



**Nottingham  
City Council**

# Nottingham City Council Constitution

## Part 1 Introduction, Summaries and Explanations

| Section  | Content   | Pages |
|--|---|-------|
| <b>Part 1<br/>Summary and Explanation</b>  |   |       |
|  | Introduction, summaries and explanations                          | 3-6   |
| <b>Part 2<br/>Responsibility For Functions</b>                                   |   |       |
| 1  | Introduction  |       |
| 2  | Non-executive functions   |       |
| 3  | Local Choice functions  |       |
| 4  | Executive functions   |       |
| 5  | Terms of reference of committees/boards                           |       |
| 6  | Memberships of committees/boards                                  |       |
| 7  | Formal roles and responsibilities                                 |       |
| 8  | Statutory officers and proper officers                            |       |
| 9  | Scheme of delegation  |       |
| 10   | Delegated decision making form                                    |       |
| 11   | Sub-delegation of powers form                                     |       |
| <b>Part 3<br/>Management Structure</b>   |   |       |
|  | Management Structure Chart  | 2     |
| <b>Part 4<br/>Procedure Rules and Standing Orders</b>                            |   |       |
| 1  | Budget and Policy Framework                                       |       |
| 2  | Executive <del>Board</del> <b>Procedure Rules</b>                 |       |
| 3  | Overview and Scrutiny   |       |
| 4  | Access to Information   |       |
| 5  | Officer Employment  |       |
| 6  | Standing Orders in relation to Council, its Boards and Committees |       |
| <b>Part 5<br/>Financial Regulations<br/>(including Contract Procedure Rules)</b> |   |       |
| 1  | Financial Regulations   | 3-30  |
| 2  | Contract Procedure Rules  | 31-55 |
| <b>Part 6<br/>Codes of Conduct</b>   |   |       |
| 1  | Members' Code of Conduct  | 3-10  |
| 2  | Code of Conduct for Employees                                     | 11-19 |
| 3  | Councillor/Officer Protocol                                       | 20-22 |
| <b>Part 7<br/>Members Allowances Scheme</b>                                      |   |       |
|  | Members' Allowances Scheme  | 2-7   |

# **Nottingham City Council Constitution**

## **Summary and Explanation (Part 1)**

### **Introduction**

The City Council provides essential services to the public and as a democratic organisation is committed to openness and honesty about how it operates.

This summary is a guide to the basic principles of how the Council works and what decisions can be made and by whom. It is a summary and does not try to be comprehensive. You will need to look at the separate parts of the constitution document for full details of decision-making procedures.

Nottingham City Council has adopted the 'Strong Leader' and Cabinet Model of Executive Governance as set out in the provisions of the Local Government Act 2000 (as amended). Decisions are taken by meetings of full Council, Executive Board, committees, Executive Portfolio Holders, ward Councillors and officers.

The Executive Board comprises up to ten Councillors and includes the Leader of Council. It is responsible for major decisions about service delivery. The law does not allow the Executive Board to make certain decisions (sometimes referred to as 'non-executive' decisions) e.g. decisions about planning or licensing matters. These non-executive decisions are taken by committees of councillors

Councillors who are not on the Executive are responsible for keeping an overview of Council business and City concerns and scrutinising areas of particular interest or concern, holding the Executive to account and assisting in the development and review of Council policy. The Council must also ensure that overview and scrutiny arrangements are in place to undertake statutory responsibilities, including the scrutiny of substantial developments or variations in NHS services and the scrutiny of crime and disorder issues. Overview and Scrutiny Councillors can make recommendations for improvement to the Executive, to the whole Council, or to outside organisations.

Full Council comprises all 55 Councillors elected to the City Council. One of its functions is to agree the major policies, the "Policy Framework", which govern the way services are provided and provide a direction for the City. Legislation prescribes that, in addition to the budget and setting of Council Tax, the full Council must adopt this overall policy framework which comprises various plans and strategies. The Council may, from time to time, decide to add other plans and strategies to this list. The Council also has an Overview and Scrutiny function. This holds the Executive Board to account for its decisions, undertake reviews and makes recommendations on future policy.

### **Role of Local Authorities**

Local authorities educate children, provide services for people who are vulnerable or in need of support, safeguard and protect your environment, provide libraries, cultural and leisure facilities, and provide and maintain much of the City's infrastructure - local authorities lie at the very heart of all of our daily lives. Nottingham City Council is an all-purpose unitary authority providing all local government services within the City of Nottingham administrative district and works in partnership with other organisations to make Nottingham a better place in which to live, work, visit and invest.

Amongst the City Council's most important responsibilities is the duty to exercise community leadership. This means that Councillors should be:

- enablers of the community - standing up for, learning from and empowering local citizens, including the most vulnerable members of the community;
- champions of the area - building a vision, setting a clear direction, and ensuring this is delivered;
- challengers and scrutineers - of public services more generally;
- shapers of services around the citizen - forging local partnerships to marshal resources in a way that best meets the community's needs;
- decision-makers - setting priorities and being accountable for tough choices in balancing competing demands and interests.

### **Purpose of the Constitution**

The Constitution is part of the Council's corporate governance framework which defines the systems and processes by which the Council leads, directs and controls its functions and relates to its communities and partners. The purpose of the Constitution is to set out how the Council conducts its business, how decisions are made and the procedures that are followed to ensure that these decisions are effective, efficient and transparent so that the Council remains accountable to local people. Some of these procedures are required by law, while others are a matter for the Council to determine. The Council will exercise all its powers and duties in accordance with the law and its Constitution.

