

Committee: Governance, Audit and Performance

Date: Thursday,

Title: Proposed amendments to the
Uttlesford District Council Constitution

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Summary

1. At the instigation of the Monitoring Officer, an exercise has been conducted to:
 - (a) review the Council's Constitution in order to ensure its fitness for purpose; and
 - (b) consider more generally whether existing governance procedures in the Constitution are in conformity with best practice.
2. As a result of the exercise, several sections of the Constitution (as specified by the Monitoring Officer) were examined and the following were identified as being in need amendment and/or updating:
 - The provisions in the Council Procedure Rules relating to abridgment of time for calling extraordinary meetings.
 - The Officer Employment Rules (relating to Statutory Officer Disciplinary and Dismissal Procedures).
 - Councillor role descriptions.
 - The functions and terms of reference of the Governance, Audit and Performance Committee, and the Standards Committee.
 - The provisions in The Council Procedure Rules relating to motions.
3. The amendments proposed are set out in the appendices to this report as tracked changes to the relevant sections of the Constitution.

Recommendations

4. That the Committee recommends to Council that the proposed amendments and additions to the Constitution set out in the appendices (Appendices A-E) to this report be approved and adopted.

Financial Implications

5. There are no financial implications deriving from this report.

Background Papers

6. None.

Impact

7.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	Notice of amendments will allow for advance consideration of any legal implications.
Sustainability	N/A
Ward-specific impacts	None
Workforce/Workplace	None

Situation

8. Reviews of the Constitution are conducted periodically in order to ensure that it is fit for purpose and that it reflects best practice.
9. The rationale for proposed changes set out in the appendices to this report can be summarised as follows:
 - There is currently no provision in the Council Procedure Rules which permits the abridgment of the five-day notice period for calling extraordinary Council meetings. The proposed amendments to rule 5 of the Council Procedure Rules and to rules 5 and 6 of the Access to Information Rules will permit the calling of an extraordinary meeting with less than five days' notice, thus enabling the Council to deal with genuinely urgent business in a timely fashion. There is also a proposed amendment to rule 3 of the Council Procedure Rules, enabling the Chief Executive to call an extraordinary meeting.
 - Amendments to rule 8 of the Officer Employment Rules are needed to incorporate additional provisions relating to the disciplinary and dismissal procedures applicable to the Chief Executive, the Monitoring Officer and the Chief Finance Officer. The amendments expressly permit any disciplinary and dismissal procedures relating to these officers to be conducted in accordance with the Council's Disciplinary Policy, which provides for additional procedural steps (over and above those set out in rule 8) to be followed.

- In accordance with best practice, it is proposed that a new section headed “Principal Councillor Role Descriptions” (comprising detailed descriptions of the roles and responsibilities of the Leader/Deputy Leader, and the Chairs/Vice-Chairs of the Council, the Governance, Audit and Performance Committee, the Standards Committee, the Scrutiny Committee, and the Regulatory Committees) be added to Part 3 of the Constitution (this will also necessitate consequential amendments article 2.3 at Part 2). The role descriptions will provide clarity and transparency in respect of the roles to which they relate. The Committee will note that, in the case of the Chair and Vice-Chair of the Council, it has a choice of two role descriptions, with the second option having no requirement for impartiality.

- The terms of reference of the Standards Committee and the Governance, Audit and Performance Committee (set out in Part 3 of the Constitution) have been revised and updated so as better to reflect their roles and functions and in the case of the latter Committee, to add a responsibility for information governance to its remit (with a consequential amendment to article 8 at Part 2).

- With regard to the proposed revised terms of reference of the Governance, Audit and Performance Committee, it should be noted that:
 - i) paragraphs 1, 2, 4, 5, 6, 8, 9, 21, 22, 27, 28, 32 and 33 are derived from the Chartered Institute of Public Finance and Accountancy (CIPFA) guidance template; and
 - ii) paragraph 31 is in the alternative: either
 - a) the original text is retained, subject to the proposed deletion of sub-paragraph n), o), r), t) and u) (these relate to recommendatory functions which are now exercised by other appointed committees or are matters on which officers will typically report directly to Council with proposals/recommendations or, in the case of proper officer roles and the scheme of delegation, are addressed in in a further report to this Committee today);
 - or:
 - b) the Committee's remit can be restricted to making recommendations on specific matters at the express request of the Council.

As to paragraph 31, it is suggested that the latter alternative is to be preferred, given the expanded role of the Committee and the need to ensure that its workload is manageable. Moreover, it is understood that the Committee has seldom, if ever, proactively exercised the function of making recommendations on any of the functions listed in paragraph 31 (all of which are in any event Council functions and ultimately matters for decision by the Council).

- The procedure governing the debating of motions (in rules 10 to 12 of the Council Procedure Rules) has been streamlined with a view to facilitating effective and productive debate.

Risk Analysis

10. The proposed amendments to the Constitution create little risk to the Council.

Risk	Likelihood	Impact	Mitigating actions
1	1	1	1

- 1 = Little or no risk or impact.
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required.
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Note for information: Proposed amendments to the Constitution can be found in Appendices 1 to 5 below. Black text denotes no proposed changes (but has been included here for context); coloured text denotes additional wording and text that has been struck through denotes deletion.

Appendix A

Proposed amendments to the Section 2, Part 4 of the Constitution: Council Procedure Rules (Rules 3 & 5) and the Access to Information Rules (Rules 5 & 6) to permit the abridgment of time for calling extraordinary meetings

PART 4 – RULES OF PROCEDURE

RULE 3 EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings.

