

**1. INTRODUCTION**

- 1.1. This Constitution sets out how Nottinghamshire County Council is governed including how decisions are made.

**2. THE COUNCIL'S DECISION-MAKING STRUCTURE**

- 2.1. The Council and its committees and officers will make decisions in accordance with the Authority's governing principles which are as follows:

2.1.1 Creating and implementing a strategic vision for Nottinghamshire

2.1.2 Focusing on outcomes for the people of Nottinghamshire

2.1.3 Councillors and staff working together to achieve the Council's common purpose

2.1.4 Upholding high standards of conduct and behaviour

2.1.5 Taking informed and transparent decisions

2.1.6 Engaging with local people and other stakeholders to ensure robust public accountability and putting the customer at the heart of everything we do

2.1.7 Ensuring the effectiveness of Councillors and staff through appropriate support.

- 2.2. With the exception of day-to-day operational matters, all decisions of the Council are taken either at Full Council involving all 67 County Councillors, or by committees. Committees are comprised of councillors, to reflect the political balance of the Council.

- 2.3. The Council has appointed the following committees: [insert chart here] [Part 2] of this Constitution sets out Council, committee and employee responsibilities in detail.

- 2.4. All Council and committee decisions are taken following consideration of a report which gives background information, any alternative options available and other relevant considerations such as the potential impact on equalities, crime and disorder and human rights. The procedure for committee meetings where decisions are taken is set out in [Part 3].

**3. PUBLIC INVOLVEMENT**

- 3.1. The Council encourages the public of Nottinghamshire to get involved in local democracy and decision-making.

- 3.2. The public elects County Councillors every four years. They also have the right to submit petitions. More information on petitions is available in [Part xx] of this Constitution.
- 3.3. Access to the right information is essential if the public is to be properly involved; [Part xx] of this Constitution explains how information is made available. In particular, the public has the right to attend all meetings of Council and its committees, and to see reports and background papers. The Council's diary of meetings and reports are available on the Council's website [provide link here for web version].
- 3.4. The Council operates complaints procedures which are overseen by the Local Government Ombudsman.

**4. COUNCILLORS**

- 4.1. Councillors collectively are the ultimate policy makers. Their role is to act in the interests of the whole county of Nottinghamshire, and also to represent the communities which elected them, bringing their views to the decision-making process. In addition they deal with individual casework and act on behalf of constituents in resolving particular problems.
- 4.2. Nottinghamshire County Councillors have adopted a Code of Conduct to ensure the highest standards are maintained. This is set out in [Part xx] of this Constitution.
- 4.3. The Council elects a Chairman and Vice-Chairman of the Council annually. They will carry out the formal and ceremonial duties of the Council, chairing meetings of Full Council and representing the Authority at civic functions.
- 4.4. The Chairman of Policy Committee will be the Council Leader and the Vice-Chairman will be the Deputy Leader.

**5. STAFFING**

- 5.1. The Council employs staff to carry out its functions and decides every year how many are required. The Staffing Procedure Rules [see Part xx of this Constitution] set out how decisions relating to staffing issues will be taken.
- 5.2. The Council has also adopted a Code of Conduct to ensure the highest standards are maintained. This is set out in [Part xx] of this Constitution.
- 5.3. There is a legal requirement to allocate some specific responsibilities to officers and the Council has designated the following posts:

Chief Executive	Head of Paid Service
Corporate Director Policy, Planning and Corporate Services	Monitoring Officer
Service Director Financial Services	Chief Finance Officer (also known as Section 151 Officer)

- 5.4. These post holders' specific responsibilities are set out in [Part xx] of this Constitution.

**6. FINANCES**

- 6.1. To ensure transparency and propriety in how the Council spends taxpayers' money, the Council has adopted Financial Regulations which are set out in [Part xx] of this Constitution.
- 6.2. It has also adopted a Scheme of Councillor Allowances and Travel and Accommodation Policy regarding expenses, both of which are set out in [Part xx].
- 6.3. The Council publishes its annual statement of accounts and all individual items of expenditure over £500 on its website, and approves and publishes senior officer pay.

**7. PARTNERSHIP WORKING**

- 7.1. The Council is committed to working with its partners such as the City Council, district and borough councils, parish councils, the Health Service, the voluntary sector and other public bodies, to deliver services in the most effective way.
- 7.2. The Council may also contract-out functions to other bodies or organisations where considered appropriate.



**8. INTRODUCTION TO RESPONSIBILITY FOR FUNCTIONS**

- 8.1. This part of the Constitution sets out the responsibilities of Full Council, its committees and officers.
- 8.2. In the absence of the relevant committee chairman, the vice-chairman will substitute.
- 8.3. All Councillors are encouraged to undertake regular training and for the following committees there is a specific training requirement:-
  - 8.3.1 Appeals Committee
  - 8.3.2 Planning and Licensing Committee
  - 8.3.3 Rights of Way Committee
  - 8.3.4 Senior Staffing Sub-Committee

**9. THE FULL COUNCIL**

- 9.1. The functions listed below are reserved to the Full Council and can only be discharged by the Full Council:
  - 9.1.1 Determining all policies and plans statutorily reserved to the Full Council (the Policy Framework). **[Details of these will be reported to Full Council when the regulations are published]**
  - 9.1.2 Adopting and changing the Constitution
  - 9.1.3 Approving and adopting the Policy Framework and the budget
  - 9.1.4 Establishing committees and deciding their terms of reference and size
  - 9.1.5 Appointing and removing chairmen and vice-chairmen
  - 9.1.6 Authorising appointments to any joint committees
  - 9.1.7 Authorising appointments to the Nottinghamshire and City of Nottingham Fire Authority
  - 9.1.8 Approving a Members' Allowances Scheme
  - 9.1.9 Approving the annual Senior Officer Pay Policy Statement
  - 9.1.10 Confirming the appointment of, and dismissing, the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer
  - 9.1.11 Changing the name of the County

- 9.1.12 Conferring the title of honorary alderman
- 9.1.13 Making, amending, revoking, re-enacting and adopting bye-laws and promoting and opposing the making of local legislation and personal bills in Parliament
- 9.1.14 Any other function which, by law, must be reserved to the Full Council

**10. POLICY COMMITTEE – TERMS OF REFERENCE**

- 10.1. The powers and functions set out below are delegated by the Full Council:
  - 10.1.1 All decisions within the control of the Council including but not limited to those listed in the Table below
  - 10.1.2 Policy development and approval except on matters reserved for the Full Council
  - 10.1.3 Review of performance on at least a quarterly basis
  - 10.1.4 Review of day to day operational decisions taken by Officers
  - 10.1.5 Approval of consultation responses relating to the Committee's areas of responsibility
  - 10.1.6 Approval of relevant staffing structures as required
- 10.2. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.
- 10.3. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to Officers.
- 10.4. The Committee will be responsible for its own projects but, where it considers it appropriate, projects will be co-ordinated by a cross-committee project steering group that will report back to the relevant Committee.

Table
Responsibility for ensuring that committees operate under the policy direction of the County Council and for determining policies not reserved to the Full Council
Responsibility for the discharge of all functions and exercise of all powers of the County Council not expressly reserved to the Full Council or to any other part of the County Council by statute or by this Constitution
Responsibility for monitoring and reviewing the overall performance of the Council
Responding to any consultations within the remit of more than one committee as and when required
Responsibility for those functions relating to elections and local democracy which are not reserved to the Full Council
Responsibility for the Council's internal and external communications policy and its implementation
Responsibility for Information Governance including but not limited to Data Protection and Freedom of Information
Responsibility for monitoring and reviewing the Council's customer strategy and any matters dealt with by the Business Services Centre
Responsibility for ensuring the Council meets its equalities duties
Responsibility for ensuring high standards of conduct by the County Council, its Councillors, co-opted members and Officers
Responsibility for the implementation of and revision to all codes of conduct and practice of the County Council
Responsibility for all remaining statutory overview and scrutiny powers except those delegated to a health scrutiny committee
Responsibility for the Council's risk management strategy
Responsibility for reviewing annual reports and inspection reports not within the remit of another committee
Responsibility for approving the recruitment process for any independent members of committees and panels required by statute
Responsibility for resolving any issues arising from the Members' Allowances Scheme

## 11. GRANT AID SUB-COMMITTEE – TERMS OF REFERENCE

- 11.1. This is a sub-committee of the Policy Committee.
- 11.2. The exercise of the powers and functions set out below are delegated in relation to grant aid and voluntary sector liaison:
- 11.2.1 All decisions within the control of the Council including but not limited to those listed in the Table below
- 11.2.2 Policy development in relation to grant aid and voluntary sector liaison, subject to approval by the Policy Committee or the Full Council

- 11.2.3 Review of performance on at least a quarterly basis
- 11.2.4 Review of day to day operational decisions taken by Officers
- 11.2.5 Approval of consultation responses
- 11.3. As part of the detailed work programme the Sub-Committee will receive reports on the exercise of powers delegated to Officers.
- 11.4. The Sub-Committee will be responsible for its own projects but, where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the Policy Committee.