You can view a copy of the Constitution at the City Council's main office based at Loxley House, Station Street, Nottingham, NG2 3NG or on our website at <http://www.nottinghamcity.gov.uk/index.aspx?articleid=3744>.

### **Citizens Rights**

Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes.

Citizens have the right to:

- vote at local elections if they are registered for that purpose;
- contact their councillor about any relevant matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees. In Nottingham this includes meetings of the Executive Board except where exempt or confidential matters are being discussed;
- petition for a referendum on a mayoral form of executive;
- request Councillors to present other petitions to Full Council meetings;
- submit questions to the Lord Mayor for response at full Council;
- find out, from the Executive Board's Forward Plan, what major decisions are taken by the Board or by Board members, and when;
- request to see reports and background papers, and any record of decisions made by the Council, the Executive Board and its members and by committees;
- complain to the Council - Nottingham City Council is committed to providing the best possible services for its citizens. The City Council's 'have your say scheme' gives Citizens the chance to tell the Council what they think of the services provided. Full details of this scheme are available in plain English and in other

languages from the Consultation and Engagement Manager, Nottingham City Council, Loxley House, Station Street, Nottingham, NG2 3NG or on the Council's website via the following link:

<http://www.nottinghamcity.gov.uk/static/audio/HaveYourSay.htm>

Citizens can have their say by:

- completing the online form
- emailing at [haveyoursay@nottinghamcity.gov.uk](mailto:haveyoursay@nottinghamcity.gov.uk)
- quoting 'have your say'
- calling us on 0115 8763040 (24 hour answer phone)
- texting 07957 182 796
- complain to the Ombudsman where they are not satisfied after first using the Council's complaints procedure. (The Ombudsman's address is PO Box 4771, Coventry, CV4 0EH);
- complain to the Standards Board for England if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct;
- at specific times, inspect the Council's accounts and make their views known to the external auditor;
- feed back to the Council on their experience of its services and contribute to the development of policies and strategies for the City via the Citizens Panel, Customer Satisfaction Surveys, Customer Suggestion Schemes and Customer Contracts.

### **Responsibility for Functions (Part 2)**

This part of the Constitution explains who is responsible for the various functions of the Council. It describes the decision-making framework of the City Council, the purpose of which is to discharge its responsibilities and functions in a transparent, effective and legal manner.

This part also details the roles and responsibilities of individual formal positions within the Council that are either statutory or occupy a significant role in respect of the executive, scrutiny or civic and ceremonial infrastructure of the Council.

### **Management Structure (Part 3)**

This part details the senior officer management structure of the City Council.

### **Procedure Rules and Standing Orders (Part 4)**

This part details procedures to be followed in respect of:

- the Budget and Policy Framework
- Executive Board
- Overview and Scrutiny
- Access to Information
- Officer Employment
- Standing Orders.

### **Financial Regulations (including Contract Procedure Rules) (Part 5)**

Financial Regulations provide the framework for managing the City Council's financial affairs and set out the rules and processes that underpin the day to day management of public funds.

The Financial Regulations include Contract Procedure Rules that govern the way in which goods, materials and services are procured by the Council.

Financial Regulations apply to every Councillor and Colleague of the authority and anyone acting on its behalf, and they are required to abide by them in all circumstances. These responsibilities also apply when Councillors or Colleagues represent the City Council on Outside Bodies.

### **Codes of Conduct (Part 6)**

Councillors are required to abide by a national Code of Conduct to ensure high standards of probity in the discharge of their responsibilities and this is included in Part 2 of the Constitution. The Council has a Standards Committee that oversees this Code of Conduct and other governance matters.

Officers have to observe a code of conduct that sets guidelines on behaviour and standards of conduct at work.

There is also a local protocol setting out guidance and principles covering the relations between Colleagues and Councillors.

### **Members' Allowances Scheme (Part 7)**

Councillors are paid allowances linked to the level of responsibility they have within the Council. The Independent Remuneration Panel (IRP), which includes independent members of the public, reviews remuneration for Councillors and makes recommendations to full Council on the level at which allowances should be set. Full Council must take the recommendations of the IRP into consideration in taking decisions about allowances, but is not bound by these recommendations.

### **Note to Colleagues, Citizens, Councillors and Partners**

Local government is complex and characterised by acronyms, jargonistic phrases and fads. However, we are determined to simplify our language and focus wherever possible, starting with consistent descriptions of the people we work with.

Following research in 2008, we were surprised to find several different ways of describing the people we are here to lead and serve; constituents, voters, electors, residents, customers, service-users, citizens, clients, consumers, people, to name a few. Of course, one individual may be all of these, but the point is, the words also mean different things to different people, and that in turn can drive different behaviour.

Within this document, we are determined to use '**citizens**' as often as possible and appropriate. This was agreed by the Corporate Leadership Team (CLT) and our councillors as being the most rounded and appropriate description of the people we lead and serve. Similarly, rather than using staff or employees, we're determined to use the word '**colleagues**'. Rather than politicians or members the word '**councillors**', and rather than contractors, providers, consultants, etc we will use our '**partners**'. However the nature of this document often means that we are using and referring to information taken directly from legal provisions and, in some circumstances it has been necessary to maintain the use of terms such as '**member**' and '**officer**' where they have legal meaning.