

CONTENTS PAGE

PART 2 The Articles of the Constitution		Page
Article 1	The Constitution	(2) 2
Article 2	Members of the Council	(2) 4
Article 3	Citizens of the Council	(2) 6
Article 4	The Full Council	(2) 14
Article 5	Chairing the Council	(2) 17
Article 6	Scrutiny Committee	(2) 18
Article 7	The Executive	(2) 21
Article 8	Regulatory Committees	(2) 24
Article 9	The Audit and Standards Committee	(2) 25
Article 10	Task groups and working groups	(2) 27
Article 11	Joint Arrangements	(2) 29
Article 12	Officers	(2) 31
Article 13	Decision making	(2) 34
Article 14	Finance, contracts and legal matters	(2) 37
Article 15	Review and revision of the Constitution	(2) 39
Article 16	Suspension, interpretation and publication of the Constitution	(2) 40
Article 17	Honorary Aldermen and Alderwomen	(2) 42

PART 2 - ARTICLES

Article 1 The Constitution

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution, and all its appendices, is the Constitution of Uttlesford District Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

- 1.3.1 enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- 1.3.2 support the active involvement of citizens in the process of local authority decision-making;
- 1.3.3 help councillors represent their constituents more effectively;
- 1.3.4 enable decisions to be taken efficiently and effectively;
- 1.3.5 create a powerful and effective means of holding decision-makers to public account;
- 1.3.6 ensure that no one will review or scrutinise a decision in which they were directly involved;
- 1.3.7 ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
- 1.3.8 provide a means of improving the delivery of services to the community

1.4 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose

between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

Article 2 - Members of the Council

Developing Roles for Councillors

2.1 Composition and eligibility

- 2.1.1 The Council will comprise 39 members called councillors. One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Boundary Commission and approved by the Secretary of State.
- 2.1.2 Councillors are elected and hold office in accordance with the relevant statutory qualifications, and will usually be either electors or residents of the district, or have their main place of work there.

2.2 Election and terms of councillors

The regular election of councillors will be held on the first Thursday in May every four years, unless otherwise determined by statute or by regulation. The term of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and functions of all councillors

All councillors will:

- 2.3.1 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;
- 2.3.2 contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision-making;
- 2.3.3 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;
- 2.3.4 deal with individual casework and act as an advocate for constituents in resolving particular

concerns or grievances;

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

2.3.6 be involved in decision-making;

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

2.3.8 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.

2.4 Rights and duties

2.4.1 Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

2.4.2 Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it. For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.5 Conduct

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.6 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowance Scheme set out in Part 6 of this Constitution.

Article 3 - Citizens and The Council

3.1 Citizens rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

3.1.1 Voting and petitions

Citizens on the electoral register for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution. Citizens also have a right to petition under the Council's petition schemes (see below).

3.1.2 Access to Information Citizens have the right to:

- (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) attend meetings of the executive and its committees when key and other decisions are being considered, except when confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (iii) find out from published Notices of Key Decisions what key decisions will be taken by the executive and when;
- (iv) see reports and background papers, and any records of decisions made by the Council and the executive; and
- (v) inspect the Council's accounts and make their views known to the external auditor.

3.1.3 Participation

Citizens have the right to participate in the time set

aside for public statements and questions, subject to the time limits set in Part 4 of this Constitution, at all public meetings and contribute to investigations by overview and scrutiny committees.

3.1.4 Petitions

- (i) The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition. Paper petitions can be sent to: Democratic Services, Uttlesford District Council, London Road, Saffron Walden, Essex CB11 4ER. Alternatively, links to external online petitions can be sent to committee@uttlesford.gov.uk

The Council offers an online petition system, which means citizens will be able to create a petition via the Council's website. Petitions can also be presented to a meeting of the Council, provided that reasonable notice is given. Dates and times of meetings can be found on the Council's website.

- (ii) Citizens who wish to present their petition to the Council, or would like their councillor or someone else to present it on their behalf, should contact Democratic Services on 01799 510510 or by email at committee@uttlesford.gov.uk at least 10 working days before the meeting. Democratic Services officers will be pleased to explain the process for submitting petitions.
- (iii) Petitions submitted to the Council must include a clear and concise statement covering the subject of the petition stating what action the petitioners wish the Council

to take and the name, address and signature of any person supporting the petition. Petitions should also be accompanied by contact details of the organiser, including an address. This is the person we will contact to explain how the Council will respond to the petition. The contact details of the petition organiser will not be publicised. If a petition organiser is not identified the Council will contact the person submitting the petition or will contact other signatories to try to agree who should act as the petition organiser.