Table
Responsibility for Grant Aid to the voluntary sector
Responsibility for strategic engagement with the voluntary sector

**12. ADULT SOCIAL CARE AND HEALTH COMMITTEE – TERMS OF REFERENCE**

- 12.1. The exercise of the powers and functions set out below are delegated by the Full Council in relation to adult social care and health:
  - 12.1.1 All decisions within the control of the Council including but not limited to those listed in the Table below
  - 12.1.2 Policy development in relation to adult social care and health, subject to approval by the Policy Committee or the Full Council
  - 12.1.3 Review of performance in relation to the services provided on at least a quarterly basis
  - 12.1.4 Review of day to day operational decisions taken by Officers
  - 12.1.5 Approval of relevant consultation responses
  - 12.1.6 Approval of relevant staffing structures as required
- 12.2. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.
- 12.3. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to Officers.
- 12.4. The Committee will be responsible for its own projects but, where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the most appropriate Committee.



<b>Table</b>
Responsibility for adult social care matters (eg. people aged 18 or over with eligible social care needs and their carers)
Responsibility for promoting choice and independence in the provision of all adult social care
Responsibility for promoting good health, health improvement and individual and community wellbeing and the reduction of health inequalities

**13. CHILDREN AND YOUNG PEOPLE’S COMMITTEE – TERMS OF REFERENCE**

13.1. The exercise of the powers and functions set out below are delegated by the Full Council in relation to children and young people:

13.1.1 All decisions within the control of the Council including but not limited to those listed in the Table below

13.1.2 Policy development in relation to children and young people, subject to approval by the Policy Committee or the Full Council

13.1.3 Review of performance in relation to the services provided on at least a quarterly basis

13.1.4 Review of day to day operational decisions taken by Officers

13.1.5 Approval of consultation responses

13.1.6 Approval of departmental staffing structures as required

13.2. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.

13.3. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to Officers.

13.4. The Committee will be responsible for its own projects but, where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the most appropriate Committee.

Table
Responsibility for services to children and young people in relation to their care, wellbeing, education or health
Responsibility for the functions and powers conferred on or exercisable by the County Council as Local Authority in relation to education
Responsibility for working with all schools including academies in relation to raising standards of attainment and developing opportunities
Responsibility for environmental education
Responsibility for arts education

13.5. The Chairman of the Children and Young People’s Committee will be designated the lead Councillor for Children and Young People’s Services in accordance with Section 19 of the Children Act 2004.

**14. CORPORATE PARENTING SUB-COMMITTEE – TERMS OF REFERENCE**

14.1. The exercise of the powers and functions set out below are delegated by the Full Council in relation to children and young people:

14.1.1 Responsibility for overseeing the County Council’s responsibilities as the corporate parent of children and young people in care

14.1.2 Responsibility for championing the interests of children and young people in care.

**15. EARLY YEARS AND YOUTH SERVICES SUB-COMMITTEE – TERMS OF REFERENCE**

15.1. This is a sub-committee of the Children and Young People’s Committee

15.2. The Sub-Committee is responsible for the following:

Table
Responsibility for the Youth Service
Responsibility for Children’s Centres
Responsibility for school sporting activities
Responsibility for the Youth Offending team

15.3. The following powers and functions are delegated in relation to these responsibilities:

15.3.1 All decisions within the control of the Council

15.3.2 Policy development in relation to those responsibilities, subject to approval by the Policy Committee or the Full Council

15.3.3 Review of performance on at least a quarterly basis

15.3.4 Review of day to day operational decisions taken by Officers

15.3.5 Approval of consultation responses

15.4. As part of the detailed work programme the Sub-Committee will receive reports on the exercise of powers delegated to Officers.

15.5. The Sub-Committee will be responsible for its own projects but, where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the Policy Committee.

**16. COMMUNITY SAFETY COMMITTEE – TERMS OF REFERENCE**

16.1. The exercise of the powers and functions set out below are delegated by the Full Council in relation to community safety:

16.1.1 All decisions within the control of the Council including but not limited to those listed in the Table below

16.1.2 Policy development in relation to community safety, subject to approval by the Policy Committee or the Full Council

16.1.3 Review of performance in relation to the services provided on at least a quarterly basis

16.1.4 Review of day to day operational decisions taken by officers

16.1.5 Approval of consultation responses

16.1.6 Approval of departmental staffing structures as required

16.2. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.

16.3. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to Officers.

16.4. The Committee will be responsible for its own projects but, where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the most appropriate Committee.

Table
Responsibility for the following statutory duties:- <ul style="list-style-type: none"> <li>• community safety</li> <li>• as a Food Authority</li> <li>• as a Weights and Measures Authority</li> <li>• as a Trading Standards Authority and in relation to consumer protection and advice</li> <li>• the Coroner's Service</li> </ul>
Responsibility for civil defence and emergency planning
Responsibility for the registration services for births, deaths and marriages
Responsibility for the safety of sports grounds

**17. CULTURE COMMITTEE – TERMS OF REFERENCE**

17.1. The exercise of the powers and functions set out below are delegated by the Full Council in relation to culture:

17.1.1 All decisions within the control of the Council including but not limited to those listed in the Table below

17.1.2 Policy development in relation to culture, subject to approval by the Policy Committee or the Full Council

17.1.3 Review of performance in relation to the services provided on at least a quarterly basis

17.1.4 Review of day to day operational decisions taken by officers

17.1.5 Approval of consultation responses

17.1.6 Approval of departmental staffing structures as required

17.2. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.

17.3. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to Officers.

17.4. The Committee will be responsible for its own projects but, where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the most appropriate Committee.

Table
Responsibility for the following: <ul style="list-style-type: none"> <li>• libraries and archives</li> <li>• adult learning</li> <li>• strategic development of the arts</li> <li>• development of cultural and heritage activities</li> <li>• support for sports development and sports facilities throughout the County</li> <li>• country parks, open spaces and other countryside services</li> <li>• promotion and development of tourism in the County</li> <li>• conservation and archaeology</li> </ul>

**18. ECONOMIC DEVELOPMENT COMMITTEE – TERMS OF REFERENCE**

18.1. The exercise of the powers and functions set out below are delegated by the Full Council in relation to economic development:

18.1.1 All decisions within the control of the Council including but not limited to those listed in the Table below

18.1.2 Policy development in relation to economic development, subject to approval by the Policy Committee or the Full Council

18.1.3 Review of performance in relation to the services provided on at least a quarterly basis

18.1.4 Review of day to day operational decisions taken by officers

18.1.5 Approval of consultation responses

18.1.6 Approval of departmental staffing structures as required

18.2. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.

18.3. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to officers.

18.4. The Committee will be responsible for its own projects but, where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the most appropriate committee.

Table
Responsibility for promoting economic development, regeneration and associated activities
Responsibility for liaising with business clubs in the County

**19. ENVIRONMENT AND SUSTAINABILITY COMMITTEE – TERMS OF REFERENCE**

- 19.1. The exercise of the powers and functions set out below are delegated by the Full Council in relation to environment and sustainability:
- 19.1.1 All decisions within the control of the Council including but not limited to those listed in the Table below
  - 19.1.2 Policy development in relation to environment and sustainability, subject to approval by the Policy Committee or the Full Council
  - 19.1.3 Review of performance in relation to the services provided on at least a quarterly basis
  - 19.1.4 Review of day to day operational decisions taken by officers
  - 19.1.5 Approval of consultation responses
  - 19.1.6 Approval of departmental staffing structures as required
- 19.2. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.
- 19.3. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to officers.
- 19.4. The Committee will be responsible for its own projects but, where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the most appropriate Committee.

Table
Responsibility for all matters relating to minerals and waste planning not falling within the delegation of any other committee.
Responsibility for all matters relating to Council's role as Waste Disposal Authority.
Responsibility for the Local Improvement Scheme
Responsibility for making observations on planning matters on which the County Council is consulted, in accordance with the agreed protocol
Responsibility for all matters relating to environmental awareness and sustainability
Responsibility for any matter relating to the control of pollution or the management of air quality

**20. HEALTH AND WELLBEING BOARD (SHADOW) – TERMS OF REFERENCE**

- 20.1. Preparing and publishing a Joint Strategic Needs Assessment of the population of Nottinghamshire.
- 20.2. Preparing a Health and Wellbeing Strategy based on the needs identified in the Joint Strategic Needs Assessment and to oversee the implementation of the strategy.
- 20.3. Ensuring that commissioning plans have due regard to the Joint Strategic Needs Assessment and the Health and Wellbeing Strategy.
- 20.4. Promoting integrated working including joint commissioning in order to deliver cost effective services and appropriate choice. This will also include joint working with services that impact on wider health determinants.

