

**AMENDMENTS TO THE CONSTITUTION RECOMMENDATIONS BY THE CONSTITUTION TASK GROUP AND  
CONSEQUENTIAL AMMENDMENTS**

<b>Location</b>	<b>Provision</b>	<b>Delete</b>	<b>Insert</b>	<b>Reason for amendment</b>
Part 1 Summary	What's in the Constitution	"Area Panels"	"Area Forums"	Constitution Task Group recommendation
	How decisions are made	"3 Area Panels"	"2 Area Forums"	Constitution Task Group recommendation
		"deal with"	"consult on"	Constitution Task Group recommendation
	Citizens' rights		After "Standards Board for England" insert "or (from a date to be fixed) to the Standards Committee of the Council"	Change in legislation
		Mick Purkiss's name and contact details	Those of Peter Snow	
Part 2 Articles of the Constitution	Article 1 para 1.5	After "Scrutiny Committee" delete "and"; after "Performance Select Committee delete "8" Delete "and 11	"8"  Insert "and 9"	Correction of error

		Area Panels”		Constitution Task Group recommendation
	Article 2 para 2.2	2007	2011	Update
	Article 3 para 3.1.5.(iv)		After “Standards Board for England” insert “or (from a date to be fixed) the Standards Committee of the Council”	Change in legislation
	Article 4 para 4.2.11	“task groups and”		Correction of error
	Article 7 para 7.2.8	“or area”		Constitution Task Group recommendation
	Article 8 para 8.2	“area”	“district”	Clarification
	Article 10 para 10.3.8 to be renumbered 10.3.9	“10.3.8 (from a date to be fixed) determining whether complaints regarding alleged breaches of the Members Code of Conduct should be referred to the Monitoring Officer or the Standards Board for investigation.		Change in legislation
	Article 10.3.9 (renumbered)	“10.3.7”	“10.3.9”	Change in legislation

	Article 11	Entire article	Attachment A	Constitution Task Group recommendation
	Article 14 para 14.7		After “resources to the” in the heading and after “The Council will provide the” in the text insert “Head of Paid Service”	To reflect current legislation
	Article 16 para 16.5	“any two persons” “categories”	“anyone” “list”	To expedite the sealing of documents when required
	Article 17 para 17.1	“task group”	“working group”	Constitution Task Group recommendation
	Article 17 para 17.5	“of the Council”		To clarify the position of Chairmen of Committees
Part 3 Rules of Procedure	Rule 1.2		New 1.2.4 “receive nominations for the positions of chairman and vice-chairman of the two Area Forums, ratify those nominations and appoint the chairmen and vice-chairmen”. Renumber existing 1.2.4 as 1.2.5	Constitution Task Group recommendation
	Rule 22	“Rules 3 – 20”	“Rules 3 – 21”	To clarify the position of Chairmen of Committees
Access to Information Procedures Rules	Rule 4	“Area Panels”		Constitution Task Group recommendation
	Rule 11.10(v)	“any of paragraphs 1 –	“paragraph 1”	Correction of error

		15”		
Financial Procedure Rules	Rule 1		Fourth paragraph after “Chief Executive” insert “Assistant Chief Executive”	To redefine the Strategic Management Board
	Rule 1	Fifth para “Director” After “delegated to another officer” delete “by the Director”	“member of the Strategic Management Board”	Arising from re-definition of SMB
	Rule 2.5	“Directors”	“the Strategic Management Board” After “to consult” insert “collectively and individually”	Arising from re-definition of SMB
	Rule 2.6.1 & Rule 3.3.2,	“Directors”	“the Strategic Management Board”	Arising from re-definition of SMB
	Rule 3.3.3, 4.3, 5.2, 5.3 & 6.2	“Directors”	“members of the Strategic Management Board	Arising from re-definition of SMB
	Rule 3.3.6 & 4.6	“Executive Managers”	“the Strategic Management Board”	Arising from re-definition of SMB
	Rule 5.2	“directorates”	“areas of operation”	Arising from re-definition of SMB
	Rule 5.3	“the Directors”	“that person’s”	Arising from re-definition of SMB

Part 4 Scheme of Delegation	Policy Committees Overall Role	The whole of para 8		Constitution Task Group recommendation
	Delegation to all Policy Committees	Para 4 “and working parties”		The expression “working parties” does not appear elsewhere in the Constitution. The appointment of working groups is limited to Full Council
	Para 7	The whole paragraph		Constitution Task Group recommendation
	Community Committee – Terms of Delegation	The whole of para 6	“The preparation, implementation and monitoring of Housing Programmes”	The Environmental Health work programme is in the remit of that Committee
	Para 11	The whole paragraph	“Animal welfare and licensing, the control of stray dogs, dog fouling and dog control orders”	To reflect a change in legislation
	Para 26		After “Culture Strategy” insert “ and Play Strategy”	Updating
	Para 35	“Community Safety Strategy”	“Strategic Assessment and Partnership Plan”	Updating
	Para 39	The whole paragraph	“The determination of the Council’s role in the “Every Child Matters” agenda”	Updating/government initiative
Environment Committee – Terms of Delegation	Para 12	The whole paragraph		Updating
	Para 16	“of		To reflect a change in

