

## INTRODUCTION TO HOW THE COUNCIL WORKS

### THE COUNCIL'S CONSTITUTION

1. This Constitution sets out how Nottinghamshire County Council operates, how decisions are made, and the procedures which are followed to ensure that decisions are efficient, transparent, and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.
2. The purpose of this Constitution is to ensure that the Council's decision-making and governance arrangements help the Council to achieve its aims, objectives and priorities effectively and efficiently. It also ensures that the Council meets its legal duties.
3. The Council has chosen a Leader and Cabinet model of governance (executive arrangements). Further information on this can be found in the Executive Arrangements and Cabinet Member Procedure Rules at **Section XX**.
4. The Constitution is divided into **XXX** sections that govern how the Council operates.

### HOW THE COUNCIL OPERATES

5. The Council consist of 66 councillors who are elected every four years. One or more councillors will be elected by the voters of each electoral division. There may be a by-election at any time if a Council seat becomes vacant during a Councillor's term of office.
6. Councillors must be over 18 years old and must live or work in the County. They are democratically accountable to residents of their division. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
7. All councillors meet as the Council and this is often called "Full Council". Members of the public are welcome to attend and observe Council meetings except where exempt or confidential matters are being discussed.
8. There are some decisions which can only be taken by the Full Council. Full Council is responsible for setting the Budget and Policy Framework, which sets out the Council's key policies and agreed budget for each year. All decisions must be taken in accordance with these agreed documents. Only Full Council can change the Budget and Policy Framework.
9. Full Council is responsible for electing (and can remove) the Leader of the Council, who in turn will appoint a Deputy Leader and a Cabinet. The Council (mainly through the scrutiny process and call-in of decisions) is ultimately responsible for holding the Cabinet to account.

10. Full Council is responsible for appointing Committees, some of which are responsible for overseeing and reviewing decisions of the Cabinet (scrutiny), while others have responsibilities for taking decisions about specific areas.

## **ROLES, FUNCTIONS, RIGHTS AND RESPONSIBILITIES OF ALL COUNCILLORS**

11. All Councillors will:
  - a. collectively be the ultimate policymakers and carry out strategic and corporate management functions;
  - b. contribute to the good governance of the area and encourage community participation and public involvement in decision making;
  - c. effectively represent the interests of their electoral divisions and of individual constituents and bring their views into the Council's decision-making process;
  - d. respond to constituents' enquiries and representations, fairly and impartially;
  - e. participate in the governance and management of the Council;
  - f. be available to represent the Council on other bodies; and
  - g. maintain the highest standards of conduct and ethics, observing the provisions of the Constitution, especially the Code of Conduct for Councillors and Co-opted Members in **Section XX** of this Constitution
12. Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in **Section XX** of this Constitution.
13. The Council operates a Councillor Divisional Fund, with Councillors having an annual budget allocation to fund proposals which actively support local communities in their electoral divisions and assist the delivery of the Council's strategic objectives (subject to compliance with the scheme) - [Councillors' divisional fund | Nottinghamshire County Council](#)

## **THE CHAIRMAN OF THE COUNCIL**

14. The Chairman is elected by Full Council at the annual meeting each year. The Council also elects a Vice-Chairman.
15. The Chairman undertakes civic and ceremonial roles on behalf of the Council and represents the Council at such events. They promote public involvement in the Council's activities and acts as an impartial advocate of the Council.
16. The Chairman presides over meetings of the Full Council to ensure that business is carried out effectively and has responsibility for upholding and interpreting the Constitution at those meetings. The ruling of the Chairman as to the interpretation or application of this Constitution or as to any proceedings of the Council cannot

be challenged. Such interpretation must have regard to the purposes of this Constitution and must be reasonable.

17. If the Chairman is not available, the Vice-Chairman undertakes the role.
18. Neither the Chairman, nor the Vice-Chairman can be the Leader or a Member of the Cabinet.
19. In the absence of the relevant Chairman of Overview or a Select Committee, the Chairman (or Vice-Chairman in the Chairman's absence) will certify urgency on urgent decisions outside the budget or policy framework in accordance with **paragraph XX** of the Access to Information Procedure Rules.

### **OPPOSITION APPOINTMENTS**

20. The largest political group on the Council which is not the Group(s) from which the Cabinet is drawn will be officially recognised by the Council as the Main Opposition (main minority group). Any other opposition groups will be known as smaller minority groups. Each opposition group of 5 or more members may appoint a Leader, Deputy Leader and Business Manager with a Special Responsibility Allowance as set out in the Members Allowances Scheme.
21. In the event of there being no Main Opposition as there are two groups of equal size, the Independent Remuneration Panel may be called as appropriate to consider how any roles and special responsibility allowances will be equitably allocated.