**NOTE:** This Committee is in shadow form until the Health and Social Care Bill currently before Parliament is finalised. Its statutory powers are expected to be in place from April 2013.

**21. JOINT COMMITTEE ON APPOINTMENTS TO THE POLICE AUTHORITY – TERMS OF REFERENCE [UNTIL NOVEMBER 2012]**

- 21.1. To appoint Councillor members to the Nottinghamshire Police Authority in accordance with relevant legislation.

**22. JOINT COMMITTEE FOR STRATEGIC PLANNING AND TRANSPORTATION – TERMS OF REFERENCE**

- 22.1. To advise the County Council and the City Council on strategic planning and transport matters taking account the best interests of the whole of Greater Nottingham.

**23. JOINT CITY/COUNTY HEALTH SCRUTINY COMMITTEE – TERMS OF REFERENCE**

- 23.1. To scrutinise health matters which impact on the areas covered by Nottingham City Council and the Gedling, Broxtowe, Hucknall and Rushcliffe areas of Nottinghamshire.
- 23.2. Where an NHS Trust operates in a wider area than above, to scrutinise any health matter which affects that area with the proviso that it will defer to the relevant City or Council Health scrutiny body as requested.

**24. LOCAL JOINT RESOLUTIONS COMMITTEE – TERMS OF REFERENCE**

24.1. The exercise of the powers and functions set out below are delegated by the Full Council:

24.1.1 Responsibility for considering any issues where agreement cannot be reached between management and the trade unions.

**NOTE:** The Committee will have no delegated authority; any recommendations will be referred either to the Personnel Committee or to the Full Council for approval. This Committee will meet only as and when required.

**25. PLANNING AND LICENSING COMMITTEE – TERMS OF REFERENCE**

25.1. The exercise of the powers and functions set out below are delegated by the Full Council:

25.1.1 Responsibility for the regulatory functions of the Council in relation to planning, monitoring, enforcement and licensing.

25.1.2 Responsibility for all licensing functions given to the Authority by law, except safety of sports grounds.

25.1.3 Receiving reports on the exercise of powers delegated to officers in relation to functions for which this Committee is responsible.

**26. RIGHTS OF WAY COMMITTEE – TERMS OF REFERENCE**

26.1. The exercise of the powers and functions set out below are delegated by the Full Council:

26.1.1 Responsibility for discharging the Council's regulatory powers relating to:

26.1.1.1 public rights of way

26.1.1.2 cycle tracks

26.1.1.3 gating orders on recommendation from the relevant committee or as necessary

26.1.1.4 common land

26.1.1.5 town and village greens

26.1.2 Receiving reports on the exercise of powers delegated to officers in relation to functions for which this Committee is responsible



**27. TRANSPORT AND HIGHWAYS COMMITTEE – TERMS OF REFERENCE**

- 27.1. The exercise of the powers and functions set out below are delegated by the Full Council in relation to transport and highways:
- 27.1.1 All decisions within the control of the Council including but not limited to those listed in the Table below
  - 27.1.2 Policy development in relation to transport and highways, subject to approval by the Policy Committee or the Full Council
  - 27.1.3 Review of performance in relation to the services provided on at least a quarterly basis
  - 27.1.4 Review of day to day operational decisions taken by officers
  - 27.1.5 Approval of consultation responses
  - 27.1.6 Approval of departmental staffing structures as required
- 27.2. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.
- 27.3. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to officers.
- 27.4. The Committee will be responsible for its own projects but, where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the most appropriate Committee.

Table
Responsibility for transport and highways (except those which are delegated to other committees) including: <ul style="list-style-type: none"> <li>• the planning, management and maintenance of highways including traffic management and residents' parking schemes</li> <li>• the development of integrated transport systems</li> <li>• road safety</li> </ul>
Responsibility for making highways observations relating to planning applications, on which the County Council is consulted as required by the agreed protocol
Responsibility for the provision of passenger transport services, including bus and rail initiatives
Responsibility for the Council's highways internal trading organisations

**INTERNAL MANAGEMENT COMMITTEES**

**28. ADMINISTRATION COMMITTEE – TERMS OF REFERENCE**

28.1. The exercise of the powers and functions set out below are delegated by the Full Council to the Administration Committee:

28.1.1 Approving all Councillor attendance at conferences, seminars and training events, including any expenditure incurred, and officer travel outside the UK.

28.1.2 Approving appointments to outside bodies and determining which committee should receive regular updates from those outside bodies.

28.1.3 Approving the level and nature of support services for County Councillors including IT.

28.1.4 Authorising hospitality to be offered by the County Council except where the cost is to be covered by the Chairman of the County Council's individual budget.

**29. AUDIT COMMITTEE – TERMS OF REFERENCE**

29.1. The exercise of the powers and functions set out below are delegated by the Full Council:

29.1.1 Responsibility for advising Council on the adequacy of the Council's systems of internal control and overseeing the external auditor's annual audit of the accounts

29.1.2 Responsibility for maintaining an overview of the Council's Financial Regulations and anti-fraud and anti-corruption strategies

**30. FINANCE AND PROPERTY COMMITTEE – TERMS OF REFERENCE**

30.1. The exercise of the powers and functions set out below are delegated by the Full Council in relation to finance and property:

30.1.1 All decisions within the control of the Council including but not limited to those listed in the Table below

30.1.2 Policy development in relation to finance and property, subject to approval by the Policy Committee or the Full Council

30.1.3 Review of performance in relation to the services provided on at least a quarterly basis

30.1.4 Review of day to day operational decisions taken by officers

- 30.1.5 Approval of consultation responses
- 30.1.6 Approval of departmental staffing structures as required
- 30.2. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.
- 30.3. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to officers.
- 30.4. The Committee will be responsible for its own projects but, where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the most appropriate Committee.

Table
Responsibility for the financial management of the Authority including recommending to Council the financial strategy, annual revenue budget, annual capital budget, asset management plan and precept on billing authorities
Responsibility for the monitoring, reviewing and development of the financial framework of the Council including its audit, investments, budgeting and accounting functions
Responsibility for corporate procurement
Responsibility for all property related functions including acquisitions and disposals
Responsibility for property design and construction and related consultancy services
Responsibility for the Council's information and communication technology (ICT) strategy
Responsibility for monitoring the Councillors' Divisional Fund
Responsibility for the Council's County Supplies internal trading organisation
Reviewing and recommending Financial Regulations to the Council for adoption

**31. NOTTINGHAMSHIRE PENSION FUND COMMITTEE – TERMS OF REFERENCE**

- 31.1. The exercise of the powers and functions set out below are delegated by the Full Council in relation to pensions:
  - 31.1.1 All decisions within the control of the Council including but not limited to those listed in the Table below
  - 31.1.2 Policy development in relation to pensions, subject to approval by the Policy Committee or the Full Council
  - 31.1.3 Review of performance in relation to the services provided on at least a quarterly basis

- 31.1.4 Review of day to day operational decisions taken by officers
- 31.1.5 Approval of consultation responses
- 31.2. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.
- 31.3. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to officers.
- 31.4. The Committee will be responsible for its own projects but, where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the most appropriate Committee.

Table
Administering the Nottinghamshire Pension Fund, including investments by and management of pension funds

**NOTE:** The County Council administers this Pension Fund on behalf of Nottinghamshire County Council, Nottingham City Council, the District and Borough Councils and other admitted bodies in Nottinghamshire.

**32. PENSIONS INVESTMENT SUB-COMMITTEE – TERMS OF REFERENCE**

- 32.1. This is a sub-committee of the Nottinghamshire Pension Fund Committee
- 32.2. The exercise of the powers and functions set out below are delegated:
  - 32.2.1 Responsibility for investment performance management of the Fund Managers and making appropriate recommendations to the Nottinghamshire Pension Fund Committee.

**33. PENSIONS SUB-COMMITTEE – TERMS OF REFERENCE**

- 33.1. This is a sub-committee of the Nottinghamshire Pension Fund Committee
- 33.2. The exercise of the powers and functions set out below are delegated:
  - 33.2.1 Responsibility for making recommendations to the Nottinghamshire Pension Fund Committee on matters relating to the administration and investment of the Pensions Fund.

**34. PERSONNEL COMMITTEE – TERMS OF REFERENCE**

34.1. The exercise of the powers and functions set out below are delegated by the Full Council in relation to personnel:

34.1.1 All decisions within the control of the Council including but not limited to those listed in the Table below

34.1.2 Policy development in relation to personnel, subject to approval by the Policy Committee or the Full Council

34.1.3 Review of performance in relation to the services provided on at least a quarterly basis

34.1.4 Review of day to day operational decisions taken by officers

34.1.5 Approval of consultation responses

34.2. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.

34.3. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to officers.

34.4. The Committee will be responsible for its own projects but, where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the most appropriate Committee.