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

- 3.1.1 the Council by resolution;
- 3.1.2 the Chair of the Council;
- 3.1.3 the Monitoring Officer;
- 3.1.4 the ~~Chief Finance Officer~~Section 151 Officer; and

3.1.5 any five members of the Council if they have signed a requisition presented to the Chair of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

~~3.1.5~~3.1.6 The Chief Executive may direct the proper officer to call Council meetings in addition to ordinary meetings.

3.2 Business

The summons to the extraordinary meeting shall set out the business to be considered. No business other than that set out in the summons shall be considered at that meeting.

RULE 4 TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

RULE 5 NOTICE OF AND SUMMONS TO MEETINGS

5.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Chief Executive will send a summons signed by him or her by post or by e-mail to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

5.2 Meetings convened at short notice

Meetings of the Council may only be convened at less than five clear working days' notice where by reason of special circumstances, which shall be specified in the summons, the meeting is required to be called at that time as a matter of urgency.

PART 4 – ACCESS TO INFORMATION RULES

RULE 5 NOTICES OF MEETING

Unless Rule 5.2 of the Council Procedure Rules applies, the Council will give at least five clear working days' notice of any meeting by posting details of the meeting at the Council Offices, London Road, Saffron Walden, Essex CB11 4ER ("the designated office") or publishing on the council website.

RULE 6 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

Unless Rule 5.2 of the Council Procedure Rules applies, the Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Chief Executive shall make each such report available to the public as soon as the report is completed and sent to councillors. In the event of Rule 5.2 being applied, the agenda and reports shall be published as soon as possible.

Appendix B

Proposed amendments to the Section 2, Part 4 of the Constitution: Officer Employment Rules (Rule 8.1)

8. Disciplinary procedure for relevant officers

8.1 The provisions of this rule are applicable to the dismissal of, and the taking of any disciplinary action against, (a) the Council's head of paid service, (b) its chief finance officer and (c) its monitoring officer (defined for the purposes of these provisions in rule 8.2(b) below). The provisions of this rule should be read in conjunction with the relevant provisions of the Council's Disciplinary Policy, in which the additional procedural steps that will be followed are set out.

8.2 In the following paragraphs

- (a) "the 2011 Act" means the Localism Act 2011(b);
- (b) "chief finance officer", "disciplinary action", "head of the authority's paid service" and "monitoring officer" have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
- (c) "independent person" means a person appointed under section 28(7) of the 2011 Act;
- (d) "local government elector" means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;
- (e) "the Panel" means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- (f) "relevant meeting" means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (g) "relevant officer" means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.

8.3 A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.

8.4 The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing

at least two such persons to the Panel.

8.5 In paragraph 8.4 “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

8.6 Subject to paragraph 8.7, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 8.4 in accordance with the following priority order-

(a) a relevant independent person who has been appointed by the authority and who is a local government elector;

(b) any other relevant independent person who has been appointed by the authority;

(c) a relevant independent person who has been appointed by another authority or authorities.

8.7 An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 8.6 but may do so.

8.8 The authority must appoint any Panel at least 20 working days before the relevant meeting.

~~8.8.9~~ Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular—

- any advice, views or recommendations of the Panel;
- the conclusions of any investigation into the proposed dismissal; and
- any representations from the relevant officer.

8.10 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

Appendix C

Proposed addition to Section 2, Parts 2 and 3 of the Constitution: Principal Councillor Role Descriptions (Part 3, chapter 6) and consequential amendment to Roles and Responsibilities of Councillors (Part 2, article 2.3)

6. PRINCIPAL COUNCILLOR ROLE DESCRIPTIONS

LEADER/DEPUTY LEADER

1. Accountable to

- The public
- The Cabinet
- Full Council

2. Role and Responsibilities

- Be the leading political figures in the Council and the principal political spokespersons for the Executive
- Provide effective political leadership in the co-ordination of Council policies, strategies and service delivery
- Provide leadership in relation to the Council and its citizens, stakeholders and partners in the overall delivery of Council policies, strategies and services
- Appoint the Cabinet [responsibility of Leader only]
- Appoint the Deputy Leader [responsibility of Leader only]
- Designate appropriate portfolios [responsibility of Leader only]
- Appoint Cabinet Members to portfolios having regard to their abilities and expertise [responsibility of Leader only]
- Have a thorough understanding of the Constitution and the decision-making processes within the Council
- Ensure the effective operation of the Cabinet by overseeing the Council's forward plan
- Ensure that meetings of the Cabinet are conducted in accordance with the Executive Procedure Rules and the Constitution generally
- In conjunction with other Cabinet members, ensure the development of an effective budget and policy framework, together with the delivery of high-quality services
- Represent the Council in the community and in discussions with regional, national and international organisations concerning matters of interest to the Council and its communities
- Ensure that sufficient support and training opportunities are available to councillors in order to help them to be effective in their roles
- Liaise with the Chief Executive on the management of the Council and delivery of Council services
- Help to create an organisational culture which can foster creative thinking
- Develop and maintain effective relationships with officers, councillors, partners and other public sector bodies, local businesses and voluntary and community groups and the general public in the Council's area

The Deputy Leader will assist the Leader of the Council in discharging the above duties and responsibilities and in the absence of the Leader, the Deputy Leader

will assume responsibility. These duties and responsibilities should be read in conjunction with the provisions of Article 7 of the Constitution.