- (iv) In order to be properly constituted, a petition must satisfy one or more of the following conditions:
- be signed by no fewer than 50 individuals who are electors of the district of Uttlesford
 - Be signed by the chairman of no fewer than five councils of parishes within the Uttlesford district
 - Be signed by no fewer than half the electors of any single parish within the district of Uttlesford whether or not the parish has a parish council
- (v) Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum the Council may need to deal with petitions differently - if this is the case the Council will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case the Council will explain the reasons in writing.
- (vi) An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what the Council plans to do with

- the petition and when they can expect to hear from the Council again.
- (vii) If the Council can do what the petition asks for, the acknowledgement may confirm that the Council has taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell the organiser when and where the meeting will take place. If the petition needs more investigation, the Council will tell you the steps it plans to take.
 - (viii) Petitions may not be used to call into question decisions relating to planning or licensing matters and decisions relating to individuals or legal bodies where there is a statutory right of appeal.
 - (ix) Statutory petitions are the subject of different procedures. These relate, for example, to a petition calling for a referendum on having an elected mayor or petitions for which there may be other statutory provision. Further information is available from the Monitoring Officer or from Democratic Services (committee@uttlesford.gov.uk).
 - (x) To ensure that people know what we are doing in response to the petitions the Council receives, the details of all the petitions submitted will be published on the Council's website, except where this would be inappropriate. Whenever possible the Council will also publish all correspondence relating to petitions (all personal details will be removed).
 - (xi) The Council's response to a petition will depend on what a petition asks for and how many people have signed it. The Council will consider all the specific actions it can potentially take on the issues highlighted in a petition but its response may include one or more of the following:
 - taking the action requested in the petition

- considering the petition at a Council meeting (if there are at least 3,600 signatures)
 - holding an inquiry into the matter
 - undertaking research into the matter
 - holding a public meeting
 - referring the petition for consideration by the Council's Scrutiny Committee (if there are at least 1,800 signatures, or for other valid reasons)
 - writing to the petition organiser setting out the Council's views about the request in the petition
- (xii) If a petition is about something over which the Council has no direct control (for example Stansted Airport, the local railway or hospital or services run by the county council such as schools, social services or road repairs) the Council will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to a petition. If the Council is not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then it will set out the reasons for this to the petition organiser. If a petition is about something that a different council is responsible for, the Council will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps.
- (xiii) If a petition contains more than 3,600 signatures it will be debated by the Full Council unless it is a petition asking for a senior council officer to give evidence at a

public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors. The Council will decide how to respond to the petition at this meeting. It may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on the Council's website.

- (xiv) A petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, a petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision. If a petition contains at least 1,800 signatures, the relevant senior officer will give evidence at a public meeting of the Council's Scrutiny Committee. The senior officers are the Chief Executive, the Strategic Directors, and the Directors. Details are available on www.uttlesford.gov.uk in the "Your Council" section. Petitioners must be aware that it may not be possible for senior officers to answer questions about particular petitions if, for example, doing so would breach commercial confidentiality or professional legal privilege. Petitioners should also be aware that the Scrutiny Committee may decide that it would be more appropriate for a different senior

officer to give evidence instead of any officer named in the petition - for instance if the named officer has changed jobs.

Committee members will ask the questions at this meeting, but petition organisers will be able to suggest questions by contacting Democratic Services, on 01799 510510 or at committee@uttlesford.gov.uk up to three working days before the meeting.

Petitioners may also register to speak in the public speaking period preceding every Committee meeting.

- (xv) A petition organiser has the right to request that the Council's Scrutiny Committee review the steps that the Council has taken in response to a petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate. The committee will endeavour to consider the request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine that the Council has not dealt with the petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation or arranging for the matter to be considered at a meeting of Full Council. Once the review has been considered the petition organiser will be informed of the outcome within 10 working days. The results of the review will also be published on the Council's website. If, however, the Council had already sent the petition to the Scrutiny Committee for consideration and the petitioner is unhappy with the outcome, then the review will be conducted by the Audit and Standards Committee.

