following the completion of the review.</p> <p>6) This section has been redrafted to make it more flexible.</p> <p>7) Noted – there have been many suggestions for the names of committees. Council should decide this issue at its October meeting.</p>	<p>✓</p> <p>✓</p>

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Malcolm White, Saffron Walden TC (cont)	<p>8) Article 7. And now I'm getting really confused!! 7.1 talks of two other Committees, Performance Select and Review and Petitions., but then 7.3.1 and 7.3.2 talks of Policy Development and Review and Scrutiny. Are these additional committees? Or are they (as I suspect) functions of the two committees mentioned in 7.1. And where has the Overview and Scrutiny Committee mentioned in 7.4 suddenly appeared from?!! Even the flow charts at the back of the document don't make this very clear. Whilst this is explained (partially) in Part 1 it seems illogical not to be clear in the main body of the document.</p> <p>I'm sure this is all logical to you, but I certainly don't think it is to outsiders</p>	8) Yes - they are intended to be functions not further committees – we have significantly revised and – I hope – clarified this section since the original draft.	

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Malcolm White, Saffron Walden TC (cont)	9) Article 10 Area Panels. Ah!! Now you're beginning to talk my language! I think the general principle of area panels is fine and the North area seems logical, although I note your problems with the 40% rule.	9) Area Panels are primarily written as internal bodies to deal with DC matters - and I know there are differing views among members about the inclusion of Parish Councils on them. They are not intended to be in competition with parish councils, but to offer a more local channel for concerns and issues that affect particular parts of the district to be considered. I would expect that PCs and TCs would be invited to attend meetings at least, and perhaps some co-opted as non-voting members of the panel. Delegation of functions to town or parish councils would need to be agreed by the Council or by a main policy committee rather than the area panel.	

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<p>Malcolm White, Saffron Walden TC (cont)</p>	<p>Questions on this:- What is the relationship between these area panels and the Parish Councils within the areas? Will the area panels have powers of delegation to PC's? Will/can PC's be represented on the area panels?</p> <p>I note elsewhere that the council will not delegate planning or licensing powers - why not?. SWTC feel particularly strongly that there is scope for delegation of planning powers to, at least an Area Committee and it is, of course, practiced in numerous other Councils (well certainly W. Somerset DC!)</p> <p>In respect of the functions of the committees it seems a bit anomalous to include recycling and waste collection and disposal in a different committee from Environmental Health. Surely these matters are related and are much closer to "...public Health, hygiene and welfare" in Sec 5 of the Community Committee, than car parking or building control?</p>	<p>On the questioning of licensing and DC, there are two different answers. On Licensing the law requires us to have a Licensing Committee to make these decisions and only that committee (or a sub-committee of that committee) can make the decision. There could be a 'North Area Licensing Sub-Committee' but this could not be the Area Panel as currently described.</p> <p>This does not preclude us, at some point, looking to delegate certain types of planning matters to parish or town councils, nor from using the area panels as a vehicle for discussing and developing planning policy.</p> <p>This is addressed above.</p>	<p>✓</p>
<p>Great Dunmow Town Council</p>	<p>Support the principle of area panels</p>	<p>Noted.</p>	<p></p>

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Partner Consultation			
Essex County Council	Happy to support the proposed changes which should bring both inclusive debate and policy development and allow decision making on operational issues to be taken at the lowest possible level	Noted	
Essex Police	No comments	Noted	
Local Agenda 21	<p>PROCEDURE AND STYLE OF DEBATE</p> <p>It is good that emerging issues should be debated before policy recommendations are made. However the proposed constitution does not make clear the procedures for involving stakeholders and the public in the preliminary consideration of emerging issues. Such procedures would complement those proposed in the Statement of Community Involvement.</p> <p>Again, the involvement of stakeholders etc. could be spelled out in the Annual Work Programme.</p>	<p>The Statement of Community Involvement relates to the development of the Local Development Framework. A more general statement of our policy and approach to this would be useful and is to be developed, but it is not within the scope of the constitutional review.</p>	

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Local Agenda 21 (cont)	<p>The full Council Meeting should not develop into a formal ‘rubber stamping’ meeting. The public are entitled to know what their elected representatives think about the issues being decided, especially if opportunities to witness or participate in the formulation of policy are limited.</p> <p>WORKSHOPS</p> <p>We agree with the recommendations</p> <p>REPORTS AND PAPERS</p> <p>10. An assessment of an issue’s impact on the environment and on sustainable development should be included.</p> <p>MEMBER INFORMATION</p> <p>We welcome the move (bullet 4) to ensure that officers as well as members are kept informed of the main issues beyond their immediate responsibilities. This is particularly important with regard to sustainable development issues.</p>	<p>These proposals are designed to ensure that full council becomes a more effective debating forum that it currently is. A genuine local forum, not a rubber stamp.</p> <p>Noted</p> <p>This requirement could be incorporated into the standard committee format.</p> <p>Noted</p>	<p>✓</p> <p>✓</p>