Table
Responsibility for the pay, terms and conditions of service and training of employees except for approving the annual Senior Officer Pay Policy Statement which is reserved to the Full Council
Responsibility for employee relations including arrangements for consultation/ negotiation with Trades Unions
Responsibility for health and safety related matters
Reviewing and recommending Staffing Regulations to the Council for adoption
Reviewing annually the overall staffing structure of the Council
Considering any matters relating to Trade Union recognition
Responsibility for the Council's catering and facilities management internal trading organisation

**35. APPEALS SUB-COMMITTEE – TERMS OF REFERENCE**

35.1. This is a sub-committee of the Personnel Committee

35.2. The exercise of the powers and functions set out below are delegated by the Full Council:

35.2.1 Responsibility for determining appeals and complaints by employees under the Council's disciplinary, grievance and harassment procedures and other employment related procedures (This does not include appeals relating to pay, grading or discretionary awards in respect of redundancy or early retirement)

35.2.2 Responsibility for appeals against decisions not to include providers, or to remove them from the Council's directory of providers for funded early years education

**NOTE:** Complaints Review Panels are not formal meetings of the County Council. The responsibilities of these Panels are contained in the Complaints Procedures.

**36. SENIOR STAFFING SUB-COMMITTEE – TERMS OF REFERENCE**

36.1. This is a sub-committee of the Policy Committee.

36.2. The exercise of the powers and functions set out below are delegated by the Full Council to the Senior Staffing Sub-Committee:-

36.2.1 Responsibility for the appointment and dismissal of, and taking disciplinary action against, senior employees as set out in the Employment Procedure Rules

**NOTE:-**

- The appropriate committee chairman for the post being considered will always be present as a member of the Sub-Committee. Where the issue being considered relates to the Council's Chief Executive or a Corporate Director the Sub-Committee will have a membership of nine; otherwise the Sub-Committee will have a membership of five.
- The Sub-Committee will be required to follow the Council's Recruitment and Selection Code of Practice.
- The procedures the Sub-Committee is required to follow are set out in the Council's Staffing Regulations.

**37. STANDARDS COMMITTEE – TERMS OF REFERENCE [UNTIL JULY 2012]**

37.1. The exercise of the powers and functions set out below are delegated to the Standards Committee:

37.1.1 Responsibility for discharging the Council's regulatory powers as follows:

37.1.1.1 Promoting and maintaining high standards of conduct for Councillors and co-opted members and helping them follow the Code of Conduct

37.1.1.2 Monitoring the effectiveness of the Code of Conduct

37.1.1.3 Advising on Councillor training in matters of conduct

37.1.1.4 Dealing with all matters relating to any alleged breaches of the Code of Conduct for Members

37.1.1.5 Granting dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct

37.1.1.6 Considering applications from officers for exemption from political restriction in respect of the post held by that officer





### 38. SCHEME OF DELEGATION TO OFFICERS

- 38.1. This Scheme sets out the delegated powers of officers of the County Council. For the purposes of the Scheme of Delegation the term 'Corporate Director' includes the Chief Executive.
- 38.2. Corporate Directors may delegate these powers to other officers and must ensure they appoint another officer to substitute in their absence.
- 38.3. Officers can only exercise delegated powers in accordance with approved policies and decisions made by committees or the Full Council.
- 38.4. All matters which are not day to day operational matters or contained in this Scheme of Delegation must be decided by the relevant committee. **For urgent decisions see the Procedure for Urgent Decisions.**
- 38.5. The chairman of the relevant committee may request an officer not to exercise their delegated power in any particular case and, if so, a report will be taken to the next available meeting of this committee for consideration.
- 38.6. Appointments of staff below Service Director level will be made by Officers. Any other appointment must be made by the Senior Staffing Sub-Committee.
- 38.7. Corporate Directors may not add to the establishment of their departments except in accordance with Employment Procedure Regulations, or any other specific committee approval.
- 38.8. Corporate Directors will agree with their respective chairman and vice-chairman the nature and level of information they require regarding the exercise of officers' delegated powers.
- 38.9. Corporate Directors must ensure that adequate arrangements are in place to brief and consult committee chairmen (or vice-chairmen in their absence) within their service areas as agreed with these chairmen.
- 38.10. Corporate Directors will exercise their delegated powers in accordance with any requirements of the Chief Executive.
- 38.11. Corporate Directors must ensure that their department maintains a list of specific delegations to officers, which must be available for public inspection at all times.
- 38.12. Corporate Directors have authority to exercise the powers of the County Council in the event of an emergency or disaster, including making or approving any arrangements for the protection of persons or property, and will report back to the next appropriate committee or meeting Council in the event that this authority is exercised.
- 38.13. Corporate Directors have authority to decide whether or not to commence or defend proceedings within their areas of responsibility. This includes

decisions on settlements which must be made in consultation with the Group Manager, Legal Services and the Chief Finance Officer. Policy Committee will receive regular reports on settlements.

- 38.14. Corporate Directors have authority to settle ombudsman complaints and to determine payments under the Payments for Maladministration Policy. Policy Committee will receive regular reports on the operation of the Policy and payments.
- 38.15. Corporate Directors have authority to determine ex-gratia claims of up to £1,000 in respect of employees or volunteers carrying out their duties who suffer damage to personal belongings. Personnel Committee will receive regular reports.
- 38.16. The Chief Executive, the Corporate Director Policy, Planning and Corporate Services, the Group Manager Legal Services and Principal and Senior Solicitors have authority to certify the fixing of the Common Seal of the Council to a document where this is required in order to give effect to a decision.

#### **39. CHIEF EXECUTIVE**

39.1. The exercise of the responsibilities set out below are delegated by the County Council:

39.1.1 Taking all operational decisions necessary to secure the provision of services and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations across the Authority and with direct responsibility for:-

39.1.1.1 Communications

39.1.1.2 HR and Customer Services

39.1.2 Making any decision normally reserved to committee or another officer in accordance with the Urgency Procedure Rules.

39.1.3 Taking any decision on any matter not reserved to another officer by law.

39.1.4 Holding to account Corporate Directors for the performance of their departments.

#### **40. CORPORATE DIRECTOR ADULT SOCIAL CARE, HEALTH AND PUBLIC PROTECTION**

40.1. The exercise of the responsibilities set out below are delegated by the County Council:

40.1.1 Taking all operational decisions necessary to secure the provision of services and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations in relation to the following areas:

40.1.1.1 Adult social care including:

40.1.1.1.1 Safeguarding

40.1.1.1.2 Mental health

40.1.1.1.3 Disability

40.1.1.1.4 Older people

40.1.1.1.5 Residential services

40.1.1.1.6 Day services

40.1.1.2 Public protection including:

40.1.1.2.1 Trading Standards

40.1.1.2.2 Emergency management

40.1.1.2.3 Registration services

40.1.2 Holding officers to account for the performance of their service areas

#### **41. CORPORATE DIRECTOR CHILDREN, FAMILIES AND CULTURAL SERVICES**

41.1. To be the designated Director of Children Services (DCS) in accordance with Section 19 of the Children's Act 2004.

41.2. The exercise of the responsibilities set out below are delegated by the County Council:

41.2.1 Taking all operational decisions necessary to secure the provision of service and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations in relation to the following areas:

41.2.1.1 Education

41.2.1.2 Special educational needs and disability

41.2.1.3 Safeguarding

41.2.1.4 Children's social care

41.2.1.5 Youth services

41.2.1.6 Libraries

41.2.1.7 Country parks

41.2.1.8 Sport and Arts

41.2.1.9 Early Years

41.2.2 Holding officers to account for the performance of their service areas.

41.2.3 Approving school governor appointments for which the Council has responsibility and reporting these decisions quarterly to the Children and Young People's Committee.

## **42. CORPORATE DIRECTOR ENVIRONMENT AND RESOURCES**

42.1. The exercise of the responsibilities set out below are delegated by the County Council:

42.1.1 Taking all operational decisions necessary to secure the provision of service and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations in relation to the following areas:

42.1.1.1 Waste Disposal

42.1.1.2 Transport

42.1.1.3 Highways

42.1.1.4 Property

42.1.1.5 Financial Services

42.1.1.6 Information and Communications Technology (ICT)

42.1.1.7 Catering and Facilities Management

42.1.2 Holding officers to account for the performance of their service areas.

## **43. CORPORATE DIRECTOR POLICY, PLANNING AND CORPORATE SERVICES**

43.1. The exercise of the responsibilities set out below are delegated by the County Council:

43.1.1 Taking all operational decisions necessary to secure the provision of service and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations in relation to the following areas:

43.1.1.1 Improvement Programme

43.1.1.2 Planning

43.1.1.3 Corporate performance

43.1.1.4 Complaints

43.1.1.5 Economic development

43.1.1.6 Legal & Democratic Services

43.1.1.7 Policy development

43.1.1.8 Localism

43.1.1.9 Grant aid administration

43.1.2 Authorising the commencement or defence of, or participation in, any legal proceedings, including appearing in proceedings and signing documents necessary to any legal procedure, and authorising other officers to do so on behalf of the County Council.