3.1.5 Complaints

Citizens have the right to complain to:

- (i) the Council itself under its complaints scheme;

- (ii) the Ombudsman after using the Council's own complaints scheme;
- (iii) the Information Commissioner after using the Council's own complaints scheme;
- (iv) the Monitoring Officer of the Council about a breach of the Councillors' Code of Conduct.

3.2 Citizens' responsibilities

Citizens must not be violent, abusive or threatening to councillors or officers and must not willfully damage property owned by the Council, councillors or officers.

Article 4 - The Full Council

4.1 Meanings

4.1.1 Policy Framework

The policy framework means the following plans and strategies:

- The Council's Corporate Plan;
- Any adopted strategies relating to leisure and culture;
- Any adopted community strategy;
- Any adopted strategies relating to the reduction of crime, disorder and anti-social behaviour;
- The Local Development Plan;
- Policies relating to licensing which the Council is legally required to have in place;
- Any adopted strategies to enforce food safety and health and safety at work legislation;
- Plans and strategies relating to the Housing Investment Programme; and
- Any adopted strategies relating to the management of waste

4.1.2 Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

4.1.3 Housing Land Transfer

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for

approval to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.2 Functions of the Full Council

Only the Council will exercise the following functions:

- 4.2.1 adopting and changing the Constitution;
- 4.2.2 approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- 4.2.3 subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- 4.2.4 appointing the Leader;
- 4.2.5 agreeing and/or amending the terms of reference for committees of the Council, deciding on their composition and making appointments to them;
- 4.2.6 appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- 4.2.7 adopting an allowances scheme under Article 2.6;
- 4.2.8 changing the name of the area;
- 4.2.9 conferring the freedom of the district;
- 4.2.10 appointing Honorary Aldermen and Alderwomen;
- 4.2.11 confirming the appointment of the Head of Paid Service;
- 4.2.12 making, amending, revoking, re-enacting or

adopting bylaws and promoting or opposing the making of local legislation or personal Bills;

4.2.13 all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the executive; and

4.2.14 all other matters which, by law, must be reserved to Council.

4.3 Council meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings,

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution. The annual meeting of the Council is an ordinary meeting of the Council as it is a scheduled meeting but it is one at which business required by statute must be undertaken.

4.4 Responsibility for functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the executive.

Article 5 - Chairing the Council

5.1. Election of Chairman and Vice-Chairman

- 5.1.1. The Chairman and Vice-Chairman will be elected by Council annually as its first business at its annual meeting.
- 5.1.2. Nominations for the posts of Chairman and Vice-Chairman for the Council year shall be made at the annual meeting.
- 5.1.3. Any casual vacancy in the office of Chairman or Vice-Chairman shall be filled at the first ordinary meeting of the Council after such vacancy occurs.

5.2. Role and function of the chairman

The Chairman of Council and in their absence, the Vice-Chairman will have the following roles and functions:

- 5.2.1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- 5.2.2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- 5.2.3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the executive are able to hold the executive to account;
- 5.2.4. to promote public involvement in the Council's activities;
- 5.2.5. to be the conscience of the Council; and
- 5.2.6. to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

Article 6 - Scrutiny Committee

6.1 Terms of reference

The Council will appoint the committee set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table.

Committee	Scope
Scrutiny Committee	To monitor decisions of the executive and committees; to scrutinise the performance of outside bodies and to make reports and recommendations as appropriate; to receive public petitions when appropriate in accordance with the Council's petitions scheme

6.2 General role

Within its terms of reference, the Scrutiny Committee will:

- 6.2.1 make reports and/or recommendations to the Full Council and/or the executive and/or any policy, joint or area committee in connection with the discharge of any functions;
- 6.2.2 consider any matter affecting the area or its inhabitants.

6.3 Specific Functions - Scrutiny Committee

- 6.3.1 conduct research, community and other consultation in the analysis of policy issues and possible options;
- 6.3.2 consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- 6.3.3 question members of committees and chief officers about their views on issues and proposals affecting the district;
- 6.3.4 liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
- 6.3.5 assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- 6.3.6 review and scrutinise the decisions made by and performance of the executive, committees and council officers both in relation to individual decisions and in more general terms;
- 6.3.7 carry out the functions assigned to a Crime and Disorder Scrutiny Committee pursuant to Section 19 of the Police and Justice Act 2006;
- 6.3.8 review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- 6.3.9 question members of the executive, committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

- 6.3.10 make recommendations to the executive, committees and/or Council arising from the outcome of the scrutiny process;
- 6.3.11 review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance;
- 6.3.12 question and gather evidence from any person (with their consent); and
- 6.3.13 exercise the right to call-in for reconsideration of decisions made but not yet implemented by the executive or committees

6.4 Annual report

The Scrutiny Committee must report annually to Full Council on its activities and make recommendations for future work programmes and amended working methods if appropriate.