CHAIR/VICE-CHAIR OF THE COUNCIL

1. Accountable to

- The public
- Full Council

2. Role and Responsibilities

(a) Acting as the Council's Ceremonial and Civic Head

- To be impartial and uphold the democratic values of the Council
- Represent the Council at civic and ceremonial functions

(b) Chairing Council Meetings

- Preside over meetings of the Council so as to facilitate the efficient conduct of its business
- Ensure the Council conducts its meetings in accordance with the Council Procedure Rules and the Constitution generally

(c) Upholding and promoting the Council's Constitution

- Ensure that the Constitution is adhered to, and (when necessary) rule on the interpretation of the Constitution

(d) Internal Governance, Ethical Standards and Relationships

- Promote and support good governance within the Council
- Promote and support open and transparent government
- Promote and support respectful and effective relationships with officers of the Council
- Ensure adherence to the highest standards of behaviour in public office

The Vice-Chair will assume responsibility for the above duties and responsibilities in the absence of the Chair. These duties and responsibilities should be read in conjunction with the provisions of Article 5 of the Constitution.

or

CHAIR/VICE-CHAIR OF THE COUNCIL

2. Accountable to

- The public
- Full Council

2. Role and Responsibilities

(a) Acting as the Council's Ceremonial and Civic Head

- To uphold the democratic values of the Council

- Represent the Council at civic and ceremonial functions

(b) Chairing Council Meetings

- Preside over meetings of the Council so as to facilitate the efficient conduct of its business
- Ensure the Council conducts its meetings in accordance with the Council Procedure Rules and the Constitution generally

(c) Upholding and promoting the Council's Constitution

- Ensure that the Constitution is adhered to, and (when necessary) rule on the interpretation of the Constitution

(d) Internal Governance, Ethical Standards and Relationships

- Promote and support good governance within the Council
- Promote and support open and transparent government
- Promote and support respectful and effective relationships with officers of the Council
- Ensure adherence to the highest standards of behaviour in public office

The Vice-Chair will assume responsibility for the above duties and responsibilities in the absence of the Chair. These duties and responsibilities should be read in conjunction with the provisions of Article 5 of the Constitution.

CHAIR/VICE-CHAIR OF THE GOVERNANCE, AUDIT AND PERFORMANCE COMMITTEE

1. Accountable to

- The public
- Full Council
- The Governance, Audit and Performance Committee
- The Council's Auditors

2. Role and Responsibilities

(a) Provide Leadership and Direction

- Promote and support good governance by the Council
- Demonstrate independence, integrity and impartiality in decision-making in accordance with legal, financial, constitutional and policy requirements
- Provide effective management of Committee meetings in accordance relevant codes of practice, rules of procedure and the Constitution generally
- Ensure thoroughness and objectivity, taking into account professional advice provided in connection with the conduct of meetings and the audit process
- Uphold and promote ethical governance and high standards in public office

(b) To lead the Governance, Audit and Performance Committee in the performance of its functions

(c) Manage Work Programme

- Develop a forward work programme designed to deliver the remit of the Committee in accordance with relevant statutory requirements
- Monitor progress against the work programme/audit recommendations

(d) Governance, Ethical Standards and Relationships

- Understand the financial risks associated with corporate governance, being satisfied that the Council's assurance statements, including the Annual Governance Statement, reflect the risk environment and any remedial action required
- Develop the standing and integrity of the Committee
- Understand the respective roles of councillors, officers and external parties operating within the Committee's areas of responsibility

The Vice-Chair will assume responsibility for the above duties and responsibilities in the absence of the Chair. These duties and responsibilities should be read in conjunction with the provisions of Article 8 of the Constitution.

CHAIR/VICE-CHAIR OF THE SCRUTINY COMMITTEE

1. Accountable to

- The public
- Full Council
- The Scrutiny Committee

2. Role and Responsibilities

(a) Provide Leadership and Direction

- Provide effective management of the Committee and scrutiny activities
- Have a good working knowledge of the practices, procedures and functions which fall within the Committee's terms of reference
- Promote the role of scrutiny within and outside the Council, liaising both internally within the Council and externally with the Council's partners, other public sector bodies and community organisations as appropriate
- Develop a balanced work programme which includes Cabinet pre-decision scrutiny, policy development and review, investigative scrutiny and performance monitoring
- Demonstrate an objective and evidence-based approach to scrutiny
- Evaluate the impact and added value of scrutiny activity and identify areas for improvement

(b) Manage Work Programme

- Develop a work programme which takes account of factors such as the work of the Cabinet and other committees, strategic priorities and risks and relevant community issues
- Monitor and report to the Council on progress with the work programme
- Liaise with officers, councillors, external partners/public sector bodies and community representatives to resource and deliver the work programme

(c) Holding the Cabinet and Individual Cabinet Members to Account

- Oversee the arrangements for consideration of any challenge to the validity of Cabinet decisions through the call-in process

(d) Effective Meeting Management

- Ensure that the necessary preparation is done for meetings
- Manage the progress of business at meetings, ensuring that meeting objectives are met and that meetings are conducted in accordance with the Overview and Scrutiny Procedure Rules and the Constitution generally
- Ensure that all those participating in meetings have an opportunity to make appropriate contributions

(e) Community Involvement

- •——Act as a focus for liaison between the Council, community and external bodies in relation to the scrutiny function
- •——Build understanding of the scrutiny function within the community
- •——Identify relevant community-based issues for scrutiny
- •——Promote the full involvement of external stakeholders in scrutiny activity

(f) Development of Committee Members

- •——Encourage active participation by all Committee members in both the Committee and any Task and -Finish Groups
- •——Assess individual and collective performance within the Committee and facilitate appropriate development

3. Governance, Ethical Standards and Relationships

- Develop the standing and integrity of the Committee and its role in the Council's decision-making processes
- Understand the respective roles of councillors, officers and external parties operating within the Committee's areas of responsibility
- Support and promote good governance

The Vice-Chair will assume responsibility for the above duties and responsibilities in the absence of the Chair. These duties and responsibilities should be read in conjunction with the provisions of Article 6 of the Constitution.