43.1.3 Holding officers to account for the performance of their service areas.

#### **44. STATUTORY OFFICERS**

44.1. There is a legal requirement to allocate some specific responsibilities to officers and the Council has designated the following posts:

Chief Executive	Head of Paid Service
Corporate Director Policy, Planning and Corporate Services	Monitoring Officer
Service Director Financial Services	Chief Finance Officer (also known as Section 151 Officer)

#### **44.2. HEAD OF PAID SERVICE**

44.2.1 Responsibility for reporting to the Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

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

**44.3. MONITORING OFFICER**

44.3.1 Responsibility for maintaining the Constitution, ensuring it is available for inspection and making minor changes as a result of any restructuring.

44.3.2 Responsibility for ensuring the lawfulness and fairness of decision making; this includes authority, after consulting with the Head of Paid Service and Chief Finance Officer, to report to the Full Council if they consider that any proposal, decision or omission would give rise to unlawfulness or maladministration.

44.3.3 Responsibility for contributing to the promotion and maintenance of high standards of conduct.

**NOTE:** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

**44.4. CHIEF FINANCE OFFICER**

44.4.1 Responsibility for ensuring the lawfulness and financial prudence of decision making; this includes authority, after consulting with the Head of Paid Service and Monitoring Officer, to report to the Full Council if they consider that any proposal, decision or omission would give rise to 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.

44.4.2 Responsibility for the administration of the financial affairs of the Council.

44.4.3 Responsibility for providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity.

44.4.4 Responsibility for providing financial information to the media, members of the public and the community.

**NOTE:** The Chief Finance Officer cannot be the Monitoring Officer but may hold the post of Head of Paid Service.

**PROCEDURE RULES FOR MEETINGS OF THE FULL COUNCIL**

**1. INTRODUCTION**

- 1.1. These rules are designed to ensure meetings of the Full Council run smoothly and are conducted properly.
- 1.2. So far as the law allows, any of these rules may be suspended at any meeting of the Full Council, either for the whole meeting or for a particular item on the agenda. In order to achieve this, a motion must be moved and seconded and a vote carried.
- 1.3. For the annual budget meeting some procedure rules will be suspended and alternative rules applied. See paragraphs xx to xx below.

**2. ARRANGEMENTS FOR MEETINGS**

- 2.1. Full Council meetings are normally held every 8 weeks on a Thursday. Meetings normally start at 10.00am.
- 2.2. The agenda and papers for meetings of the Full Council must be available at least five clear working days before the meeting.
- 2.3. Meetings of the Full Council will not continue beyond midnight unless it appears to the Chairman that the meeting will finish shortly after that time. Any remaining business will be held over until the next meeting. The annual budget meeting will continue beyond midnight if necessary.
- 2.4. The annual meeting of the Full Council is normally held each May.
- 2.5. The County Council's annual budget will normally be considered at the February meeting.
- 2.6. A special meeting will be arranged if the Chairman of the Council, the Council Leader, or any ten County Councillors request such a meeting. A Special Meeting will be held on any day of the week.

**3. MINIMUM ATTENDANCE (QUORUM)**

- 3.1. At least one quarter (17) of the whole number of elected County Councillors must be present for the meeting to proceed or continue.
- 3.2. If the Chairman or the Chief Executive concludes that an insufficient number of Councillors is present the meeting will not proceed. The Division Bell will be sounded, and if after more than five minutes there is still an insufficient number present at the meeting it will be adjourned to a time fixed by the Chairman.

**4. ORDER OF BUSINESS**

4.1. Except for the annual meeting at which the election of Chairman and Vice-Chairman will be considered first, the order of business will usually be:

- 4.1.1 the choice of a person to preside if the Chairman and Vice-Chairman are absent
- 4.1.2 any business having priority by law
- 4.1.3 confirmation of the minutes of the last meeting of the Full Council
- 4.1.4 apologies for absence, including reasons
- 4.1.5 declarations of interest
- 4.1.6 business outstanding from the last meeting
- 4.1.7 Chairman of the County Council's business
- 4.1.8 constituency speeches
- 4.1.9 petitions
- 4.1.10 questions to Nottinghamshire Police Authority and Nottinghamshire Fire Authority and responses
- 4.1.11 questions to Committee Chairmen and responses
- 4.1.12 clarification on minutes of committee meetings
- 4.1.13 reports for decision by the Full Council
- 4.1.14 consideration of motions
- 4.1.15 any debate adjourned from earlier in the meeting (Adjournment Debate)

**5. OTHER POINTS REGARDING THE ORDER OF BUSINESS**

- 5.1. At any time during the meeting the Chairman can adjourn the meeting.
- 5.2. The order of business can be varied at the discretion of the Chairman.
- 5.3. The minutes of ordinary meetings will not normally be confirmed at special meetings.



**6. DECLARATIONS OF INTEREST**

- 6.1. Where any Councillor has an interest in any matter to be discussed or decided, they will, in accordance with the Council's Code of Conduct for Members, declare the existence and nature of that interest and whether the interest is personal, or personal and prejudicial. Any declaration of interest will be recorded in the minutes of the meeting.
- 6.2. Where any Councillor has declared a prejudicial interest in a contract, grant, proposed contract or other matter, they will leave the room in which the meeting is being held while the matter is under consideration unless:
- 6.2.1 the disability to discuss, or vote upon any matter arising from the contract or other matter has been removed by the Standards Committee; or
- 6.2.2 the contract, grant, proposed contract or other matter is under consideration by the meeting as part of a report of the Minutes of Council, a committee or sub-committee and is not itself the subject of debate.
- 6.3. If the Councillor has chosen to remain within easy reach, that Councillor will be recalled by an appropriate officer before any further business is started.
- 6.4. Any person or officer of the authority who is appointed to do anything in connection with the County Council which enables them to speak at meetings, will make the same disclosures of prejudicial interest and will withdraw from the room in which the meeting is being held on the same occasions as they would have to do if they were a County Councillor.

**7. CONSTITUENCY SPEECHES**

- 7.1. At any Full Council meeting except the annual meeting, a special meeting and the annual budget meeting, Councillors will be given an opportunity to speak for up to three minutes on any issue arising in their division.
- 7.2. Such a speech will not give rise to a debate or a question and answer session.
- 7.3. Any Councillor who wishes to make a three minute speech must notify Democratic Services by 10 am two working days before the Full Council meeting.
- 7.4. A maximum of 30 minutes is allowed for this item. If the number of Councillors wishing to make three minute speeches is such that this 30 minute allocation would be exceeded, Councillors authorised to speak will be decided by ballot based on political proportionality.

**8. PETITIONS**

- 8.1. In accordance with the Council's Petitions Scheme, at any Full Council meeting any Councillor may present a petition to the Chairman of the Council on any matter affecting the residents of their division, and in relation to which the County Council has powers or duties.
- 8.2. Any Councillor who wishes to submit a petition must notify Democratic Services by 10 am the day before the meeting, giving details about the petition.
- 8.3. The Councillor presenting the petition can introduce and speak about the petition for up to one minute.
- 8.4. If a Councillor is unable to be at the meeting, they may request and agree to another Councillor presenting a petition on their behalf.
- 8.5. If a petition relates to more than one division the petition can be presented jointly if the relevant Councillors agree. If agreement cannot be reached the petition will be presented by the Council's Vice-Chairman.
- 8.6. Any petition presented will be referred without debate to the appropriate committee for consideration. A report back to Council on the outcome of that consideration will be made at its next meeting.
- 8.7. If a petition relates to the annual budget it will be included within the consultation responses and will not be presented separately under the normal petitions scheme.

**9. QUESTIONS TO COMMITTEE CHAIRMEN**

- 9.1. At any meeting of the Full Council, except the annual budget meeting, a Councillor may ask any committee chairman one or more questions on matters within the remit of their committee.
- 9.2. At any meeting of the Full Council, except the annual budget meeting, a Councillor may ask the Chairman of Nottinghamshire Police Authority or Nottinghamshire and City of Nottingham Fire Authority one or more questions on matters within the remit of their authority.
- 9.3. Councillors must post a copy of their question(s) in the box in Democratic Services or email [council.questions@nottscc.gov.uk](mailto:council.questions@nottscc.gov.uk) no later than 10 am two working days before the meeting.
- 9.4. The order in which questions are put at the meeting will be determined by the Chairman.
- 9.5. After receiving an answer from the relevant chairman, or their nominee, that Councillor, or any other Councillor, may ask supplementary questions on the same matter. The original questioner has the right to ask the first

supplementary question. The number of supplementary questions allowed will be at the discretion of the Chairman.

