

PART A

SUMMARY & INTRODUCTION

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The Constitution sets out how the Council operates, how decisions are made and the procedures that are in place to ensure decisions are proportionate, transparent, efficient and accountable to local people. Some of these procedures are required by law, while others have been chosen by the Council. The Council must operate in accordance with the law, the Constitution and the rules and procedures included within it.

The Constitution is arranged in eight Parts (A-H) which set out the basic rules governing the Council's business, along with more detailed procedure rules, codes of practice and protocols.

The Council's primary objective is to improve the quality of life of people who live and work in the District of Newark & Sherwood. Part A of the Constitution is intended to assist in the delivery of this objective by providing for clear leadership, enhanced local democracy and the effective representation by Councillors of their constituents, effective decision-making and accountability and the efficient, effective provision of services. Where the Constitution permits the Council to choose between different courses of action, the Council will always choose the option it determines is closest to achieving these purposes. The Council monitors and reviews the operation of the Constitution as set out below.

Parts B-H of the Constitution are listed below and explain the rights of citizens and how key parts of the Council operate.

- Part B Public Participation
- Part C Responsibility for Functions
- Part D Procedure Rules
- Part E Financial Governance
- Part F Councillors
- Part G Officers
- Part H Protocols

1. The Council

- 1.1 The Council comprises 39 Councillors who are elected every 4 years. Councillors are democratically accountable to the residents of their Ward. 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.
- 1.2 Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Council has an Audit & Governance Committee to provide training and advice to Councillors on the Code of Conduct.
- 1.3 All Councillors meet together as the Council. Meetings of the Council, sometimes referred to as 'Full Council' are normally open to the public. At these meetings Councillors decide the Council's overall policies and set the budget each year.

2. Councillors

2.1 Collectively all Councillors (also known as Members) are the ultimate policy-makers and carry out a number of functions. Councillors represent their communities and Wards and bring their views into the Council's decision-making process. Councillors may also be appointed to the Committees detailed above.

2.2 Information about all Councillors is published on the Council's [website](#).

3. The Leader

3.1 Leader is appointed by Council for a four year term of office or until their term of office as a Councillor expires.

3.2 The Leader has to make decisions in line with the Council's overall policies and budget. If they wish to make a decision outside the budget or policy framework, this must be referred to the Council as a whole to decide.

3.3 The Leader can also delegate decisions to the Cabinet (the Council's Executive), individual Cabinet Members, Sub-Committees of the Cabinet, or Officers.

4. The Cabinet

4.1 The Cabinet (also known as the Executive) is made up of the Leader, Deputy Leader and a Cabinet of additional Councillors appointed by the Leader. Cabinet Members are responsible for a portfolio of services/functions allocated to them by the Leader.

4.2 Any reference within this Constitution to the Cabinet or Executive decision-making process, and the rules applying to it, should be taken to refer equally to a Cabinet Sub-Committee, an individual Portfolio Holder (Cabinet Member) or Officer.

5. Major Decisions

5.1 When major decisions are to be discussed or made, these are published in advance, as set out in Part B Section 4 of this Constitution. Major decisions generally are made at meetings (with Council Officers present) and these are open to the press and public except where personal or confidential matters are being discussed.

6. The Leader of the Opposition

6.1 The role of the leader of the Council's largest opposition group is to provide leadership in the constructive challenge of the Council's policies and strategies, and in the co-ordination of alternative policies, strategies and service delivery. They are the main political spokesperson for the Council's opposition.

7. Overview, Scrutiny and Call-In

7.1 The Council has established a Policy & Performance Improvement Committee (the PPI Committee) which establishes Working Groups and together they assist the work of the Leader, the Cabinet and the Council as a whole. The PPI Committee and its Working Groups enable citizens to have a greater say in Council matters by considering matters of local concern and making reports and recommendations advising a decision-maker and the Council as a whole on its policies, budget and service delivery. The PPI Committee can also convene a Call-In Sub-Committee which monitors the making of decisions and can ‘call-in’ a decision which has been made but not yet implemented. The ‘call-in’ procedure enables the Call-In Sub-Committee to consider whether a decision has been made correctly and is appropriate, and may uphold the decision, recommend that the decision-maker amends or reconsiders the decision or refer the decision to the Cabinet or the Council to obtain its views. The PPI Committee may also be consulted on forthcoming decisions and the development of policy.

8. Other Committees

8.1 The Council has a number of other Committees which deal primarily with the regulatory functions which are not the responsibility of the Leader. These include the Licensing & General Purpose Committees, the Audit & Governance Committee and the Planning Committee.

9. The Council’s Officers

9.1 The Council’s employees (called ‘Officers’) give advice, implement decisions and manage the day-to-day delivery of its services. Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. Codes of Conduct govern the conduct of Officers and the relationship between Officers and Councillors – the Members of the Council.

9.2 The Council must appoint the following Statutory Officers:-

- i. Head of Paid Service (the Councils Head of Paid Service is the Chief Executive)
- ii. Chief Finance Officer (also known as a Section 151 Officer)
- iii. Monitoring Officer

9.3 The Council’s Management Structure is published on its [website](#).

10. Citizens' Rights

10.1 Citizens have a number of rights in their dealings with the Council, some of which are legal rights and others result from the Council's own procedures. The rights of citizens are set out in Part B of this Constitution.

10.2 Where members of the public use specific Council services, for example as an applicant for housing benefit, they also have additional rights, however these are not covered in this Constitution.

11. Executive Arrangements

11.1 Parts of this Constitution which constitute the Executive Arrangements are:-

- The Leader of the Council; Part C, Section 2
- The Deputy Leader of the Council; Part C, Section 2
- The Cabinet (the Executive); Part C, Section 2
- Cabinet Member Portfolio Holders and their Portfolios; Part C, Section 2
- Decision-Making; Part C, Introduction
- Cabinet Scheme of Delegation; Part C, Section 2
- Officer Scheme of Delegation; Part C, Section 5
- Cabinet Procedure Rules; Part D, Section 2
- Access to Information Procedure Rules; Part B, Section 4
- Policy & Performance Improvement Committee Procedure Rules; and Part D, Section 4
- The Call-In Procedure and Sub-Committee Rules. Part D, Section 5

12. Review of the Constitution

12.1 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.

12.2 To assist with undertaking this task the Monitoring Officer may:

- observe meetings of different parts of the Member and Officer structure
- undertake an audit trail of a sample of decisions;
- record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and
- compare the Council's practices with those of comparable Councils, or national examples of best practice

13. Changes to the Constitution – Approval

13.1 Amendments or revisions to the Constitution shall be made in accordance with Part C, Section 1.

14. Suspension of the Constitution

14.1 Limit to Suspension

The Council Procedure Rules may be suspended by the Full Council to the extent permitted within those Rules and the law.

The Procedure Rules relating to the Committees may be suspended by the Committee to the extent permitted within those rules and the law.

14.2 Procedure to Suspend

A motion to suspend any rules will not be proposed without notice unless at least one half of the whole number of Councillors is present.

The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution.

15. Interpretation

- 15.1 The determination of the Chairman of the Council (or in their absence the Vice-Chairman) on the construction, interpretation or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution.

16. Publication

- 16.1 The Council's Monitoring Officer will ensure that the Constitution is available for inspection at the Council's main office and on the Council's website.