6.5 Proceedings of the Scrutiny Committee

The Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

Article 7 - The Executive

7.1 Role

The executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.2 Form and composition

The executive will consist of the Leader together with at least two, but not more than nine, councillors appointed to the executive by the Leader.

7.3 Leader

The Leader will be a councillor elected to the position of Leader by the Council. The Leader will hold office until:

- 7.3.1 the annual meeting of Full Council immediately following an ordinary council election; or
- 7.3.2 he/she resigns from the office; or
- 7.3.3 he/she is no longer a councillor; or
- 7.3.4 Full Council passes a resolution of no confidence in the leader in accordance with the provisions of paragraph 7.4 of this Article.

7.4 Vote of no confidence

- 7.4.1 Notice of a motion of no confidence in the leader must be given in writing signed by at least one Member no later than 6 clear working days before the date of the meeting at which it is intended that the motion will be proposed or (if it is intended to propose a vote of no confidence at an extraordinary meeting of the Council called for that purpose) at the time a request for an extraordinary meeting is made to the Chief Executive.
- 7.4.2 In the event that a motion of no confidence is passed by a majority of the Members present at

the meeting, the appointment of a councillor to the position of Leader of the Council shall be immediately determined.

7.4.3 In the event of a vacancy arising in the office of Leader by virtue of the process outlined in paragraph 7.4.1 above nominations to fill the post shall be received from the floor and the provisions of Council Procedure Rule 14 in Part 4 of this Constitution shall apply.

7.5 Deputy Leader

7.5.1 The Leader shall appoint a member of the executive to be the Deputy Leader.

7.5.2 The Deputy Leader shall hold office until:

- (i) the Leader ceases to be Leader of the Council in the circumstances referred to in either paragraphs 7.3.1 or 7.3.4 above; or
- (ii) he/she is removed from office by the Leader; or
- (iii) he/she resigns from the office; or
- (iv) he/she is no longer a councillor.

7.5.3 If for any reason the Leader is unable to act or the Leader is vacant, the Deputy Leader must act in his/her place.

7.6 Other executive members

Other executive members shall hold office until:

7.6.1 they are removed from office by the Leader who must give written notice of any removal to the proper officer. The removal will take effect two working days after receipt of the notice by the proper officer; or

7.6.2 they are no longer councillors; or

7.6.3 they resign from office

7.7 Proceedings of the executive

Proceedings of the executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

7.8 Responsibility for functions

- 7.8.1 The Leader will maintain a list in Part 3 of this Constitution setting out which individual members of the executive, committees of the executive, officers or joint arrangements are responsible for the exercise of particular executive functions.

- 7.8.2 In the event that for any reason both the Leader and Deputy Leader are unable to act in their respective offices or both offices are vacant then the functions of the Leader shall be performed by the executive as a whole or by one member of the executive appointed by the executive for that purpose.

Article 8 - Regulatory 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.

Article 9 - The Audit and Standards Committee

9.1 Audit and Standards Committee

The Council will establish an Audit and Standards Committee (“the Committee”).

9.2 Composition

The Committee will be composed of at least six councillors who may not include any members of the executive, and three people who are not councillors or officers of the Council (the independent members) who shall not be voting members of the committee.

9.3 Role and Function – Audit

9.3.1 The Council’s functions in respect of internal 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.

9.4 Role and Function – Standards

In relation to standards matters, the Committee will have the following roles and functions:

- 9.4.1 promoting and maintaining high standards of conduct by councillors and any co-opted members;
- 9.4.2 assisting councillors and any co-opted members to observe the Members’ Code of Conduct;
- 9.4.3 advising the Council on the adoption or revision of the Members’ Code of Conduct;
- 9.4.4 monitoring the operation of the Members’ Code of Conduct;
- 9.4.5 advising, training or arranging to train councillors and any co-opted members on matters relating to the Members’ Code of Conduct;
- 9.4.6 dealing with any reports from the Monitoring Officer in accordance with the

Council's procedure for considering Code of Conduct complaints;

- 9.4.7 the exercise of the roles and functions above in relation to the town and parish councils in its area and the members of those town and parish councils;
- 9.4.8 conduct reviews of petitions considered by the council's Scrutiny Committee when requested by the petition organiser to do so.