CHAIR/VICE-CHAIR OF THE STANDARDS COMMITTEE

1. Accountable to

- The public
- Full Council
- The Standards Committee

3. Role and Responsibilities

Provide Leadership and Direction

- Provide effective management of Committee meetings in accordance relevant codes of practice, rules of procedure and the Constitution generally
- Act in accordance with relevant technical and legal requirements to oversee the functions of the Committee fairly and correctly and to facilitate clear decision-making
- Ensure thoroughness and objectivity, taking into account professional advice provided in connection with the interpretation and operation of the Councillors' Code of Conduct
- Demonstrate independence, integrity and impartiality in decision-making in accordance with legal, constitutional and policy requirements
- Lead the Committee in its role in:
 - (i) Promoting and maintaining high standards of conduct by councillors
 - (ii) Assisting councillors to observe the Councillors' Code of Conduct
 - (iii) Advising the Council on the adoption or revision of the Councillors' Code of Conduct
 - (iv) Monitoring the operation of the Councillors' Code of Conduct
 - (v) Providing advice (or training where appropriate) to councillors on matters relating to the Councillors' Code of Conduct
 - (vi) Dealing with complaints, investigation reports and any report received from the Monitoring Officer on any matter referred to that officer which is within the Committee's remit and relevant to its functions and responsibilities
 - (vii) The exercise of the Committee's functions in relation to parish councils and their councillors

4. Governance, Ethical Standards and Relationships

- Develop the standing and integrity of the Committee
- Understand the respective roles of councillors, officers and external parties operating within the Committee's areas of responsibility
- Support and promote good governance

The Vice-Chair will assume responsibility for the above duties and responsibilities in the absence of the Chair. These duties and responsibilities should be read in conjunction with the provisions of Article 9 of the Constitution.

CHAIR/VICE-CHAIR OF THE PLANNING COMMITTEE AND LICENSING & ENVIRONMENTAL HEALTH COMMITTEE

1. Accountable to

- The public
- Full Council
- ← The Planning Committee and the Licensing and Environmental Health Committees

2. Role and Responsibilities

(a) Provide Leadership and Direction

- Provide effective management of meetings to facilitate participation and clear decision-making
- Have a clear understanding and appreciation that these regulatory committees are quasi-judicial bodies which operate within a statutory framework
- Ensure that committee meetings of the Committee are conducted in accordance with the relevant protocols, codes of practice and rules of procedure set out in Part 5 of the Constitution
- Ensure consistency in the quality and efficacy of decision making
- Ensure that applicants and other interested parties are clear on the procedures being followed and are satisfied as to the transparency of the regulatory process
- Demonstrate and foster integrity and impartiality in decision making in accordance with legal, constitutional and policy requirements
- Delegate actions to sub-committees as appropriate

(b) Promoting the Quasi-Judicial Role of the Planning Committee and the Licensing and Environmental Health Regulatory Committee

- Act as a representative for the Committee, facilitating an understanding of the role of the Committee and its quasi-judicial function
- Act in strict accordance with relevant technical, legal and procedural requirements
- Ensure that proper account is taken of professional advice provided in connection with the conduct of meetings generally and with regard to individual matters/applications under consideration by the Committee

(c) Effective Meeting Management

- Ensure that meetings are conducted in accordance with all relevant protocols, codes of practice and procedures as set out in Part 5 of the Constitution
- Ensure that all those participating in meetings have an opportunity to make an appropriate contribution (where applicable)
- Seek to ensure that applicants feel that they have been dealt with fairly and fully (in particular when an application has been refused) and that they are clear on the outcome of their application (and in the case of a refusal, the reasons)

3. Governance, Ethical Standards and Relationships

- Safeguard the integrity of the Committee's decision-making processes
- Understand the respective roles of councillors, officers and external parties operating within the Committee's areas of responsibility
- Promote and support good governance

The Vice-Chair will assume responsibility for the above duties and responsibilities in the absence of the Chair. These duties and responsibilities should be read in conjunction with the provisions of Article 8 of the Constitution.

2.3 Roles and functions of all councillors

Descriptions of the principal councillor roles are set out in Part 3 of this Constitution. The following is a general summary applicable to all councillors.

2.3.1 Subject to the provisions of this Constitution, all councillors will:

2.3.12.3.2 collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions, subject to those matters reserved to the executive;

2.3.22.3.3 contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision-making;

2.3.32.3.4 represent their communities and bring their views into the Council's decision-making and scrutiny processes, ie become the advocate of and for their communities;

2.3.42.3.5 deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;

2.3.52.3.6 balance different interests identified within their ward and represent the ward as a whole;

2.3.62.3.7 be involved in decision-making;

2.3.72.3.8 be available to represent the Council on other bodies; and

2.3.82.3.9 maintain the highest standards of conduct and ethics as set out in the Code of Conduct in Part 5 of this Constitution and in other relevant documents.

