



Whitchurch Town Council

CONSTITUTION

INTRODUCTION

Local councils, unlike principal authorities are not required by law to adopt a constitution, however they do need to adopt Financial Regulations and to have other governing documents such as Standing Orders, a Member Code of Conduct and a Publication Scheme.

Whitchurch Town Council have resolved to voluntarily adopt a Constitution which will contain the statutory governance documents which it needs to publish, as well as a number of other parts which represent best practice and will help to make its dealings more transparent to local people and businesses. The purpose of the Constitution is to enable local people to understand how their Town is being governed and how they can become involved in the decision making. This first Constitution was adopted March 2013, and contains a number of constituent parts previously adopted by Council as set out in the Index.

As you look down the contents page, you will see some gaps. This is because the Council is gradually reviewing and revising its governance and adding policies as they are developed.

The Constitution also doubles as a handbook for Councillors. It is available to them in hard copy or electronic format.

You will find the documents listed in pdf format below.

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SUMMARY AND EXPLANATION

BACKGROUND – LOCAL GOVERNMENT

Before considering the detail of how Whitchurch Town Council operates, it is useful to consider briefly where local government has come from and how it is changing.

In Britain there is no codified constitutional document setting out the rights and responsibilities of local authorities and their relationship with National Government. Instead, there is a set of institutions and practices, some centuries old, that have been created and adopted in response to changing circumstances and which have gradually been given a statutory framework.

Local Government is in the public sector, but is not a local civil service. It is political in nature because the people that determine its direction are democratically elected by local people. Central Government, however, has the capacity to direct and regulate councils through legislation and fiscal means. Local Government is first and foremost, a people business and service to the community is the cornerstone of its activity.

Local Government in England is a mixture of single and two tier principal authorities and local councils. County councils and district councils (sometimes called borough councils) have a split responsibility for service provision, a situation which existed in Shropshire until 31st March 2009. Metropolitan and unitary authorities are all purpose and Shropshire Council now has this responsibility. The term “local council” means a parish or town council. They are, like all councils an elected corporate body, but have a far more limited range of duties and powers than the principal councils. Never the less the Town Council is the most local form of government and therefore plays a vital role at the community interface.

Local government traditionally can only do what it is powered to do by statute, other acts are “ultra vires” (beyond the power of) which is the reverse of the position of an individual who can do anything which is not restricted by law. This position was widened for principal authorities and qualifying local councils by the provisions of the Local Government Act 2000 which gave those councils the power to undertake a wide range of duties which they considered were likely to achieve the promotion or improvement of the economic, social or environmental well-being of their area. The well being powers are now superseded by a general power of competence provided for by the Localism Act 2011. In brief, this provides for a principal council or qualifying local council to have the power to do anything that individuals generally may do. Whitchurch qualified for this general power of competence in June 2013.

BACKGROUND – WHITCHURCH TOWN COUNCIL

Whitchurch Town Council is one of the largest of 153 local councils within the Shropshire. Within this number, 16 are Town Councils of which Whitchurch is the fifth largest. Shropshire Council is one of two principal councils in the ceremonial and historic County, the other being Telford and Wrekin Borough Council.

Whitchurch was granted 'town' status in 1284 and has market rights dating from the 16th century.

Modern local government for the Town was originally formed as Whitchurch and Dodington Urban District, in 1894, replacing the Local Board, which had been established in 1860. The name of the district was altered to Whitchurch Urban District, in 1895, and a Council, consisting of twelve members was formed. In 1967, it was amalgamated with Ellesmere Rural District, Wem Rural District, and the urban districts of Ellesmere & Wem, as well as Whittington from Oswestry Rural District, to form the North Shropshire Rural District Council.

At this time, Whitchurch Parish Council was formed as the local council for the civil (urban) parish of Whitchurch

The North Shropshire Rural District survived until 1974 when it was abolished under the Local Government Act 1972 to form part of a new, larger North Shropshire District, by combining with Market Drayton Rural District. At this time, the Parish Council was designated as Whitchurch Town Council, which effectively had exactly the same legal status, powers and duties as a parish council but had a civic mayor as oppose to a chairman of council.

The district and its council were abolished on 1 April 2009 when the new Shropshire unitary authority was established, as part of the 2009 structural changes to local government in England. Whitchurch Town Council remained unchanged. The historic and ceremonial county of Shropshire, England, located in the West Midlands region, has two unitary authorities as the local authorities (Shropshire Council and Telford and Wrekin Borough Council. Whitchurch Town is located within the Whitchurch and Prees Local Joint Committee Area.

Whitchurch is part of the North Shropshire constituency for Parliamentary elections and part of the West Midlands constituency of the European Parliament.