9.5 Role of Independent Members in Standards Matters

- 9.5.1 Independent members shall not be entitled to vote on any matters determined by the Standards Committee;
- 9.5.2 The views of independent members will be sought and taken into account in accordance with the Council's procedure for considering Code of Conduct complaints;
- 9.5.3 The Council may seek the views of one or more of the independent members in other circumstances;
- 9.5.4 Members of the Council and parish and town councils who are the subject of an allegation of a breach of the Code of Conduct may also seek the views of an independent member.

Article 10 - Task Groups and Working Groups

10.1 Task Groups

- 10.1.1 The Council, the executive or any of their committees may appoint one or more task groups at any time.
- 10.1.2 A task group shall not be a committee or sub-committee of the Council or the executive and shall not have decision-making powers.
- 10.1.3 Membership of a task group shall be not more than 7 and not less than 3 members. Membership of a task group appointed by the executive may include, but is not limited to, members of the executive.
- 10.1.4 When appointing a task group the appointing body shall set out the terms of reference of the group and the date by which a final report is required from the group. The task group shall cease to exist on the earlier of the production of its final report or the date a final report was required (whether or not a report has been produced) but without prejudice to the right of the appointing body to appoint the same or different members as a task group to complete the task.
- 10.1.5 In making recommendations to the appointing body a task group may not recommend its continuance or the appointment of another task group to exist beyond the date upon which its final report is required but without prejudice to the right of the appointing body to appoint the same or different members as a task group to complete the task.
- 10.1.6 A decision to appoint a task group by a committee of the Council or by the executive or a committee of the executive may be called in by the Scrutiny Committee.
- 10.1.7 Upon being informed that a task group has been established the Chief Executive shall designate a lead officer to that group. In the event that the Chief Executive is of the view that the task group is repeating work recently undertaken by a task group which

has ceased to exist by virtue of Article 10.1.4 or is substantially duplicating the work of another task group or another body of the Council he or she may in the case of a task group established by a committee of the Council make a report to Full Council and in the case of a task group established by the executive or a committee of the executive make a report to the Leader and the task group shall not proceed until such time as Full Council or the Leader (as the case may be) has considered the Chief Executive's advice.

10.2 Working Groups

- 10.2.1 The Council or the executive only may appoint one or more working groups at any time.
- 10.2.2 A working group shall not be a committee or sub-committee of the Council or the executive and shall not have decision-making powers.
- 10.2.3 When appointing a working group the Council or the executive shall determine the size and membership and set out the terms of reference of the group.
- 10.2.4 The Council shall review working groups appointed by the Council at the Annual Meeting of the Council and the executive shall review working groups appointed by the executive at the first meeting of the executive after the Annual Meeting of the Council and unless reappointed for the forthcoming year they shall cease to exist at that time.

- 10.3 The Council, the executive and their committees may only appoint task groups and working groups to consider matters within the remit of the body making the appointment.

Article 11 - Joint Arrangements

11.1 Arrangements to promote wellbeing

The Council or the executive, in order to promote the economic, social or environmental wellbeing of its area, may:

- 11.1.1 enter into arrangements or agreements with any person or body;
- 11.1.2 co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- 11.1.3 exercise on behalf of that person or body any functions of that person or body.

11.2 Joint arrangements

- 11.2.1 The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- 11.2.2 The executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- 11.2.3 Except as set out below, the executive may only appoint executive members to a joint committee and those members need not reflect the political composition of the local authority as a whole. The executive may appoint members to a joint committee from outside the executive where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the executive may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.

11.2.4 Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

11.3 Access to information

11.3.1 The Access to Information Rules in Part 4 of this Constitution apply to joint committees.

11.3.2 If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to the executive.

11.3.3 If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part 12A of the Local Government Act 1972 will apply.

11.4 Delegation to and from other local authorities

11.4.1 The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.

11.4.2 The executive may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.

11.4.3 The decision whether or not to accept such a delegation from another local authority shall be reserved to the Full Council.