Proposed revisions to Section 2, Parts 2 and 3 of the Constitution: Terms of reference and delegation to the Standards Committee and the Governance, Audit and Performance Committee (Part 3, Chapter 4) and consequential amendment to the Regulatory Committees table in article 8 (Part 2, article 8)

Standards Committee

- 1. ~~The function of advising the Council on the adoption or variation of a code of conduct~~
- 2. ~~Promoting high standards of conduct by members and co-opted members~~
- 3. ~~Assisting members and co-opted members to observe the code of conduct~~
- 4. ~~Monitoring the operation of the code of conduct~~
- 5. ~~Providing training to members and co-opted members on the code of conduct~~
- 6. ~~Receiving reports from the Monitoring Officer or investigators appointed by the Monitoring Officer into complaints of a breach of the Code of Conduct: determine such complaints and deciding what action to take with regard to any breaches found to have been proved.~~
- 7. ~~With regard to parish and town councils within the district:- receiving reports from the Monitoring Officer or investigators appointed by the Monitoring Officer into complaints of a breach of the code of conduct by tow or parish councillors: advising the parish or town council concerned whether there has been a breach of the Code of Conduct and recommending what action the parish or town council should take with regard to any breaches found to have been proved.~~

- 1. To promote and maintain high standards of conduct within the Council and to make recommendations to the Council on the improvement of standards.
- 2. To advise the Council on the adoption of, or revisions to, its codes of conduct.
- 3. To monitor and advise the Council on the operation of its codes of conduct in the light of best practice and changes in the law.
- 4. To assist members and co-opted members of the Council to observe the Councillors' Code of Conduct.
- 5. To ensure that every member of the Council has access to training in all aspects of the Councillors' Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected of them under the Code.
- 6. To discharge the functions relating to standards of conduct in accordance with any relevant provision of, or regulations made under, the Localism Act 2011.
- 7. To consider petitions (when necessary) under the Council's petitions scheme.

8. To receive reports on investigations carried out into complaints of alleged breaches of the Councillors' Code of Conduct or of equivalent codes of conduct adopted by parish/town councils (carried out by investigators appointed by the Monitoring Officer). Thereafter the Monitoring Officer shall appoint a sub-committee to:
 - (i) determine (in consultation with at least one independent person) such complaints; and
 - (ii) decide on (or in the case of parish/town council members, make recommendations on) what action should be taken in the event that a complaint is upheld.

GOVERNANCE, AUDIT AND PERFORMANCE COMMITTEE

The functions of the Council referred to below are delegated to the Governance, Audit and Performance Committee

1. ~~To monitor the performance of the Council and progress against improvement plans; to oversee the Council's internal audit and risk functions; to receive and approve external audit reports; to scrutinize and approve the annual statement of accounts; to make reports and recommendations to the executive, committees and the Council as a whole on its performance management and corporate governance as appropriate.~~
2. ~~To consider the Internal Audit Manager's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.~~
3. ~~To consider summaries of specific internal audit reports as requested.~~
4. ~~To consider reports dealing with the management and performance of the providers of internal audit services.~~
5. ~~To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.~~
6. ~~To consider the external auditor's Annual Letter, relevant reports, and reports to those charged with governance.~~
7. ~~To consider specific reports as agreed with the external auditor.~~
8. ~~To comment on the scope and depth of external audit work and to ensure it gives value for money.~~
9. ~~To make arrangements for the appointment of the Council's external auditor and to be responsible for appointing the external auditor under any successor arrangements.~~
10. ~~To commission work from internal and external audit.~~
11. ~~To maintain an overview of the Council's contract procedure rules and financial regulations and to monitor compliance therewith.~~
12. ~~To review any issue referred to it by the Chief Executive or a Director, or any Council body.~~
13. ~~To monitor the effective development and operation of risk~~

- management and corporate governance in the Council.
14. To monitor council policies on whistleblowing and the anti-fraud and corruption strategy and the Council's complaints process;
 15. To oversee the production of the authority's Annual Governance Statement and to agree its adoption;
 16. To oversee the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
 17. To monitor the Council's compliance with its own and other published standards and controls.
 18. To review and approve the annual statement of accounts for publication. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
 19. To consider the external auditor's report to those charged with governance issues arising from the audit of the accounts.
 20. Carry out and give effect to the outcome of Community Governance Reviews of parish boundary and electoral arrangements, including the power to make orders for creating, abolishing or altering parishes, grouping or degrouping parishes, or dissolving parish councils.
 21. Carry out and give effect to the outcome of statutory and interim reviews of polling districts and polling places.
 22. To make recommendations to the Full Council on its discharge of the following functions, subject to powers delegated to officers:
 - a. Duty to appoint an electoral registration officer
 - b. Power to assign officers in relation to the requisitions of the registration officer
 - c. Duty to appoint a Returning Officer for local government elections
 - d. Duty to provide assistance at Parliamentary and all other nationally funded elections and referendums
 - e. Power to pay expenses properly incurred by electoral registration officers
 - f. Power to make temporary appointments to parish councils
 - g. Power to submit proposals to the Secretary of State for a pilot scheme for local elections
 - h. Duty to consult on a change of scheme for elections
 - i. Power to alter the years of ordinary elections of parish councillors
 - j. Functions relating to the change of name of an electoral area
 - k. Power to change the name of the district
 - l. Power to confer the title of Honorary Alderman or to grant the freedom of the district
 - m. Power to petition for a charter to confer borough status
 - n. Power to make, amend, revoke, re-enact or enforce byelaws
 - o. Power to promote or oppose local or personal bills
 - p. Functions relating to local government pensions etc
 - q. Power to make standing orders including standing orders as to

