

Rushcliffe Borough Council Constitution

Part 1

Introduction to the Council and Constitution

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Introduction

Rushcliffe Borough Council is a district council which provides essential services to the public and as a democratic organization is committed to openness in how it operates. It has 44 Councillors' elected on a four-year cycle.

This introduction sets out 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 for full details of decision-making procedures.

Rushcliffe Borough Council has adopted the '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, the Leader, Cabinet and Committees and by Officers.

The Cabinet currently comprises the Leader and five Councillors who have portfolios of responsibilities (it can contain up to ten Councillors). It is responsible for major (executive) decisions about service delivery. The Cabinet is not empowered 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 or by officers.

Councillors who are not in the Cabinet are responsible for keeping an overview of Council business and scrutinising areas of particular interest or concern, holding the Executive to account and assisting in the development and review of Council policy. These Overview and Scrutiny Councillors can make recommendations for improvement to executive matters, to the whole Council, or to outside organisations.

Full Council comprises all 44 Councillors. One of its functions is to agree the major policies, the 'Policy Framework', which govern the way services are provided. 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.

Roles of Local Authorities in the Borough

Within the Borough of Rushcliffe three tiers of local authorities provide services: the County Council, the Borough Council ('the Council'), and the Parish/Town Councils. The chart set out below, shows who provides what services.

Main Functions of Local Authorities in Rushcliffe

Function	County	Borough	Town/Paris
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Allotments, Arts and Recreation	✓	✓	✓
Births, Deaths and Marriage Registration	✓		
Building Regulations		✓	
Burials and Cremations		✓	✓
Children's Services	✓		
Community Safety		✓	
Concessionary Travel	✓		
Consumer Protection	✓		
Council Tax and Business Rates Collection		✓	
Economic Development	✓	✓	
Education including: Special Educational Needs, Adult Education, Pre-School	✓		
Elections and Electoral Registration		✓	
Emergency Planning	✓	✓	
Environmental Health		✓	
Highways (not trunk roads), Street Lighting and Traffic Management	✓		
Housing		✓	
Libraries	✓		
Licensing		✓	
Markets and Fairs		✓	
Minerals and Waste Planning	✓		
Museums and Galleries	✓	✓	✓
Parking	✓	✓	✓
Passenger Transport (Buses) and Transport Planning	✓		
Planning	✓	✓	
Public Conveniences		✓	✓
Public Health	✓		
Social Services including Care for the Elderly and Community Care	✓		
Sports Centres, Parks Playing Fields	✓	✓	✓
Street Cleaning		✓	
Tourism	✓	✓	✓
Trading Standards	✓		
Waste Collection and Recycling		✓	
Waste Disposal	✓		

In addition to providing these services the Council has a 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 – representing their constituents, building a vision,

setting a clear direction, and ensuring this is delivered;

- Challengers and scrutinisers – of public services provided by the Borough Council and more generally;
- Shapers of services around the citizen – forging local partnerships to marshal resources in a way that best meets community 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. Many 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.

In addition to viewing the Constitution on our [website](#) you can access a hard copy in person, at Rushcliffe Customer Service Centre:

Rushcliffe Customer Service Centre
Fountain Court
Gordon Road
West Bridgford
Nottingham
NG2 5LN

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 committee's and the Cabinet, except where exempt or confidential matters are being, or to be, discussed;
- Petition for referendum on a mayoral form of executive;
- Request councillors to present other petitions to Full Council;
- Find out from the Notice of Key Decisions and Private Meetings of the Executive, what major decisions are to be taken by the Cabinet, when those decisions will be taken and if they will be taken in public or in private;
- Request to see reports and background papers, and any record of decisions made by Council, the Cabinet and by committees;
- [Complain to the Council](#) - the Council operates a complaints system which is accessible to all residents online or by contacting:

Performance and Reputation
Rushcliffe Borough Council
Rushcliffe Arena
Rugby Road
West Bridgford
Nottingham
NG2 7YG

- Complain to the Local Government and Social Care Ombudsman if not satisfied with the Council's administration of, and provision of, services.

Executive Arrangements

The Local Government Act 2000 and Statutory Instruments describe the provisions which a Council's executive arrangements (i.e. the structure within which the Leader and Cabinet Model of Executive Governance sits) should contain. These provisions are contained in the following parts of the Constitution:

- The Overview and Scrutiny Standing Orders in Part 4
- The Cabinet Standing Orders in Part 4
- Any Area Arrangements in Part 3 (N.B. the council does not currently operate Area Committees)
- The Joint Arrangements in Part 3
- The Rules and Standing Orders concerning decision making in Parts 3 and 4 and the Access to Information Procedure Rules in Part 4

The Constitution has six parts and a brief introduction to each part follows:

Introduction (Part 1)

This introduction provides an overview of the content and purpose of the Constitution.

Political Leadership Management Structure (Part 2)

This part details the political and senior officer management structure of the Council.

Responsibility for Functions and Scheme of Delegation (Part 3)

This part of the Constitution explains who is responsible for the various functions of the Council. It describes the decision-making framework of the Council, the purpose of which is to discharge its responsibilities and functions in a transparent, effective and legal manner, and includes a Scheme of Delegation identifying which body or officer is empowered to carry out what function.

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.

Standing Orders, Rules and Financial Regulations (Part 4)

This part details procedures to be followed in respect of:

- The Budget and Policy Framework
- Cabinet
- Overview and Scrutiny
- Access to information
- Officer Employment
- Standing Orders

Much of this part reflects the complex statutory framework within which the Council operates.

Part 4 also contains the Council's financial regulations.

Financial Regulations provide the framework for managing the 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 officer of the Council and anyone acting on its behalf, and they are required to abide by them in all circumstances. These responsibilities also apply when councillors or officers represent the Council on Outside Bodies.

Codes of Conduct and Protocols (Part 5)

Part 5 contains several Codes of Conduct and Protocols including a Code of Conduct for Councillors to ensure high standards of probity in the discharge of their responsibilities. The Council has a Standards Committee that oversees this Code of Conduct and other governance matters. Part 5 also contains other Codes and Protocols concerning gifts and hospitality, involvement in planning matters, and councillor/officer relations.

Officers also have to observe codes and Protocols that set guidelines on behaviour and standards of conduct at work. These do not form part of the constitution but are accessible through the following links:

Members' Allowances Scheme (Part 6)

Councillors are paid a basic allowance and some may have an additional allowance 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.