### **PRINCIPLES OF DECISION MAKING**

22. Different parts of the Council are responsible for particular types of decisions and decisions relating to particular areas or functions. A list of the responsibilities of each body or individual can be found in the **Section XX** of this Constitution.
23. All decisions of the Council will be made in accordance with the following principles:
  - a. Compliance with the law;
  - b. proportionality (i.e., the action must be proportionate to the desired outcome);
  - c. due consultation and the taking of professional advice from officers;
  - d. respect for human rights;
  - e. compliance with the Council's public sector equality duty;
  - f. where required by law or this Constitution, describing options considered and giving reasons for the decision;

- g. In accordance with the Council's Budget and Policy Framework

## DECISION MAKING BY THE EXECUTIVE

24. The Cabinet is the part of the Council which is responsible for most day-to-day decisions (executive decisions). The Cabinet comprises of the Leader of the Council and up to nine Councillors. Meetings of the Cabinet are generally open for the public to attend, except where exempt (e.g. personal) or confidential matters are being discussed. Categories of exempt information are set out in the Access to Information Procedure Rules in **Section XX**.
25. The Leader will decide which executive decisions will be taken by Cabinet, by individual Cabinet Members and by Officers and will delegate a range of Services (or "Portfolios") to each Cabinet Member.
26. The Cabinet and Cabinet Members have to make decisions which are in line with the Council's overall policies and budget. If they wish to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

## Key Decisions

27. A Key Decision is one made in the exercise of a Cabinet function which is likely:
- a. to result in the County Council incurring expenditure which is, or the making of savings which are, significant, having regard to the County Council's budget for the service or function to which the decision relates; or
  - b. to be significant in terms of its effect on communities living or working in an area comprising two or more electoral divisions in the area of the County Council
28. Key Decisions are published in the Forward Plan at least 28 days in advance of the decision being taken, which is available on the Council's website, insofar as they can anticipated.

## HOW DECISIONS ARE SCRUTINISED

29. There is an Overview Committee and three Select Committees who support the work of the Cabinet and the Council as a whole. The overview and scrutiny of both planned and taken decisions may lead to reports and recommendations which advise the Cabinet and Full Council on its policies, budget and service delivery. Overview and Select Committees monitor the decisions of the Cabinet and may be consulted on forthcoming decisions and the development of policy. The terms of reference for each committee can be found in **Section XX** of the Constitution. How these Committee's will operate is set out in the Overview and Select Committee Procedure Rules in **Section XX** of this Constitution.
30. Members of the Council who are not on the Cabinet can 'call-in' any executive decision which has been taken but not yet implemented. Statutory guidance

advises that this power would usually only be used in respect of Key Decisions. If a matter is ‘called-in’ it will be considered by the Overview Committee. They may recommend that the Cabinet reconsider the decision or in limited circumstances refer it to the Council.

31. The Council also has a separate statutory Health Scrutiny Committee which scrutinises matters related to Health across Nottinghamshire. More information can be found in **Section XX** of the Constitution.

**REGULATORY AND OTHER COUNCIL COMMITTEES**

32. Where something is the responsibility of the Council and not the Cabinet, and the Council does not have, or want, to decide it at Full Council, it is delegated to a Council committee. Some decisions are also delegated to Officers as set out in **Section XX**.
33. The terms of reference of the Committees can be found in **Section XX**.

**PARTNERSHIP WORKING**

34. 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. The Council has adopted a protocol for councillors and officers involved with outside bodies. This is set out in **Section XX** of this Constitution.
35. In working jointly with other local authorities the Council may participate in various Joint Committees, the terms of which are set out in **Section XX** of this Constitution.
36. The Council may also contract-out functions to other bodies or organisations where permitted by law and considered appropriate.