- 9.6. Instead of asking a supplementary question the original questioner has the right to require a debate. Such a request must be made prior to any supplementary questions being asked. If the motion for a debate is seconded the matter will then be adjourned for debate later in the meeting under the 'Adjournment Debate' item on the agenda and no supplementary questions can be asked.
- 9.7. The same supplementary question procedures apply to questions to the Chairman of the Police Authority or the Fire Authority except that there is no right to request an adjournment debate.

### **10. QUESTIONS REQUIRING A WRITTEN RESPONSE**

- 10.1. Any Councillor may at any time, by writing to Democratic Services, put a question to a committee chairman and will be sent a reply within 15 working days. Every such question and the answer given will be included for information with papers for the next convenient Full Council meeting.

### **11. CLARIFICATION OF MINUTES**

- 11.1. Any Councillor may ask the relevant committee chairman for clarification of any issue contained in the minutes of meetings published since the last meeting of Full Council. No general debate will take place.
- 11.2. The number of points of clarification permitted will be at the discretion of the Chairman.

### **12. CONSIDERATION OF REPORTS FOR DECISION BY COUNCIL**

- 12.1. Reports are introduced by the relevant committee chairman.
- 12.2. The report recommendation is then 'moved' by one Councillor and 'seconded' by another Councillor. It then becomes a 'motion' for debate. The motion is then debated before a vote is taken.

### **13. CONSIDERATION OF INDIVIDUAL MOTIONS TABLED BY COUNCILLORS IN ADVANCE OF MEETINGS**

- 13.1. Councillors may raise an issue at Full Council meetings by submitting a motion. The procedure for submitting a motion for debate is as follows:
  - 13.1.1 Notice must be given either by submitting a signed copy of the motion to Democratic Services or by emailing [council.questions@nottscc.gov.uk](mailto:council.questions@nottscc.gov.uk) no later than 10 am six clear working days before the Full Council meeting.
  - 13.1.2 The motion must be proposed and seconded.

13.1.3 The motion will be included in the agenda for the meeting.

**14. MOTIONS NOT REQUIRING PRIOR WRITTEN NOTICE**

14.1. Motions can be moved and seconded orally at meetings to ensure meetings run smoothly and are conducted properly. The following are examples of such motions:

14.1.1 appointment of a chairman for the meeting in the absence of the Chairman and Vice-Chairman

14.1.2 request to withdraw a motion

14.1.3 that the matter be put to a vote

14.1.4 that the meeting be adjourned

14.1.5 variation of the order of business

14.1.6 suspension of the procedure rules

14.1.7 exclusion of the public

14.1.8 that a named Councillor should not be heard further

14.2. Motions relating to the following may be moved and seconded without notice but must be provided in writing to the Chairman when being moved

14.2.1 amendments to motions

14.2.2 the appointment of Councillors to Committees

**15. THE RULES OF DEBATE**

15.1. If a Councillor wishes to speak they should indicate their intention by raising their hand.

15.2. The Chairman will decide the order in which speakers will be heard. Any Councillor who wishes to speak will be given the opportunity to do so unless any of the exceptions contained in these rules of debate apply.

15.3. Councillors can speak for a maximum of 20 minutes subject to any exceptions set out below.

15.4. Councillors will stand when speaking and must address the Chairman.

15.5. Councillors must speak strictly to the subject under discussion.

- 15.6. Whenever the Chairman stands during a debate any Councillor standing must sit down and the Full Council must be silent.
- 15.7. Any Councillor may at anytime during a meeting request that the meeting be adjourned for up to one hour. The Chairman of the meeting has discretion to decide whether to agree the request and, if agreed, to determine the length of any such adjournment
- 15.8. Councillors may speak once on any motion. However if a motion is amended, Councillors may speak once on each amendment.
- 15.9. If the motion has been amended since the Councillor last spoke, that Councillor may move a further amendment to the motion.
- 15.10. The Councillor who moved the original motion has a right of reply at the close of the debate on that motion or any agreed amendment.
- 15.11. If an amendment to a motion has been moved and seconded, the mover of the original motion has the right of reply at the close of the debate on the amendment, following the mover of the amendment's closing remarks.
- 15.12. A motion may be altered with the consent of the mover and seconder.

## **16. POINTS OF ORDER AND PERSONAL EXPLANATIONS**

- 16.1. With the consent of the Chairman any Councillor may make a brief comment, ask a question designed to clarify a matter which has been raised, or indicate where they feel the procedure rules have not been followed. They may not introduce new material or make a speech on this.
- 16.2. The Chairman of the County Council's ruling on this will be final and they may limit such exchanges to maintain the flow of debate.

## **17. AMENDMENTS TO RECOMMENDATIONS AND MOTIONS**

- 17.1. Amendments to a motion can be moved or seconded by any Councillor in the following situations:
  - 17.1.1 to refer a subject of debate to a committee for further consideration
  - 17.1.2 to leave out words, to add words or both provided that such changes must not have the effect of reversing a proposal (for example to recommend approval instead of refusal) and must be relevant to the original motion.
- 17.2. The motion will remain in the name of the original mover if they propose or accept the amendment.
- 17.3. Amendments must be dealt with and voted on one at a time, subject to the exceptions set out in the Rules of Debate.

- 17.4. If a motion to move an amendment is rejected following a vote then alternative amendments can be moved.
- 17.5. If an amendment is not accepted by the mover of the original motion, the following procedure will apply:-
  - 17.5.1 the amendment will be debated
  - 17.5.2 a vote will then be taken on whether the amendment should become the substantive motion
  - 17.5.3 if the amendment is carried, then the new substantive motion will be in the name of the Councillor who moved the successful amendment
  - 17.5.4 debate will continue and further amendments may be moved
  - 17.5.5 after all amendments have been dealt with using the procedure stated above then a vote will be taken on the final substantive motion

**18. CLOSING DEBATE**

- 18.1. A Councillor who has not already spoken on the matter may orally move a motion that a vote should be taken immediately. This must be seconded.
- 18.2. If the Chairman feels there has been sufficient discussion of the issue he may put the oral motion to the vote.
- 18.3. If the vote is carried the motion or amendment will be put to the vote following closing remarks by the proposer of the motion or amendment.

**19. VOTING**

- 19.1. Votes in Full Council are to be determined by a show of hands.
- 19.2. Where there is an equal number of votes for and against a motion the Chairman can exercise a second or casting vote.
- 19.3. A recorded vote will be taken if 10 or more Councillors request it. The process will be as follows:
  - 19.3.1 The Division Bell will be sounded.
  - 19.3.2 The Chief Executive will then call the names of all Councillors and record the vote of each Councillor.
  - 19.3.3 The Chairman will announce the result.
  - 19.3.4 The minutes will record how each Councillor voted.

- 19.4. Any Councillor can require that the minutes of the meeting record how they voted on any decision taken.

**20. ADJOURNMENT DEBATES**

- 20.1. The Councillor who requested the adjournment debate may speak on the matter referred to in their original question for up to five minutes.
- 20.2. After that, any other Councillor may speak on the matter for up to three minutes.
- 20.3. The relevant committee chairman may speak for up to five minutes in reply.
- 20.4. No vote will be taken on an adjournment debate.

**21. REVERSING DECISIONS**

- 21.1. Normally any decision by the Full Council and its committees cannot be reversed for 6 months. However, in exceptional circumstances and on a motion proposed by a majority of the membership of the relevant committee/Council, a further report will be brought for the matter to be reconsidered.

**22. DISORDERLY CONDUCT**

- 22.1. If, at any meeting, any Councillor in the opinion of the Chairman of the County Council misbehaves by persistently disregarding their ruling, or by behaving improperly or offensively, or by obstructing the business of the Full Council, the Chairman may move "that [the Councillor named] should not be further heard" and the motion, if seconded, will be voted on without discussion.
- 22.2. If any Councillor named continues the misconduct after a "should not be further heard" motion has been carried, the Chairman:
- 22.2.1 may request the Councillor to leave the meeting; or
  - 22.2.2 may adjourn the meeting of the Full Council for any period considered necessary
- 22.3. In the event of a general disturbance which in the opinion of the Chairman makes business impossible, the Chairman, may adjourn the meeting for any period considered necessary and/or order that the public leave.

**23. ESTABLISHMENT OF COMMITTEES**

- 23.1. Every committee set up by the Full Council will perform the functions given to them until the Full Council resolves otherwise. Full Council can revise the functions of committees at any time.