contracts

- ~~r. Power to appoint staff and to determine the terms and conditions upon which they hold office~~
- ~~s. Duty make arrangements for the proper administration of financial affairs etc under s.151 Local Government Act 1972~~
- ~~t. Power to appoint "proper officers"~~
- ~~u. Duties with regard to the appointment of a Head of Paid Service and Monitoring Officer~~
- ~~v. Power to adopt a scheme permitting co-opted members of overview and scrutiny committees to vote under paragraphs 12 and 14 schedule 1, Local Government Act 2000~~
- ~~w. Power to make payments or provide benefits in cases of maladministration~~
- ~~x. Duty to adopt a code of conduct for members under the Localism Act 2011~~
- ~~y. Powers in respect of holding elections~~
- ~~z. Power to fill vacancies on parish councils in the event of insufficient nominations~~
 - ~~—aa) Declaration of vacancy in office in certain cases~~
 - ~~——bb) Giving notice of casual vacancies in office~~
 - ~~————cc) Duties relating to publicity under the Local Government and Public Involvement in Health Act 2007~~
 - ~~—————dd) Duties relating to notice to the Electoral Commission~~

1 To consider the Council's arrangements to secure value for money and to review assurances and assessments on the effectiveness of those arrangements.

2 To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.

3 To monitor the performance and progress of the Council against improvement plans, to oversee the Council's internal audit and risk functions (to include approval of the internal audit plan and any material changes thereto), to receive and approve external audit reports, to scrutinise and approve the annual statement of accounts, to make reports and recommendations to the executive, committees and the Council as a whole on its performance management and corporate governance as appropriate.

4 To make enquiries with a view to ensuring that there are no inappropriate scope or resource limitations on the internal audit function.

5 To make enquiries with a view to ensuring that there are no impairments on the independence or objectivity of the Internal Audit Services Manager arising from additional roles or responsibilities unconnected with the internal audit function.

6 To consider and review the Internal Audit Services Manager's annual report on the level of conformity with the public sector internal audit standards and opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and internal controls, together with the summary of the work supporting the opinion.

7 To consider summaries of specific internal audit reports as requested.

8 To consider reports from the Internal Audit Services Manager on the performance of the internal audit function during the year (to include updates on the work of internal audit, quality assurance, and instances where the internal audit function has not conformed to required public sector internal audit standards), with a view to determining whether any matters arising from such reports are significant enough to be included in the Annual Governance Statement.

9 To provide free and unfettered access to the Committee for the Audit Services Manager, to include the opportunity for a private meeting with the Committee.

10 To consider reports from internal audit on agreed recommendations not implemented within a reasonable timescale, particularly where a level of risk has been accepted which is considered to have been unacceptable to the Council.

11 To consider the external auditor's annual letter, relevant reports, and reports to those charged with governance.

12 To consider specific reports as agreed with the external auditor.

13 To comment on the scope and depth of external audit work and to ensure it provides value for money.

14 To make arrangements for the appointment of the Council's external auditor and to be responsible for appointing the external auditor under any successor arrangements.

15 To commission work from internal and external audit.

16 To maintain an overview of the Council's procurement procedures and financial regulations and to monitor compliance therewith.

17 To review any issue referred to it by the Chief Executive or a Director, or any Council body.

18 To monitor the effective development and operation of risk management and corporate governance in the Council.

19 To monitor the Council's policies on information governance, whistleblowing, anti-fraud and corruption, anti-money laundering, and the Council's complaints process.

20 To consider the Information Governance Report received annually from the Accountable Officer with a view to seeking to ensure that there is a continuous improvement in respect of all matters relating to information governance throughout the Council.

21 To review the Annual Governance Statement prior to its approval and adoption, and to consider whether it properly reflects the risk environment and any supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.

22 To review the effectiveness of internal audit in supporting the production of the Annual Governance Statement.

23 To review the Council's arrangements for corporate governance against current good governance and ethical governance advice, and agreeing any necessary actions to ensure compliance with best practice.

24 To monitor the Council's compliance with its own and other published standards and controls.

25 To review and approve the annual statement of accounts for publication. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

26 To consider the external auditor's report to those charged with governance issues arising from the audit of the accounts.

27 To support the independence of the external auditor.

28 To advise and make recommendations on the effectiveness the external auditor's and internal audit's relationships with other inspection agencies and relevant bodies.

29 To carry out and give effect to the outcome of community governance reviews of parish boundary and electoral arrangements, including the power to make orders for creating, abolishing or altering parishes, grouping or degrouping parishes, or dissolving parish councils.