11.5 Contracting out

The Council for those functions which are not executive functions and the executive for executive functions may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision-making.

Article 12 - Officers

12.1 General

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

12.2 Chief Officers

The Council will engage a Chief Executive Officer and such Strategic Directors reporting directly to the Chief Executive, as it considers necessary to carry out its functions, who will be designated chief officers. The current corporate management structure may be accessed on the Council's website at www.uttlesford.gov.uk

12.3 Statutory Officers

The Council is obliged to appoint a Head of Paid Service, a Monitoring Officer and a Chief Finance Officer. The Council will designate the post of Head of Paid Service to the Chief Executive. The Council shall appoint such persons who appear to the Council to be best qualified and able to undertake the statutory roles of Monitoring Officer and Chief Finance Officer. The Chief Finance Officer shall be a qualified accountant. Such posts will have the functions described below.

12.4 Functions of the Head of Paid Service

12.4.1 The Head of Paid Service will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the performance level that is expected to be achieved and the resources necessary to achieve the work plan of the Council.

12.4.2 The Head of Paid Service will determine and publish a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

12.4.3 The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.5 Functions of the Monitoring Officer

- 12.5.1 The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- 12.5.2 After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to Full Council if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- 12.5.3 The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit and Standards Committee and Members.
- 12.5.4 The Monitoring Officer will conduct or arrange investigations into allegations of a breach of a code by a member and make reports or recommendations in respect of them to the Audit and Standards Committee.
- 12.5.5 The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- 12.5.6 The Monitoring Officer will provide advice on the scope of powers and the authority to take decisions, and on maladministration, financial impropriety and probity to all councillors.
- 12.5.7 The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.6 Functions of the Chief Finance Officer

- 12.6.1 After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to Full Council and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- 12.6.2 The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- 12.6.3 The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- 12.6.4 The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, and probity to all councillors and will support and advise councillors and officers in their respective roles.
- 12.6.5 The Chief Finance Officer will provide financial information to the media, members of the public and the community.

12.7 Duty to provide sufficient resources to the Head of Paid Service, Monitoring Officer and Chief Finance Officer

The Council will provide the Head of Paid Service, Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their respective opinions sufficient to allow their duties to be performed.

12.8

Conduct

Officers will comply with the guidance on gifts and hospitality and the Member/Officer Protocol set out in Part 5 of this Constitution.

12.9

Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

Article 13 - Decision-Making

13.1 Responsibility for decision-making

The Council will issue and keep up to date a record of what part of the Council or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.2 Principles of decision-making

All decisions of the Council will be made in accordance with the following principles:

- 13.2.1 proportionality (i.e. the action must be proportionate to the desired outcome);
- 13.2.2 due consultation and the taking of professional advice from officers;
- 13.2.3 respect for human rights;
- 13.2.4 a presumption in favour of openness; and
- 13.2.5 clarity of aims and desired outcomes

13.3 Types of decision

13.3.1 Decisions reserved to Full Council - decisions relating to the functions listed in Article 4.2 will be made by the Full Council and not delegated.

13.3.2 Key decisions are decisions by or on behalf of the Leader or Cabinet (including decisions by officers acting under delegated powers) which meets one or more of the following conditions:

1. The decision is likely to result in the Council incurring expenditure or making savings in excess of £100,000, subject to the following:
 - Decisions on the acquisition or disposal of land or of an interest in land will be key decisions if their value exceeds £500,000.

- The following are not key decisions:
 - o Loans or borrowing decisions made in accordance with the Treasury Management Policy.
 - o Decisions relating to the engagement of staff unless falling within paragraph 4.
 - o Contract awards or renewals for vehicles, plant, machinery, goods, supplies and services where budget provision has been made and the award or renewal is within budget.
 - o Contract awards where the decision to let the contract has already been treated as a key decision.

13.3.3 The decision is likely to be significant in terms of its effects on communities living or working in Uttlesford.

13.3.4 The decision relates to the adoption or revision of plans and policies which would have a significant impact on the way in which the Council carries out its statutory functions.

13.3.5 The decision relates to consideration by the Cabinet of proposals which would have a significant impact on the provision of services to the public or on the operational management of the Council.