**24. APPOINTMENTS TO COMMITTEES**

- 24.1. Every person appointed to be a member of a committee or sub-committee will remain a member of that committee until the first of the following events:
- 24.1.1 they cease to be a Councillor
  - 24.1.2 their resignation
  - 24.1.3 changes to political balance necessitate changes to committee membership
  - 24.1.4 removal by the Proper Officer at the request of their group
- 24.2. The Full Council is required to keep the allocation of seats to groups under review.
- 24.3. Whenever allocation of seats is considered by the Full Council the Chief Executive will submit a report showing what the allocation of seats should be in order to ensure committees reflect the overall political balance of the Council.
- 24.4. Democratic Services will ensure that all appointments to committees are reported to the next meeting of the appropriate committee.
- 24.5. Any changes in membership must be notified to Democratic Services no later than 3.30 pm on the working day before the relevant meeting.

**25. ANNUAL MEETING**

- 25.1. Subject to any statutory requirements, the Full Council at its annual meeting:
- 25.1.1 Will elect the Chairman and Vice-Chairman of the County Council for the forthcoming year.
  - 25.1.2 Will resolve what committees and sub-committees will be established, the terms of reference and size of these committees and may appoint the chairman and vice-chairman of each committee.
  - 25.1.3 Will note the membership of each group and their agreed officers.

**26. ANNUAL BUDGET MEETING**

- 26.1. To ensure the smooth flow of business the following provisions will operate for the Annual Budget meeting:
- 26.1.1 After the budget proposals have been moved and seconded any budget amendments will be moved and seconded. The seconders of



the amendments may either speak to them when seconding or may reserve their speech for later in the debate.

26.1.2 With the exceptions below, no Councillor will speak more than once or for more than 20 minutes:

26.1.2.1 the Councillor who moves the budget proposals is not subject to a time limit and is entitled to speak twice; once when moving proposals and once when replying to the debate

26.1.2.2 the movers of any amendments may speak for an unlimited time when moving those amendments and for 20 minutes when summing up

26.1.3 There will be a single debate on the motion and any amendments

26.1.4 At the conclusion of the winding-up speeches, the amendments will be voted on in the order determined by the Chairman then a vote will be taken on the substantive motion.

**27. OTHER**

27.1. Placards, banners, advertising materials and similar items are not permitted in any Council meeting.

27.2. Other than any recording carried out by approved Council staff, the use of recording devices and cameras is only allowed with the consent of the Chairman. If consent is given the Chairman will notify Full Council at the start of a meeting and in the event of objection by Councillors a vote will be taken.

27.3. Mobile phones must be switched to silent.



**PROCEDURE RULES FOR COMMITTEE AND SUB-COMMITTEE MEETINGS**

**1. INTRODUCTION**

- 1.1. These rules are designed to ensure meetings run smoothly and are conducted properly.
- 1.2. So far as the law allows any of these rules may be suspended at any meeting, either for the whole meeting or for a particular item on the agenda. In order to achieve this, a motion must be moved and seconded and a vote carried.

**2. ARRANGEMENTS FOR MEETINGS**

- 2.1. The agenda and papers for meetings must be available at least five clear working days before the meeting.
- 2.2. A special meeting is arranged if the chairman or vice-chairman of the relevant committee, or any 4 of its members request such a meeting.

**3. MINIMUM ATTENDANCE (QUORUM)**

- 3.1. The following number of elected County Councillors must be present for the meeting to proceed or continue:
  - 3.1.1 Less than 15 voting members 3
  - 3.1.2 15 to 25 voting members 4
  - 3.1.3 More than 25 voting members 5
- 3.2. If there is an insufficient number of Councillors present, the meeting will not proceed.

**4. ORDER OF BUSINESS**

- 4.1. The order of business will usually be:
  - 4.1.1 at the first meeting after the annual Council meeting, appointing or noting the appointment of the Chairman and Vice-Chairman of the committee
  - 4.1.2 the choice of a person to preside if the Chairman and Vice-Chairman are absent
  - 4.1.3 confirmation of the minutes of the last meeting of the committee
  - 4.1.4 apologies for absence, including reasons
  - 4.1.5 declarations of interest
  - 4.1.6 business outstanding from the last meeting

4.1.7 reports for decision by committee

4.1.8 reports for information

**5. OTHER POINTS REGARDING THE ORDER OF BUSINESS**

- 5.1. At any time during the meeting the Chairman can adjourn the meeting.
- 5.2. The order of business can be varied at the discretion of the Chairman.
- 5.3. The minutes of ordinary meetings will not normally be confirmed at special meetings.

**6. DECLARATIONS OF INTEREST**

- 6.1. Where any Councillor has an interest in any matter to be discussed or decided, they will, in accordance with the Council's Code of Conduct for Members, declare the existence and nature of that interest and whether the interest is personal, or personal and prejudicial. Any declaration of interest will be recorded in the minutes of the meeting.
- 6.2. Where any Councillor has declared a prejudicial interest in a contract, grant, proposed contract or other matter, they will leave the room in which the meeting is being held while the matter is under consideration unless:
  - 6.2.1 the disability to discuss, or vote upon any matter arising from the contract or other matter has been removed by the Standards Committee; or
  - 6.2.2 the contract, grant, proposed contract or other matter is under consideration by the meeting as part of a report of the Minutes of a committee or sub-committee and is not itself the subject of debate.
- 6.3. If the Councillor has chosen to remain within easy reach, that Councillor will be recalled by an appropriate officer before any further business is started.
- 6.4. Any person or officer of the authority who is appointed to do anything in connection with the County Council which enables them to speak at meetings, will make the same disclosures of prejudicial interest and will withdraw from the room in which the meeting is being held on the same occasions as they would have to do if they were a County Councillor.
- 6.5. Anyone with a right to speak at a meeting, other than members of the public at Planning and Licensing Committee and Rights of Way Committee, must also declare any pecuniary interest and leave the room.

**7. CONSIDERATION OF RECOMMENDATIONS IN REPORTS**

- 7.1. The report recommendation will be 'moved' by one Councillor and 'seconded' by another Councillor. It then becomes a 'motion' which may be debated before a vote is taken.
- 7.2. Motions relating to the following may be moved and seconded without notice but must be provided in writing to the Chairman when being moved:
  - 7.2.1 an alternative to a recommendation in the report
  - 7.2.2 amendments to motions

**8. MOTIONS NOT REQUIRING PRIOR WRITTEN NOTICE**

- 8.1. The following motions can be moved and seconded orally to ensure meetings run smoothly and are conducted properly:
  - 8.1.1 appointment of a Chairman for the meeting in the absence of the Chairman and Vice-Chairman
  - 8.1.2 request to withdraw a motion
  - 8.1.3 that the matter be put to a vote
  - 8.1.4 that the meeting be adjourned
  - 8.1.5 variation of the order of business
  - 8.1.6 suspension of the procedure rules
  - 8.1.7 exclusion of the public
  - 8.1.8 that a named Councillor should not be heard further

**9. THE RULES OF DEBATE**

- 9.1. If a Councillor wishes to speak they should indicate their intention by raising their hand.
- 9.2. The Chairman will decide the order in which speakers will be heard. Any Councillor who wishes to speak will be given the opportunity to do so unless any of the exceptions contained in these rules of debate apply.
- 9.3. Councillors can speak for a maximum of 20 minutes, subject to any exceptions set out below.
- 9.4. Councillors when speaking must address the Chairman.
- 9.5. Councillors must speak strictly to the subject under discussion.

- 9.6. Whenever the Chairman stands during a debate the committee must be silent.
- 9.7. Any Councillor may at anytime during a meeting request that the meeting be adjourned for up to one hour. The Chairman of the meeting has discretion to decide whether to agree the request and, if agreed, to determine the length of any such adjournment.
- 9.8. Councillors may speak once on any motion. However if a motion is amended, Councillors may speak once on each amendment.
- 9.9. If the motion has been amended since the Councillor last spoke, that Councillor may move a further amendment to the motion.
- 9.10. The Councillor who moved the original motion has a right of reply at the close of the debate on that motion or any agreed amendment.
- 9.11. If an amendment to a motion has been moved and seconded, the mover of the original motion has the right of reply at the close of the debate on the amendment following the mover of the amendment's closing remarks.
- 9.12. A motion may be altered with the consent of the mover and seconder.

## **10. POINTS OF ORDER AND PERSONAL EXPLANATIONS**

- 10.1. With the consent of the Chairman any Councillor may make a brief comment, ask a question designed to clarify a matter which has been raised, or indicate where they feel the procedure rules have not been followed. They may not introduce new material or make a speech on this.
- 10.2. The Chairman's ruling on this will be final and they may limit such exchanges to maintain the flow of debate.

## **11. AMENDMENTS TO RECOMMENDATIONS AND MOTIONS**

- 11.1. Amendments to a motion can be moved or seconded by any Councillor to leave out words, to add words or both provided that such changes must not have the effect of reversing a proposal (for example to recommend approval instead of refusal) and must be relevant to the original motion.
- 11.2. The motion will remain in the name of the original mover if they propose or accept the amendment.
- 11.3. Amendments must be dealt with and voted on one at a time, subject to the exceptions set out in the Rules of Debate.
- 11.4. If a motion to move an amendment is rejected following a vote then alternative amendments can be moved.