30 To carry out and give effect to the outcome of statutory and interim reviews of polling districts and polling places.

31 At the request of the Council and as appropriate, to make recommendations on any matter relating to the exercise of any function which by virtue of Section 2 of Part 3 of this Constitution is solely the responsibility of Full Council.

or

To make recommendations to Full Council on its discharge of the following functions, subject to powers delegated to officers:

- a) Duty to appoint an electoral registration officer
- b) Power to assign officers in relation to the requisitions of the registration officer
- c) —Duty to appoint a Returning Officer for local government elections
- d) Duty to provide assistance at Parliamentary and all other nationally funded elections and referendums
- e) Power to pay expenses properly incurred by electoral registration officers
- f) Power to make temporary appointments to parish councils
- g) Power to submit proposals to the Secretary of State for a pilot scheme for local elections
- h) Duty to consult on a change of scheme for elections
- i) Power to alter the years of ordinary elections of parish councillors
- j) Functions relating to the change of name of an electoral area
- k) Power to change the name of the district
- l) Power to confer the title of Honorary Alderman or to grant the freedom of the district
- m) Power to petition for a charter to confer borough status
- n) Power to make, amend, revoke, re-enact or enforce byelaws
- o) Power to promote or oppose local or personal bills
- p) Functions relating to local government pensions etc
- q) Power to make standing orders including standing orders as to contracts

- r) Power to appoint staff and to determine the terms and conditions upon which they —hold office
- s) Duty to make arrangements for the proper administration of financial affairs etc -under s.151 Local Government Act 1972
- t) Power to appoint "proper officers"
- u) Duties with regard to the appointment of a Head of Paid Service and Monitoring Officer
- v) Power to adopt a scheme permitting co-opted members of overview and scrutiny -committees to vote under paragraphs 12 and 14 schedule 1, Local Government Act 2000
- w) Power to make payments or provide benefits in cases of maladministration
- x) Duty to adopt a code of conduct for members under the Localism Act 2011
- y) Powers in respect of holding elections
- z) Power to fill vacancies on parish councils in the event of insufficient nominations
- aa) Declaration of vacancy in office in certain cases
- bb) Giving notice of casual vacancies in office
- cc) Duties relating to publicity under the Local Government and Public Involvement in Health –Act 2007
- dd) Duties relating to notice to the Electoral Commission

32 To make regular reports to the Council on the Committee's performance and effectiveness in relation to its terms of reference.

33 To publish an annual report on the work of the Committee.

Article 8 – Governance, Audit and Performance, Planning, Licensing and Environmental Health Committees

The Council will appoint the committees set out in the left hand column of the table below to discharge the functions described in the right hand column of that table.

Planning Committee	The Council's regulatory functions under the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004, the Highways Act 1980 and related legislation.
Licensing & Environmental Health Committee	The functions of the Council in the control of services, persons, vehicles and premises requiring to be licensed or registered.
Governance, Audit and Performance Committee	The Council's functions in respect of internal governance (including information governance), its Constitution, elections and related matters, internal and external audit, the Council's accounts, monitoring performance of Council services. The Committee makes decisions in respect of some functions and advises the Council in respect of others.

Appendix E

Proposed revisions to Section 2, Part 4 of the Constitution: Amendments to the procedure governing the debating of motions (Part 4, Rules 10 to 12):

RULE 10 MOTIONS ON NOTICE

10.1 Notice

Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least one member, must be delivered to the Chief Executive not later than six clear working days before the date of the meeting.

10.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move the motion at a later meeting or withdraw it.

10.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the [Uttlesford](#) district. [Subject to Rule 13, a motion in substantially similar terms must not have been proposed within the previous six months.](#)

[10.4 Scurrilous, defamatory or improper motion](#)

[If in the opinion of the Chief Executive a proposed motion is scurrilous, defamatory improper or irrelevant, the notice of the motion shall be rejected.](#)

RULE 11 MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

11.1 to appoint a Chair of the meeting at which the motion is moved [where the Chair or Vice-Chair cannot fulfill that role for the meeting;](#)

11.2 to appoint a Chair or Vice-Chair of the Council or any of its committees or a Leader of the Council in the event of a casual vacancy arising (including a vacancy arising as a result of a vote of no confidence under Article 7.4 of the Constitution)

- 11.3 in relation to the accuracy of the minutes;
- 11.4 to change the order of business in the agenda;
- 11.5 to refer ~~something a matter~~ to another appropriate body or individual;
- 11.6 to appoint a committee or member if this arises arising from an item on the summons for the meeting;
- 11.7 to receive reports or to adopt recommendations of committees or officers and any resolutions following from them;
- 11.8 to withdraw a motion;
- 11.9 to amend a motion;
- 11.10 to proceed to the next business;
- 11.11 that the question be now put;
- 11.12 to adjourn a debate;
- 11.13 to adjourn a meeting;
- 11.14 that the meeting continue beyond two hours in duration;
- 11.15 to suspend a particular Council Procedure Rule;
- 11.16 to exclude the public and press in accordance with the Access to Information Rules;
- 11.17 to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4;
- 11.18 to give the consent of the Council where its consent is required by this Constitution.

RULE 12 RULES OF DEBATE

12.1 Total time allowed for discussion of motions

At any meeting, a maximum of two hour(s) shall be allocated for the discussion of all motions. The maximum time permitted for consideration of any single motion shall not exceed one hour.

12.2 Moving a motion

Every motion must be formally moved and its purpose explained.

12.3 No speeches until motion seconded

When a motion has been formally moved and explained, no speeches may be made ~~after the mover has moved a proposal and explained the purpose of it~~ until the motion has been formally seconded.

12.4 Right to require motion in writing

Unless notice of the motion has already been given in accordance with Rule 10, the Chair may require it to be written down and handed to him/her before it is discussed.