13.4 Decision-making by the Full Council

Subject to Article 13.8 the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.5 Decision-making by the executive

Subject to Article 13.8, the executive will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.6 Decision making by overview and scrutiny committees

Overview and scrutiny committees will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.7 Decision-making by other committees and sub-committees established by the Council

Subject to Article 13.8, other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

13.8 Decision-making by Council bodies acting as tribunals

The Council, a councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair hearing contained in Article 6 of the European Convention on Human Rights.

Article 14 - Finance, Contracts and Legal Matters

14.1 Financial management

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in the Part 4 to this Constitution.

14.2 Contracts

Every contract made by the Council will comply with the Financial Procedure Rules.

14.3 Legal proceedings

The Head of Legal Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he/she considers that such action is necessary to protect the Council's interests.

14.4 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Legal Services or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

14.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal Services. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which, in the opinion of the Head of Legal Services should be sealed. The affixing of the Common Seal will be attested by anyone from any of the following list:

14.5.1 Members of the Council.

14.5.2 The Chief Executive

14.5.3 Strategic Directors

14.5.4 The Director of Finance, Revenues and Benefits and
Head of Legal Services.

Article 15 - Review and Revision of the Constitution

15.1 Duty to monitor and review the constitution

The Audit and Standards Committee shall monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

15.2 Changes to the Constitution

15.2.1 Subject to Article 15.2.3, changes to the constitution may only be made by the Full Council after consideration of the proposal by the Audit and Standards Committee.

15.2.2 In the event that the Council considers amending the constitution to provide for a mayor and cabinet form of executive it must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum.

15.2.3 The Monitoring Officer may approve drafting changes in these circumstances:

- To update the Council's scheme of delegation where responsibility for a function the subject of delegated powers is moved from one officer to another; for instance, following a departmental restructuring or to reflect changes in job titles or the management structure.
- To reflect changes to delegations to officers made by regulatory committees or by the Cabinet.
- To reflect changes in responsibilities of members of the Cabinet, as determined by the Leader.
- To update references in the Constitution to legislation where an Act of Parliament is replaced by another Act in substantially similar terms or to reflect changes which

are required by new legislation which the Council has no choice but to make.

- To correct obvious errors or to better give effect to the clear intention of the Constitution.

Article 16 - Suspension, Interpretation and Publication of the Constitution

16.1 Suspension of the Constitution

16.1.1 The Articles of this Constitution may not be suspended. Procedural Rules (save for rules 14.6, 17 and 18.2) may be suspended by the Full Council or committees (during committee meetings) to the extent permitted within those Rules and the law.

16.1.2 A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

16.2 Interpretation

The ruling of the Chairman of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.3 Publication

16.3.1 The Chief Executive will give a copy of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.

16.3.2 The Monitoring Officer will ensure that the Constitution is available for inspection at the Council's offices and/or website. It can be purchased by members of the local press and the public on payment of a reasonable fee.

16.3.3 The Monitoring Officer will ensure that the

Constitution is updated and made available as necessary.

Article 17 - Honorary Aldermen and Alderwomen

- 17.1. The Council may confer the title of Honorary Alderman or Honorary Alderwoman upon persons who have, in the opinion of the Council, rendered eminent services to the Council as past members of that Council, but who are not then members of the Council.
- 17.2 Any person nominated for such title shall normally have served for 20 years as a member of the Council.
- 17.3 Nominations for the title may be made in writing by any existing Member of the Council and shall be made before the annual meeting of the Council following an ordinary election of councillors or in exceptional circumstances before any annual meeting of the Council.
- 17.4 Any nominations received shall be referred to the Chairman of the Council who shall consult with the group leaders and the Chief Executive before deciding whether to put the nomination to Full Council.
- 17.5 In the event that the nominations do go forward to Full Council a majority of 2/3rds of the members voting thereon is required before the title of Honorary Alderman or Honorary Alderwoman can be conferred.
- 17.6 A certificate shall be presented to each Honorary Alderman or Honorary Alderwoman acknowledging their appointment with an appropriate citation.
- 17.7 Honorary Aldermen or Honorary Alderwomen may attend and take part in such civic ceremonies as the Council may from time to time decide.
- 17.8 Honorary Aldermen or Honorary Alderwomen shall not be entitled to be addressed as Alderman or Alderwoman and may not take part in any civic ceremonies in that capacity at any time while they are serving as a member of the Council.