- 11.5. If an amendment is not accepted by the mover of the original motion, the following procedure will apply:-
  - 11.5.1 the amendment will be debated
  - 11.5.2 a vote will then be taken on whether the amendment should become the substantive motion
  - 11.5.3 if the amendment is carried, then the new substantive motion will be in the name of the Councillor who moved the successful amendment
  - 11.5.4 debate will continue and further amendments may be moved
  - 11.5.5 after all amendments have been dealt with using the procedure stated above then a vote will be taken on the final substantive motion

## **12. CLOSING DEBATE**

- 12.1. A Councillor who has not already spoken on the matter may orally move a motion that a vote should be taken immediately. This must be seconded.
- 12.2. If the Chairman feels there has been sufficient discussion of the issue he may put the oral motion to the vote.
- 12.3. If the vote is carried the motion or amendment will be put to the vote following closing remarks by the proposer of the motion or amendment.

## **13. VOTING**

- 13.1. Votes in committee are to be determined by a show of hands.
- 13.2. Where there is an equal number of votes for and against a motion the Chairman can exercise a second or casting vote.
- 13.3. A recorded vote will be taken if 2 or more Councillors request it. The process will be as follows:
  - 13.3.1 The names of all Councillors will be called and the vote of each Councillor recorded.
  - 13.3.2 The Chairman will announce the result.
  - 13.3.3 The minutes will record how each Councillor voted.
- 13.4. Any Councillor can require that the minutes of the meeting record how they voted on any decision taken.

**14. REVERSING DECISIONS**

- 14.1. Normally any decision by the committee cannot be reversed for 6 months. However, in exceptional circumstances and on a motion proposed by a majority of the membership of the relevant committee, a further report will be brought for the matter to be reconsidered.

**15. DISORDERLY CONDUCT**

- 15.1. If, at any meeting, any Councillor in the opinion of the Chairman of the meeting misbehaves by persistently disregarding their ruling, or by behaving improperly or offensively, or by obstructing the business of the meeting, the Chairman may move "that [the Councillor named] should not be further heard" and the motion, if seconded, will be voted on without discussion.
- 15.2. If any Councillor named continues the misconduct after a "should not be further heard" motion has been carried, the Chairman:
- 15.2.1 may request the Councillor to leave the meeting; or
  - 15.2.2 may adjourn the meeting for any period considered necessary
- 15.3. In the event of a general disturbance which in the opinion of the Chairman makes business impossible, the Chairman, may adjourn the meeting for any period considered necessary and/or order that the public leave.

**16. ATTENDANCE OF OTHER COUNTY COUNCILLORS**

- 16.1. Any County Councillor who wishes to attend a meeting of a committee or sub-committee of which they are not a member will be entitled to do so. With the consent of the meeting they will be entitled to speak on any matter affecting their electoral division or its inhabitants, but not to vote.
- 16.2. A County Councillor who attends a meeting in this capacity will be entitled to remain in the meeting when a resolution excluding the public is in force.
- 16.3. These provisions do not apply where a committee or sub-committee is exercising a function which is judicial in nature.

**17. APPOINTMENTS TO COMMITTEES**

- 17.1. Any changes in a committee's membership must be notified to Democratic Services no later than 3.30 pm on the working day before the relevant meeting. (For the Health and Wellbeing Board, see paragraph xx below)
- 17.2. Democratic Services will ensure that all appointments to committees are reported to the next meeting of the appropriate committee.



**18. POLICY COMMITTEE**

- 18.1. When exercising its scrutiny functions, the Committee may invite people to discuss issues of local concern and/or answer questions. It may for example wish to hear from residents and representatives of other organisations.

**19. HEALTH AND WELLBEING BOARD**

- 19.1. Substitute members can be appointed for the non-County Council representatives. Substitute members will have all the powers and duties of any ordinary member on the Board but will not be able to exercise any special powers or duties exercisable by the person they are substituting. Substitute members may attend meetings in this capacity only:-

19.1.1 To take the place of the ordinary member for whom they are substituting

19.1.2 Where the ordinary member will be absent for whole of the meeting

19.1.3 After the Proper Officer has been officially notified

**20. PLANNING AND LICENSING COMMITTEE**

- 20.1. The Committee will comply with its Code of Best Practice
- 20.2. The Committee's Code of Best Practice sets out who is entitled to speak at meetings of Planning and Licensing Committee.

**21. RIGHTS OF WAY COMMITTEE**

- 21.1. The Committee will comply with its Code of Best Practice
- 21.2. The Committee's Code of Best Practice sets out who is entitled to speak at meetings of Rights of Way Committee.

**22. OTHER**

- 22.1. Placards, banners, advertising materials and similar items are not permitted in any committee meeting.
- 22.2. Other than any recording carried out by approved Council staff, the use of recording devices and cameras is only allowed with the consent of the Chairman. If consent is given the Chairman will notify the committee at the start of a meeting and in the event of objection by Councillors a vote will be taken.
- 22.3. Mobile phones must be switched to silent.



## **THE PROCEDURE FOR TAKING URGENT DECISIONS**

### **1. INTRODUCTION**

#### **1.1. WHY DO WE NEED A PROCEDURE FOR TAKING URGENT DECISIONS?**

1.1.1 The Council's Constitution sets out who in the Council has authority to make decisions and the procedures for making those decisions.

1.1.2 Sometimes events will occur which require decisions to be taken urgently. The County Council needs to be able to respond quickly where failure to do so would not be in the public interest.

### **2. GENERAL GUIDELINES FOR THE USE OF THE PROCEDURE FOR TAKING URGENT DECISIONS**

#### **2.1. IN WHAT CIRCUMSTANCES SHOULD THE PROCEDURE BE USED?**

2.1.1 The procedure for taking urgent decisions should only be used where failure to take the decision quickly would, or would be likely to, harm the interests of the Council and the public, for example:

2.1.1.1 by a service not being provided;

2.1.1.2 the Council breaking the law or financial rules;

2.1.1.3 the public being put at serious risk of harm;

2.1.1.4 the Council suffering financial loss;

2.1.1.5 consultation deadlines not being met.

#### **2.2. IN WHAT CIRCUMSTANCES SHOULD THE PROCEDURE NOT BE USED?**

2.2.1 The following are not suitable reasons for the use of the procedure:

2.2.1.1 poor planning;

2.2.1.2 the possibility of embarrassment being caused to an officer or Councillor;

2.2.1.3 the possibility of adverse publicity being caused to the Council;

2.2.1.4 in order to circumvent the requirements of Financial Regulations without good cause and justification.

### **3. OPTION A – URGENT DECISIONS BY COMMITTEE**

3.1. Where the agenda for the relevant committee has been published, an urgent item may be added to the agenda if it meets the urgency criteria set out in paragraphs 3 and 4. Democratic Services and the chairman of the committee will require an explanation before authorisation is given.

- 3.2. Every effort must be made to circulate the urgent report to Councillors at least 24 hours before the meeting.
- 3.3. The urgent report will be made available for public inspection as soon as possible.

#### **4. OPTION B – CALLING AN ADDITIONAL MEETING**

- 4.1. The issue may be of such significance that it may be more appropriate to call an additional meeting. The procedure for calling additional meetings is set out in [the Council Procedure Rules] [insert section number here].

#### **5. OPTION C – DECISION BY THE CHIEF EXECUTIVE**

- 5.1. The Chief Executive may take a decision which is normally reserved to committee or another officer, where he believes that the decision is urgent, after first:
  - 5.1.1 taking into account the guidelines set out in paragraphs 2.1.1 and 2.2.1 above; and
  - 5.1.2 where possible, seeking the views of the following in respect of the proposed decision:-
    - 5.1.2.1 the Leader of the Council,
    - 5.1.2.2 the chairman and the vice-chairman of the relevant committee with authority to take the decision, and
    - 5.1.2.3 the leader(s) of opposition group(s).
  - 5.1.3 The Chief Executive will take into account any views he considers are relevant. The decision is the Chief Executive's alone.
  - 5.1.4 The decision together with the reasons why it was urgent must be recorded in writing. The record of urgent decisions will be held by Democratic Services and will be made available for inspection.
  - 5.1.5 Following the decision, a report will be submitted to the next available relevant committee meeting explaining:
    - 5.1.5.1 the decision;
    - 5.1.5.2 the reasons for it; and
    - 5.1.5.3 why the decision was treated as a matter of urgency.
  - 5.1.6 In the absence of the Chief Executive, his responsibilities under this procedure are delegated to a Corporate Director and all references to the Chief Executive under this procedure will also apply to that person.

**6. REPORT ON USE OF THE URGENCY PROCEDURE**

- 6.1. In addition to any reports submitted to the relevant committee, twice yearly a report will be presented to Policy Committee detailing the number of occasions these provisions have been used and the reasons for their use.