		decriminalisation”		legislation
Finance and Administration Committee – Terms of Delegation	Para 2.7	“and are carried out by the Council’s Direct Services Organisation”	After “pursuant to contract” insert “that”	Updating/correction
Licensing Committee – Terms of Delegation	Para 1.7	“Dairies”		Updating
	Para 2		After “meetings with the” insert “Uttlesford Licensed Operators and Drivers Association, the”	Updating
	Internal Audit Partnership	The whole section		Partnership no longer exists
	Area Panels	The whole section		Constitution Task Group recommendation
	Delegation to Chief Officers	The whole section	Attachment B	Arising from restructure of SMB
Part 5 Codes and Protocols	Member Officer Protocol para 2.2	Delete all	2.2 A member must treat others with respect and must not: -  2.2.1 do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the	Change in legislation

			<p>Equality Act 2006);</p> <p>2.2.2 bully any person;</p> <p>2.2.3 intimidate or attempt to intimidate any person who is or is likely to be:-</p> <p>2.2.3.1 a complainant,</p> <p>2.2.3.2 a witness, or</p> <p>2.2.3.3 involved in the administration of any investigation or proceedings,</p> <p>in relation to an allegation that a member (including him/herself) has failed to comply with the Council's Code of Conduct;</p> <p>2.2.4 do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority</p>	
	Anti Fraud Policy Guidance		Before "Chief executive" insert "Assistant"	Arising from restructure of SMB

	Notes Para 3.2			
	Gifts and hospitality guidance para 1	<i>"The Councillors and Officers' Registers of Gifts or Hospitality"</i>	<i>"The Officers' Register of Gifts or Hospitality"</i>	Change in legislation
	Paras 3 & 5	"or Member's assistant"		Post no longer exists
	Procedures for dealing with complaints of misconduct against Members of the Council para 1	Delete all	<p>"1.1 Any complaint of misconduct against a member of the Council should be made in writing to the Standards Board for England Fourth Floor Griffin House 40 Lever Street Manchester M1 1BB or from a date to be fixed to the Standards Committee of the Council c/o The Monitoring Officer Uttlesford District Council Council Offices London Road Saffron Walden Essex CB11 4ER or electronically to mperry@uttlesford.gov.uk. Advice regarding a potential claim can be obtained from the Monitoring Officer or from the Standards Board at the stated address or by accessing its website at www.standardsboard.gov.uk</p> <p>1.2 There is no restriction on who may make such a complaint. Complaints may be made by Councillors, officers of the Council or by members of the public.</p> <p>1.3 For the purpose of these procedures,</p>	Change in legislation



			<p>"misconduct" means any conduct by a member which is in breach of: -</p> <ul style="list-style-type: none"> <li>• The Councillor's Code or</li> <li>• A breach of the Member/Officer Protocol or</li> <li>• The Code of Practice: Probity in Planning or,</li> <li>• The Code of Practice: Probity in Licensing</li> </ul> <p>or any revisions to any such codes or protocols</p>	
	Para 2.1	"The Standards Board"	"A sub-committee of the Standards Committee" and add at the end of the paragraph "Any such meeting for this purpose is likely to be exempt from the Access to Information Rules."	Change in legislation
	Paras 2.2 – 2.3	Delete all	<p>"2.2 If the sub-committee are of the view that it does not it will notify the complainant accordingly and notify the complainant of his or her right to request a review of that decision by a differently constituted sub-committee of the Standards Committee. There is no right to challenge a second decision not to refer a complaint for investigation other than by way of an application to the High Court for judicial review.</p> <p>2.3 If the sub-committee are of the view that the complaint does merit investigation it may either refer the case to the Council's</p>	Change in legislation

			<p>Monitoring Officer who will carry out an investigation or arrange for an investigation to be carried out on his or her behalf.</p> <p>2.4 The purpose of the preliminary consideration is to exclude complaints:-</p> <p>(a) which are frivolous or unsupported by any reliable information, or</p> <p>(b) which fall outside the scope of the Standards Committee's remit"</p>	
	Para 3.1	Delete all	<p>"3.1 In the event that a complaint is referred to the Monitoring Officer for investigation the investigator may:-</p> <p>(a) Find that there is no evidence of a failure to comply with the Councillor's Code in which case a report will be prepared for consideration by the Standards Committee. The Committee may either accept the Monitoring Officer's findings or may require a hearing before the Committee or</p> <p>(b) Find that there has been a breach of the Code in which case a report will be prepared by the investigator and the Standards Committee must hold a hearing.</p>	Change in legislation

			(c) Prior to holding a hearing the Standards Committee or a sub-committee thereof will meet to consider what steps need to be taken to enable the hearing to proceed fairly and expeditiously. If at that meeting the Committee or sub-committee are of the view that of the allegations are substantiated then the Committee's powers of sanction would be insufficient it may refer the matter to the Adjudication Panel for England. The Panel may accept the reference and hold a hearing to determine whether there has been a breach and if so what the appropriate sanction should be or may refuse to accept the reference and refer the case back to the Standards Committee to hold a hearing."	
	Para 3.2	Words in first set of parentheses		Change in legislation
	Para 3.3	"Ethical Standards Officer" All words after "investigation"	"Monitoring Officer"	Change in legislation
	Para 3.4	"Monitoring Officer's"	"investigator's"	Change in legislation