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Respondent	Issues raised	Response	✓
Local Agenda 21 (cont)	<p>COMMITTEES</p> <p>We welcome the terms of reference of the committees, but with respect to the new Environment Committee, the planning of land use, infrastructure and economy <i>within the context</i> of environmental sustainability and sustainable development should be made explicit to avoid inappropriate trade-offs.</p>	<p>The remit of committees is defined by subject matter not policy objectives: the council's policy is to promote sustainability in the way suggested, but not all policies are written into the constitution.</p>	✓
	<p>REVIEW AND PETITIONS COMMITTEE</p> <p>It is not clear whether the distinct functions of review and monitoring, which take place at different stages in the process, are made sufficiently explicit.</p> <p>The ability to petition for an issue to be considered by the Council should be made available to groups of organisations within Uttlesford as well as to Parish/Town Councils and groups of residents.</p> <p>The threshold for petitions to be considered seems to have been set too high. An issue might be serious without being relevant to a geographical area as widespread as 5 Parish Councils or 500 residents. We suggest 3 Parish Councils or Organisations/Clubs operating in Uttlesford, and 50 residents.</p>	<p>The issue of the threshold for petitions is addressed in the main report. Hopefully the redrafted section on the role of the Review and Petitions Committee is less ambiguous.</p>	✓

Review of the Constitution

Council Meeting, October 18, 2005, Item 9

Respondent	Issues raised	Response	✓
	<p>FURTHER COMMENTS</p> <p>It is unclear how the recommendations and activities of non-statutory bodies with which the Council works (eg. Uttlesford Futures and LA21) are to be reported and fed into the policy formation process.</p>	<p>See earlier comments regarding the Statement of Community Involvement.</p>	
<p>David Westcott, Uttlesford CVS</p>	<p>I do not see anything in the content that is likely to change the relationship that CVSU has with the Council or the working of Uttlesford Futures. I assume that matters relating to policy for the voluntary sector will fall under the 'Community' Policy Committee'.</p> <p>My only observation would be the lack of any reference to the voluntary sector under that heading, in view of the importance that the Council places on partnership working.</p>	<p>The overall policy for the voluntary sector would sit within the remit of the Community Committee. Relations with individual voluntary groups will be dealt with according to the nature of the particular group's remit.</p> <p>A reference making this clear could be added to Article 6 of the Constitution.</p>	<p>✓</p>

Review of the Constitution

Council Meeting, October 18, 2005, Item 9

Respondent	Issues raised	Response	✓
Uttlesford PCT	<p>We note the changes being proposed re the Overview & Scrutiny Cttes and the associated name changes. This is more of a terminology issue but as you know the Healthcare Commission is now planning to consult with OSCs re PCT assessments. As the HCC is using the term 'Overview & Scrutiny' (and this is being applied nationally) it would be helpful if within the new UDC arrangements this same terminology could be used to provide consistency and avoid confusion.</p> <p>As you will be aware there are significant changes being proposed to the structure of the NHS in Essex. The future may well see PCTs working across more than one District/Borough Council area. Are the proposed changes to the constitution and structure within UDC in line with the structures and constitutions of other councils across Essex (other than Unitaries). Clearly it would be beneficial to future PCTs working across more than one area if this were case.</p>	<p>The comments on terminology are noted. Members may wish to change the proposed name of the Review and Petitions Committee to the Scrutiny Committee.</p> <p>This constitution is quite different to those of other councils – in particular since we do not have a cabinet system. While there might be benefits in consistency with neighbours, members primary concern should be that the policy making structures within UDC are fit for local needs.</p>	✓

Review of the Constitution

Council Meeting, October 18, 2005, Item 9

Respondent	Issues raised	Response	✓
Public Responses			
Peter Riding, Saffron Walden	<p>One point struck me relating to the proposed mechanism by which members of the public can place an issue on the council's agenda. This is a positive step forward but, to be effective in actually identifying public concerns, the minimum number of signatures should be less than 500 - I would suggest 100.</p> <p>After all "such petitions would be considered in the first instance by the Review and Petitions Committee before being either dismissed or referred to the appropriate member body or officer for further consideration" - so there is no danger of mob rule! It would give an important signal to the public who currently usually express the view that it is not worth doing anything because "they" decide everything!</p>	This point is addressed in the main body of the report.	✓

APPENDIX 2

Estimated Cost of Proposed Committee Structure

**Number of
Meetings p.a.**

Current Structure

5 policy committees x 5 meetings	25
2 Road Safety committees x 4 meetings	<u>8</u>
	33

Proposed Structure

3 policy committees x 5 meetings	15
3 area panels x 5 meetings	<u>15</u>
	30

Reduction in number of meetings	3
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Cost implications £

Room Hire etc

North Area Panel (at London Road offices)	0
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East Area Panel (At Dunmow offices)	0
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SW Area Panel (At Stansted Day Centre, 4 hours x £8 per hour x 5 meetings per annum)	160
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Review of the Constitution Council Meeting, October 18, 2005, Item 9 Savings on Saffron Walden stewarding, heat and light by having 5 meetings in Stansted	(350)
Refreshments for 5 Stansted meetings	50
Agenda Production 3 meetings x average 60 page agenda x 1.5p per page x 80 copies of each	(220)
Transport costs Assumed 9 non-Saffron Walden Members no longer travelling average of 40 miles to 2 policy committees x 5 meetings a year x 40p per mile	(1440)
Less 15 meetings of area panels each year, with 15 Members attending each with average round trip of 20 miles x 40p per mile	1800
Officer travelling costs re Area Panels	<u>200</u>
Estimated additional cost of new structure	£200