12.5 Secunder's speech

When seconding a motion or amendment, the seconder may speak to the motion immediately or ~~a member~~ may reserve their right to speak until later in the debate.

12.6 Content and length of speeches

Speeches must be directed to the question-motion under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Chair.

12.7 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

12.7.1 to speak once on an amendment moved by another member;

12.7.2 to move a further amendment if the motion has been amended since he/she last spoke;

12.7.3 if his/her first speech was on an amendment moved by another member, to speak on the main issue if the amendment on which he/she spoke was not carried;

12.7.4 in exercise of a right of reply at the end of the debate;

12.7.5 on a point of order;

12.7.6 by way of a brief personal explanation; and

12.7.7 [to move a closure motion \(as a simple motion and without a speech\)](#)

12.8 Amendments to motions and recommendations

12.8.1 An amendment to a motion or recommendation must be relevant to the motion and will either be:

- (i) to refer the matter to another appropriate body or individual for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words as long as the effect of [\(ii\) to \(iv\) the amendment](#) is not to negate the motion or recommendation.

12.8.2 [Any proposed amendment to a motion in accordance with \(ii\), \(iii\) or \(iv\) above may be accepted by the mover of the motion and their seconder without the need for a vote and before any debate on the amendment takes place. In those circumstances, the amended motion will proceed to debate in the normal way.](#)

12.8.3 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

12.8.4 If an amendment is not carried, other amendments to the original motion may be moved.

12.8.5 If an amendment is carried, the motion as amended takes the place of the original motion and becomes the substantive motion to which any further amendments are moved.

12.8.6 After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, ~~or if there are none, put it to the vote and if there are no further amendments, the debate will continue on the motion as amended.~~

12.8.7 Subject to the exceptions in Rule 12.8.6, amendments to motions or recommendations shall only be considered if they have been delivered in writing to the Democratic Services Manager or to a Democratic Services Officer by 10 am on the day which is [no later than](#) two working days preceding the meeting [at which the motion is to be considered](#). Amendments submitted shall then be circulated to all members of the Council.

12.8.8 _____ The exceptions to Rule 12.8.7 are [as follows](#):

~~1. The Chair shall have discretion to permit amendments from members when satisfied that the need for the amendment could not have been anticipated before the deadline. The Chair should also be satisfied that advance notice of such amendments was given as soon as reasonably practical, and not left to the day of the meeting unless this was unavoidable.~~

~~2. Further amendments are permitted that directly respond to amendments submitted in accordance with these rules. Notice of such further amendments should be given as soon as reasonably practical.~~

~~3. The Chair may permit amendments if satisfied that they are necessary to improve the wording or to correct factual inaccuracies and do not make substantive changes to motions or recommendations, or to amendments of which notice has been given in accordance with rule 12.6.6. The Chair shall give reasons for permitting such amendments to the meeting.~~

~~4. The Leader of the Council may amend a Cabinet recommendation in the light of discussion.~~

(a) Technical amendments, which may be moved to correct factual errors.

(b) At the discretion of the Chair, any amendment where the need for the amendment could not have been reasonably anticipated before the deadline for the submission of amendments, and provided that advance notice of any such amendment was given as soon as reasonably practicable.

12.9 Alteration of motion

12.9.1 A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

12.9.2 A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

12.9.3 Only alterations which could be made as an amendment may be made.

12.10 **Withdrawal of motion**

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

12.11 **Right of reply**

12.11.1 The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

12.11.2 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

12.11.3 The mover of the amendment has no right of reply to the debate on his or her amendment.

12.12 **Procedural Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (i) to withdraw a motion;
- (ii) to amend a motion;
- (iii) to proceed to the next business;
- (iv) that the question be now put;
- (v) to adjourn a debate;
- (vi) to adjourn a meeting;
- (vii) that the meeting continue beyond two hours in duration
- (viii) to exclude the public and press in accordance with the Access to Information Rules; and
- (ix) to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4.

12.13 Closure motions

12.13.1 A member may move, without comment, the following [procedural motions](#) at the end of a speech of another member:

- (i) to proceed to the next business;
- (ii) that the question be now put;
- (iii) to adjourn a debate; or
- (iv) to adjourn a meeting.

12.13.2 If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

12.13.3 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

12.14 Point of order

A member may raise a point of order at any time. [Unless there are exceptional circumstances, the Chair will take the point only at the end of the speech then being made by another member.](#) ~~The Chair will hear them immediately.~~

A point of order may only relate to an alleged breach of these Council Rules of Procedure or [of the law](#). The member [raising the point of order](#) must [indicate specify](#) the Rule or law and the way in which he/she considers it has been [brokencontravened](#). The ruling of the Chair on the matter will be final.

12.15 Personal explanation

A member may make a [brief](#) personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

12.16 Speaking at meetings when not a member of the committee

A member of the Council may attend a meeting of a committee of the Council of which he or she is not a member and may speak on any matter dealt with at that meeting subject to having advised the Chair of the member's intention in that regard before the meeting begins. ~~provided that~~ ~~t~~ This provision ~~does not extend~~ ~~shall not apply~~ to ~~permit~~ members [wishing](#) to speak at hearings before the Licensing Committee [hearing when it is considering](#) applications for licences or certificates or applications for variations or reviews of licences or certificates unless the member or members concerned shall have first made relevant representations as interested parties within the meaning of the Licensing Act 2003.