	Para 3.5, 4.2 & 4.3	“Monitoring Officer”	“investigator”	Change in legislation
	Para 5.1	“three months”	“six months”	Change in legislation
	Para 5.2	Delete all		Change in legislation
	Para 7.2	“not” from the first line and “to the Monitoring Officer for investigation but is referred”		Change in legislation
	Para 7.3	All words after “the Tribunal may”	“take any of the steps open to the Standards Committee (save that in the case of suspension the Tribunal may suspend for up to one year) or may disqualify the Member from being a Member of the Council and any other relevant authority for a specified period not exceeding five years.”	Change in legislation
	Para 7.4		Add “on a point of law only with the permission of the High Court.”	Change in legislation
	Code of Corporate Governance para 2.1	“Three Area Panels meet five times a year to deal with issues of local interest”	“Two Area Forums meet three times a year to discuss issues of local interest.”	Constitution Task Group recommendation
	Para 5.3.4	Delete all	“the Council’s Standards Committee about a breach of the Councillor’s Code of Conduct.”	Change in legislation
	Paras 6.1.1 & 6.1.2	Delete all	“6.1.1 The Council’s internal audit team is charged with independently monitoring the Council’s activities; to review and report on compliance with policies, plans and procedures; to ensure good standards of	To reflect dissolution of the Stevenage Uttlesford Internal Audit Partnership

			<p>financial management; the soundness of accounting and other internal controls; the safeguarding of the Council’s assets; and the prevention and detection of fraud.</p> <p>6.1.2 The audit team is responsible to The Performance Select Committee. The audit manager reports to the Assistant Chief Executive. Copies of audit reports are issued to relevant Officers and Members for action and information.</p>	
	Para 7.4	“which it is currently updating”		Task completed
	Para 9.4	“this” from the first line		Word superfluous
	Para 9.5	Delete all	“The Council has an agreed Communications Strategy.”	Task completed
	Para 9.6.1	Delete all	“Examples of where the Council has minimised risk through seeking specialist advice include the employment of external advisers and partnering with other local authorities to assist with the planning application for expansion of Stansted Airport.”	Updating
	Add new		<p>9.6.5 “The Council has a Risk Management Strategy and has embedded processes for managing risk. These requires the Council to:</p> <p>9.6.1.1 identify corporate, operational and project risks</p>	Updating

			<p>9.6.1.2 assess the risks for likelihood and significance</p> <p>9.6.1.3 identify mitigating controls</p> <p>9.6.1.4 allocate responsibility for the mitigating controls</p> <p>9.6.1.5 regularly report on the status of risk management arrangements</p> <p>9.6.6 The Council maintains and reviews a register of its risks, particularly those linked to corporate objectives and assigns ownership for each risk. This includes risks in relation to significant partnerships.</p> <p>9.6.7 The Council’s Risk Management Steering Group meets regularly and has adopted appropriate terms of reference. This includes matters relating to insurance, business continuity and health and safety.</p> <p>9.6.8 Reports to support key decisions and project initiation documents include a risk assessment.</p>	
	Protocol on Procedure for Call-in paras 3 & 4	“Director of Communities”	“Head of Partnership and Performance”	Arising from management restructure

Part 6 Members Allowances			<p><b>“6. Suspension of a Member</b></p> <p>Where a Member is suspended by the Standards Committee or the Adjudication Panel in whole or in part the Member’s allowance, or in the case of a partial suspension a proportion thereof, shall be suspended.</p> <p><b>7. Absence of Committee Chairmen</b></p> <p>In the case of the extended absence of a Committee Chairman from Council duties (3 months or more) then the relevant Vice-Chairman shall be remunerated on a pro rata basis as if the Chairman until such time as the Chairman returns to his/her duties.</p> <p>Re-number existing para 6 as para 8</p>	To incorporate a motion of the Council on 14/12/04
Part 7 Structure of the Council		“Area Panels”	“Area Forums”	Constitution Task Group recommendation

Part 8 Role of Members	Role of Chairmen of Area Forums para 3	All		Constitution Task Group recommendation
	Paras 5 & 8	“Panel”	“Forum”	Constitution Task Group recommendation
	Para 7	All		Constitution Task Group recommendation
Part 9 Management Structure		All	Attachment C	Arising from management restructure
Part 10 Joint Arrangements	The Stevenage and Uttlesford Audit Partnership	All		To reflect dissolution of the Stevenage Uttlesford Internal Audit Partnership
	New final paragraph		<p><b>Braintree Procurement Hub</b></p> <p>The Council operates in partnership with Braintree, Castle Point, Epping Forest and Maldon District Councils and Colchester Borough Council through a hub to secure economies of scale in procurement.</p>	To provide further examples of partnership working