

# **Document 1.1**

## **INTRODUCTION TO THE CONSTITUTION**

**Review by January 2019**

## 1. Purpose

- 1.1 The purpose of this Constitution is to set out how Hertford Town Council works and how it makes decisions. The Constitution is a living document. It is kept under continual review and is re-examined every two years by the Finance, Policy & Administration Committee.

## 2. Background

- 2.1 The Town Council is responsible for a number of local services. It must provide some of these services by law; others are discretionary. The Town Council is a statutory corporation - that is, a body created by government under an Act of Parliament. Under the General Power of Competence, a Council undertakes various functions and delivers a wide range services as long as it ensures compliance with the law.

## 3. Services

- 3.1 The Town Council currently provides the following range of services:

- Allotments**
- CCTV** in the town centre (through the CCTV partnership)
- Hertford Cemetery**
- Christmas light displays** in the Town Centre
- Civic Traditions** – maintaining & promoting Hertford’s historic civic traditions
- Closed Churchyards and other open spaces such as the Castle Grounds, St Leonard’s Garden and Pinehurst Playing Field with play equipment**
- Conference and wedding facilities** at the Castle
- Consultations** – responses to any from other organisations, local & national
- Entertainments** – provide and promote public entertainments and events
- Function rooms** at the Castle & Millbridge Rooms social occasions, meetings etc
- Grants** to local voluntary groups and organisations
- Hertford Museum** – significant grant support to the Hertford Museum
- Partnerships** with other organisations with the aim of improving the social, economic and environmental wellbeing of Hertford
- Planning** – representations on applications & development plans
- Representing** the Town’s interests to other public service providers
- Support** to Town Centre including provision of hanging baskets and appointment of Town Centre Officer to support economic development
- The Castle** – maintain this important historical landmark on behalf of the Town
- Tourism and Information** – Town and Tourist Information Centre
- War Memorial** - maintaining on behalf of the people of Hertford
- Youth** – organising & supporting Youth engagement

## 4. Who pays?

- 4.1 Money for services comes from the following sources:

- Income from fees and charges
- Grants – when available
- Specific reserves

- General balances
- Council tax.

4.2 Unlike Hertfordshire County Council and East Herts Council, Hertford Town Council receives no income from business rates and its general expenditure is not subsidised through a government grant. There are currently no central government controls or “cap” on the Council’s expenditure or ability to raise a precept. This makes Hertford Town Council directly accountable to residents for the financial implication of its actions.

## 5. Who decides?

5.1 Every four years, voters in the town elect 16 Town Councillors. They take all major decisions in the full Council; or in a Council Committee or Sub-Committee. Decisions are always collective and voted on unless they have been delegated to the Town Clerk. Sometimes those delegated decisions are taken in consultation with Councillors, for example a Committee Chairman, the Leader or the Mayor.

The political party having the greatest overall number of seats on the Town Council is able to decide policy – but only through the Council’s formal decision making process. If the result of an election is close, no single party might have an overall majority - in which case a Leader is unlikely to be appointed.

## 6. The Council's job

6.1 The Town Council's role is to deliver its services to the people of Hertford in an open, transparent and cost-effective way; acting in the best interests of Hertford and its citizens as a whole. This sometimes means that the 'greater good' is more important than individual or particular group's interests, but this is what democratic **local** government is all about. Taking those decisions, after listening to the community, is the job of the Town Councillors acting collectively as 'Hertford Town Council'.

## 7. How is the Council organised to carry out its job?

7.1 **The Council** – Can make all policy and other decisions within scope of the power of general competence and those powers specifically given to a town council by law.

7.2 **Committees** – Can make decisions (resolved items) only on those issues the Council has delegated otherwise a Committee has to make a recommendation to Council – for example on policy issues.