**THE COUNCIL’S STAFF**

37. The Council employs staff (Officers) to carry out its function. The Head of Paid Service is responsible for determining the overall staffing numbers required by the Council and how they are deployed. How decisions relating to staffing issues will be taken is set out in the Employment Procedure Rules in **Section XX** of this Constitution. The senior management structure chart is available on the website - <https://www.nottinghamshire.gov.uk/media/4320593/seniormanagement.pdf>
38. There is a legal requirement to allocate some specific responsibilities to Officers and the Council has designated the following posts:

Head of Paid Service	Chief Executive
Proper Officer for all functions except where delegated by the Chief Executive to other officers	Chief Executive

Monitoring Officer	Service Director Customers, Governance and Employees
Chief Finance Officer (also known as Section 151 Officer)	Service Director Finance, Infrastructure and Improvement

39. These post holders' specific responsibilities are set out in the Scheme of Delegations to Officers in **Section XX** of this Constitution.
40. The Council has adopted a Code of Conduct for Officers to ensure the highest standards are maintained. This is section out in **Section XX** of this Constitution.

## FINANCES

41. To ensure transparency and propriety in how the Council spends taxpayers' money, the Council has adopted Financial Regulations which are set out in **Section XX** of this Constitution. The Council sets its budget annually; the framework for the process is set out in the Budget and Policy Framework Procedure Rules in **Section XX** of this Constitution.
42. 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.

## PUBLIC INVOLVEMENT

43. The Council welcomes the participation of the public in its work.
44. Members of the public have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes.
45. Where members of the public use specific council services these are not covered in this Constitution, please see the Council's website for information on specific services.
46. The Council operates complaints procedures which are overseen by the Local Government and Social Care Ombudsman.
47. Members of the public have the right to:
  - a. vote at local elections if they are registered;
  - b. contact their local Councillor about any matters of concern to them in their division;
  - c. contact the appropriate Cabinet Member about any matters of concern that relate to that Cabinet Member's Portfolio;
  - d. have access to the Constitution;

- e. attend all meetings of the Council, Cabinet, Overview and Select Committees and other Committees except where exempt or confidential matters are being discussed (see Access to Information Procedure Rules in **Section XX**). Members of the public may also be invited to participate in scrutiny activity at appropriate points;
- f. submit a petition on any matter that affects Nottinghamshire and is relevant to services provided by the Council as set out in the **[Petitions Scheme] – link to scheme on CMIS**.
- g. find out what Key Decisions are to be considered by the Cabinet, individual Cabinet Members and Officers and which decisions are likely to be taken by Cabinet in private (where they relate to confidential/exempt decisions) via the Forward Plan;
- h. see reports and background papers, and any records of decisions made by the Council, the Cabinet, Overview and Select Committees and other Committees, also individual Cabinet Members and executive decisions made by Officers (except exempt and confidential information);
- i. make eligible complaints to the Council through its complaints process;
- j. complain to the Local Government and Social Care Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after going through the Council's own complaints process;
- k. compliment the Council where the service they have received has been exceptionally good or speedy and which could help spread good practice across the Council;
- l. complain to the Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Code of Conduct for Councillors and Co-opted Members;
- m. inspect the Council's accounts during the limited period of the audit each year and to make their views known to the external auditor. The period when accounts are open to inspection is publicised in advance;
- n. Record, report or film formal public meetings (including by the use of electronic methods such as Twitter, Blogs and Facebook) without disrupting the good order of the meeting.

## **COUNCILLOR AND OFFICER EXPECTATIONS**

- 48. Councillors and Officers have the right not to be subjected to discriminatory, violent, abusive, threatening or intimidating behaviour.

## CHANGES TO THE CONSTITUTION

49. The Constitution has been formally adopted by the Council. The Council will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
50. Any changes to the Constitution not falling within the responsibilities of the Leader must be approved by the Full Council. The Monitoring Officer has the authority to make amendments to the Constitution to keep it up to date with any permitted changes made by the Leader, make any minor and consequential amendments and corrections to the Constitution and to keep it up to date with legislation and/or to keep the whole constitution in line with Council decisions made from time to time.
51. As a minimum, the Constitution will be reviewed following each four-yearly election cycle to ensure that the aims and principles of the Constitution are given full effect.
52. In the event of any proposals for a change in Executive arrangements from a Leader and Cabinet form of Executive to another form of governance or vice versa, the Council will take reasonable steps to consult local electors and other interested persons in the area when drawing up proposals.
53. No change to any part of this Constitution or to any sub-delegation scheme under it shall, unless otherwise specified, invalidate any previous decision or action made or taken under the previous provisions.
54. Unless specified by a provision of the Constitution, any decision made by or on behalf of the County Council (including any plan, budget, policy or strategy approved by or on behalf of the County Council) prior to the coming into effect of the Constitution or the making of any change to it shall remain in force until it is amended, varied or replaced.