

# **Guide for Candidates on being a Member of Essex County Council**

## **Introduction**

Every four years the people of Essex vote to choose their local County Councillor. There are also occasional by-elections if vacancies arise.

This guide aims to explain the work of a Councillor and how Essex County Council operates. It is intended to provide candidates with a useful starting point as to the nature of the commitment they would be taking on.

## **What is Essex Council and how does it relate to other Councils in Essex?**

Local Government can be either unitary or two-tier. Unitary councils such as Southend-on-Sea and Thurrock manage all local authority services in their area. Essex is two-tier. There is one county council and 12 city, district or borough councils. Each council is independently elected and has separate responsibilities, although in practice there is much partnership working.

Their principal responsibilities are set out below:

### **County Council**

- Education
- Children's Services
- Adult Social Care
- Public Health
- Minerals and Waste Planning
- Highways including maintenance lighting, traffic and transport planning
- Refuse Disposal
- Libraries
- Consumer Protection (Trading Standards)
- Public Rights of Way
- Emergency Planning
- Country Parks

### **District or Borough Council**

- Collecting Council Tax
- Housing
- Planning, local plans and development control
- Economic Development
- Building Regulations
- Cemeteries and Cremation
- Parks and Open Spaces
- Environmental Health

- Licensing of alcohol, entertainment and alcohol
- Refuse Collection

## **Governance and Decision Making**

### **The Constitution**

Every council has a constitution which sets out how it works. It describes the roles, functions and responsibilities of the councillors and those of key officers. It contains information on how decisions are made and provides detailed guidance about rules and procedures. The constitution is approved by council.

### **Essex County Council**

The Council comprises 75 Councillors representing 70 electoral areas called divisions. All Councillors meet together as the Council, usually five times a year, and decide the Council's overall policies and set the budget for each year. The Council appoints the Leader of the Council who in turn appoints up to nine other councillors who together make up the Cabinet. It also appoints members to committees concerned with overview and scrutiny of the actions of the Cabinet and dealing with matters of a regulatory nature.

### **Cabinet**

The Cabinet is responsible for most day-to-day decisions and meets roughly once a month. The Cabinet makes decisions about:

- key and other significant issues of a crosscutting nature
- decisions to make recommendations to the Council on the budget or key policies
- sensitive issues
- significant issues relating to officer structures.

In addition, each Cabinet Member, can take decisions relating to their specific areas of responsibility.

### **Overview and Scrutiny**

Those members who are not members of the Cabinet form the membership of the Council's four overview and scrutiny committees that support the work of the Cabinet and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and Council on its policies, budget and service delivery. These committees also monitor the decisions of the Cabinet. Each of these Committees meets once a month. The meetings can be used for witness sessions, evidence gathering or site visits.

## **Councillors and their work**

### **The role of the Councillor**

Councillors either represent political parties or are independent. Nevertheless, their common interest is to see their community improve and to develop a better quality of life for local residents. Councillors play a vital role in shaping and directing the effectiveness of local services for the benefit of local people. Councillors are elected by the community to represent the interests of local people. Their work normally involves:

- attending council and committee meetings to make or help shape decisions on local services;
- representing the Council on other organisations;
- helping the Council to achieve its corporate aims;
- championing the needs of local people and local communities;
- attending parish council meetings; and
- taking up issues on behalf of residents and businesses within their division.

Being a Councillor requires you to care about your local community, be willing to give up some of your time and be keen to learn.

### **Standards of Conduct**

On taking office Councillors sign a declaration of acceptance of office. Members are required to follow a local Code of Conduct to ensure high standards of behaviour in the way they undertake their duties. Councillors must observe the rules on expenses and allowances and must declare any pecuniary interests. Members are also expected to abide by the [Nolan Principles](#).

### **Disclosure and Barring Service (DBS) Checks**

All members of Essex County Council are asked to undergo a DBS check when they are elected or re-elected. Applications are submitted online and support will be available for members to use this system. As part of the requirements set by the DBS, officers assisting with the checks will need to see proof of identity. The Council will pay the cost of applying for a check.

### **Facilities available to a Councillor**

A range of facilities are provided for Councillors. Councillors have office space in County Hall. Dedicated support staff are provided for the Leader and Cabinet Members and the Chairman and Vice-Chairman of the Council. The main political groups have their own workspace and dedicated support staff. All Councillors are offered a laptop which can be used in County Hall and at home and are provided with an ECC email address. They are required to follow the Council's IT security and Data Protection rules when acting as a councillor. An induction programme is available to

new Councillors along with a range of training opportunities open to all Councillors throughout their term of office. All Councillors are offered a laptop which can be used in County Hall and at home. They are required to follow the Council's IT security and Data Protection rules when acting as a councillor.

## **Payments and Allowances**

Councillors do not receive a salary for being a councillor. However, allowances are paid to cover the costs of being a Councillor. These are divided into two main categories:

- basic and special responsibility allowances and
- travelling and subsistence allowances.

An annual basic allowance is paid to each councillor in 12 monthly instalments. This basic allowance is intended to recognise the time devoted by councillors to their work, including such inevitable calls on their time as meetings with constituents and political group meetings, and also to cover incidental costs (such as the use of their homes and private telephones) for which other provision is not made. Where such incidental costs are incurred in the course of their work, councillors may deduct those expenses from the remuneration received in calculating how much of that remuneration is taxable.

A special responsibility allowance is paid to certain designated post holders (such as the Chairman of the Council, Cabinet Members and Chairmen of Committees).

Travelling allowance is also payable to recognise the reasonable travel expenses incurred by Councillors in the course of their duties. Subsistence may be claimed for duties undertaken outside of the County of Essex.

Some members choose not to claim some or all of the allowances available to them. The Council is required by law to publish all payments it makes to councillors.

## **Who may stand for election?**

To qualify as a candidate you must satisfy the following criteria on nomination day and polling day:

- be at least 18 years old
- be a British citizen, an eligible Commonwealth citizen or a citizen of any other member state of the European Union, and
- meet at least one of the following four qualifications:

a. You are, and will continue to be, registered as a local government elector in the area of Essex County Council from the day of your nomination onwards.

- b. You have occupied as owner or tenant any land or other premises in the area of Essex County Council during the whole of the 12 months before the day of your nomination and the day of election.
- c. Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the Essex County Council area.
- d. You have lived the area of Essex County Council during the whole of the 12 months before the day of your nomination and the day of election.

### **Who may not stand?**

A person is disqualified from being a member of or a candidate for a local authority on various grounds which include holding a paid office or employment under the direction of the council; bankruptcy, or made a composition or arrangement with creditors; having within five years of the day of election been convicted of any offence and had passed on them a sentence of imprisonment (whether suspended or not) of not less than three months without the option of a fine. An elected member would be disqualified from being a Councillor for these reasons and for failure to attend a meeting throughout a period of six consecutive months unless failure was due to some reason approved by the Council before the expiry of that period.

**For further information please see the [Local Government Association webpage](#) or contact the Democracy Team.**

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