The Town Council has a coat of arms, the motto of which is *Floreat Concilia Salopiae* which translates as "Develop Shrophire's Councils"

HOW THE COUNCIL OPERATES

The Council is composed of 15 Councillors, representing 3 the three wards of South, North and West. Council elections take place in May every 4 years, when a new Council is elected. The terms of office of councillors is four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later. The overriding duty of Councillors is to the whole community, but they have a special duty to their ward constituents, including those who did not vote for them.

Only registered voters of the Town or those living or working there, or living within 3 miles of the parish boundary are eligible to hold the office of councillor, providing they are 18 years of age or over and not disqualified.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties which includes the declaration of interests in matters considered by Council. The Standards Committee of Shropshire Council is responsible for promoting and ensuring the standards of conduct by unitary, parish and town councillors. Shropshire Council's Monitoring Officer deals with complaints about the behavior of councillors under the Code.

All councillors meet together as the full Council at ten ordinary meetings each year plus the annual council meeting in May. Here councillors decide the Council's overall policies, set the budget each year and deal directly with the more major issues.

The Council appoints committees which deal with the more detailed or routine items of business. Many decisions are delegated by full Council to these committees, however a number of items are dealt with as recommendations to be ratified at a meeting of full Council. Council may also establish working parties, which do not usually have decision making powers but look at the detail of future policy or services in a depth which would not be possible in the formal arena.

HOW DECISIONS ARE MADE

All formal meetings of Council and its committees are subject to statutory notice being given, and the Council publishes an annual programme each year. Meetings are always publicised on the Web Site and Notice Boards. All formal meetings are open to the public and press. Reports to those meetings and relevant background papers are available for the public to see.

Occasionally, Council or committees may need by law to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial sensitivity are to be discussed. This will only happen after a formal resolution

has been passed to exclude the press and public. Minutes from all formal meetings, including the confidential parts are public documents.

THE COUNCIL'S STAFF

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. The Town Clerk heads up this paid service and has specific duties as the "proper officer" to ensure that the Council acts within the law. The Town Clerk may also be designated as "Responsible Financial Officer" to ensure that financial best practice is followed, or these duties may be given to another officer. A code ensures high standards of conduct and a protocol governs the relationships between officers and members of the council.

CITIZENS' RIGHTS

Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes. Where members of the public use specific council services they have additional rights. These are not covered in this Constitution but you will be told of them when you use the service.

Citizens have the right to:

- Vote at local elections if they are registered;
- Contact their local councillor about any matters of concern to them;
- View a copy of the Constitution;
- Attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- Present a petition to the Council;
- Complain about any aspect of the Council's services. (If a complaint in the usual way does not bring satisfaction, the Council has a formal complaints procedure);
- Complain to the Shropshire Council's Monitoring Officer if they have evidence which shows that a councillor has not followed the Council's Code of Conduct;
- Inspect the Council's accounts and make their views known to the external Auditor who checks the Council's book-keeping and expenditure.
- View and in most cases obtain copies of documents set out in the Council's publication scheme.
- The Council welcomes participation by its citizens in its work and welcomes interested people at its meetings.

ROLES AND FUNCTIONS OF ALL COUNCILLORS

All councillors, whatever their formal position on the Council (or party political system), share common roles and responsibilities.

(a) Key Roles

All councillors will:

- collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- represent their communities and bring their views into the Council's decision making process, i.e. become the advocate of and for their communities;
- contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- balance different interests identified within the ward and represent the ward as a whole;
- participate in the governance and management of the Council;
- be available to represent the Council on other bodies; and
- maintain the highest standards of conduct and ethics.

(b) Rights and Duties

- 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.
- 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.
- Unless specifically authorised to do so by the Council or a Committee, a Member of the Council shall not issue any order respecting any works which are being carried out by or on behalf of the Council or claim by virtue of his/her membership of the Council any right to inspect or to enter upon any lands or premises which the Council have the power or duty to inspect or enter.

ROLE AND FUNCTION OF THE MAYOR

The Mayor will be the civic head of the Council, first citizen of the Town subject to deference to the Borough Mayor where appropriate. He / She will be a symbol of the Authority and an expression of social cohesion.

The Mayor will chair meetings of full Council and, in doing so, will promote political neutrality.

The Mayor will be elected by the Council at its Annual Meeting. The Council do maintain the tradition of allowing its Mayor to be re-elected for a second year.

DEPUTY MAYOR

The Council will appoint a Deputy Mayor at the time the Mayor is elected, who shall assume the role of the Mayor when the Mayor is not present, or unable to fulfil that function.