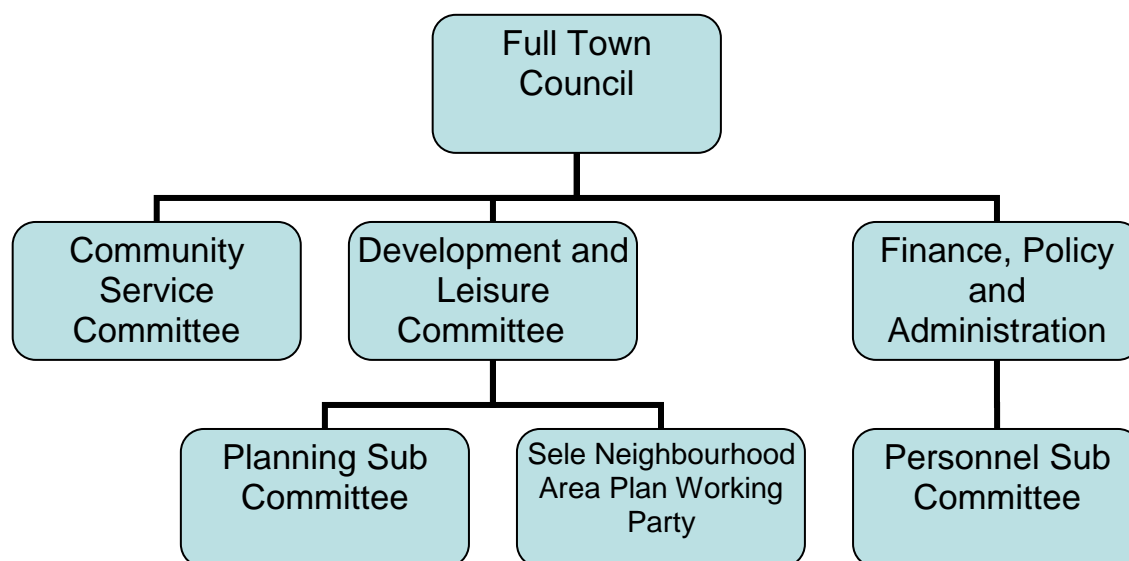
7.3 The Council's Committees are:

- ▶ Community Services Committee
- ▶ Development & Leisure Committee
- ▶ Finance, Policy & Administration Committee.

7.4 **Planning Sub-Committee** – This is a sub-committee of the Development & Leisure Committee and can make decisions (resolved items) only on those issues the Committee has delegated otherwise it has to make a recommendation.

**Personnel Sub – Committee** – This is a sub-committee of the Finance, Policy and Administration Committee and can make decisions (resolve items) only on those issues the Committee has delegated otherwise it has to make a recommendation.

- 7.5 **Working Groups** – These can be appointed by any of the above and can be made up of councillors and officers. Representatives of other organisations may also be invited to sit on a working group. They are informal and will report to Council or a Committee on a specific, time limited, issue where more detail needs to be explored. There is currently a Sele Neighbourhood Area Plan Working Party, reporting to the Development and Leisure Committee
- 7.6 **Allotments** – The Council encourages allotment management groups to be established. Three are in existence at the time of writing – the North Road Plot Holders’ Group, Mudlarks Community Garden at Cromwell Road allotments and the Lovely Grub Garden at Sele Road. These groups have entered into an agreement with the Council for it to carry out the day to day management of those allotments/areas of land on behalf of the Council.
- 7.7 **Officers** - Deliver the Council’s services in line with policies or directions as determined by Councillors, collectively in Council, a Committee or a Sub-Committee. They can advise Councillors on policy issues and statutory requirements the Council has to meet. They carry out the day to day detailed management of the Council’s services. By contrast Councillors look after the policy direction and other high level issues and they should ensure, through the formal framework, that the officers are working in line with those policies and should hold them to account for their actions.
- 8 **Council Structure at Councillor Level – Policy & Direction**





**Council Structure at Officer Level (as at January 2017) – Service Delivery & Advice**

