

Broxtowe Borough Council Constitution

Chapter 1 – Part 1

Summary and Introduction

Chapter 1 Part 1: SUMMARY & INTRODUCTION

1. Description of Broxtowe

Broxtowe Borough Council is a district Council established by the Local Government Act 1972, whose administrative area covers the southwest of Nottinghamshire. The administrative centre of the Borough is Beeston, the largest of the four principal towns, the others being Eastwood, Stapleford and Kimberley. The Borough forms the western edge of the greater Nottingham conurbation, with the City of Nottingham bordering much of the eastern boundary of the Borough. To the west lie the Derbyshire Boroughs of Erewash and Amber Valley. The M1 motorway bisects the Borough and junctions 25 and 26 are located within it.

Broxtowe is compact, covering an area of only 8,010 hectares, two thirds of which is greenbelt, and has a population of 114,600. This figure represents 13.8% of the total population of the County of Nottinghamshire.

2. Summary of the Council's Constitution: explanation, purpose and content

This Constitution regulates the ways in which the Council conducts its business and delegates its functions. It sets out arrangements with other authorities: The Town and Parish Councils within its area and with Erewash Borough Council in the operation of Bramcote Bereavement Services via the Joint Committee. The Constitution is designed to bring together key corporate documents which describe the management structures of the Council and governs its internal processes by means of protocols, codes of conduct and good practice/guidance.

3. Elections to the Council

Whole Council elections are held every four years, with Councillors being elected for a four-year term of office. The number of Councillors is determined by the profile of the Borough and the size of the electorate and currently comprises 44 Councillors, which are kept under review by the government and is maintained through periodic electoral reviews.

A person is entitled to vote in an election for membership of the Council or certain other elections if they are:

- resident in the area
- not under a legal incapacity preventing them from voting
- a qualifying Commonwealth, Irish or EU citizen or an EU citizen with retained rights and
- of voting age and their name is included in the Register of Electors

The qualifications for voting vary depending on the type of election (Borough/Parish/County/Parliamentary/European).

4. Detail

a) The Executive (Cabinet)

The Cabinet (the Executive) is a group of not more than ten Councillors appointed by the Leader who, subject to their availability, would take the Chair at their meetings. The Leader is appointed by the Council as a whole and may be discharged by it as provided for in the Constitution. A Member of the Cabinet is identified as a "Portfolio Holder" and there are currently portfolios for the following areas of Council work – Resources and Personnel Policy, Economic Development and Asset Management, Housing, Leisure and Health, Environment and Climate Change, and Community Safety. However, variations to those areas and to the responsibilities of Cabinet Members may take place from time to time as determined by the Leader. A Portfolio Holder represents his or her designated area of responsibility in meetings of the Council, the Cabinet and elsewhere.

The Cabinet is responsible for the majority of the Council's decisions and also for proposing the principal strategic policies which the full Council is invited to adopt. Such strategic matters include the budgetary framework, responsibility for the Council's resources and the making of planning and housing policies that affect all residents of the Borough.

b) Scrutiny

Despite the wide-ranging powers of the Cabinet, the Non-Executive side of the Council has significant responsibility and balances the power of the Executive. An Overview and Scrutiny Committee ('OSC') has been appointed to scrutinise the actions of the Executive and to review the policies and practices of the Council and the wider community within their remit. The OSC has the power to inquire, research and report on matters within its remit. The OSC has the overall task of determining which topics are selected for scrutiny. In addition, it can 'call-in' decisions of the Executive which have not yet been implemented and thereby enable further consideration to be given to them.

c) Regulatory and Quasi-Judicial

In addition, under the provisions of the Local Government Act 2000, certain regulatory and quasi-judicial decisions may not be taken by Cabinet. The Council has therefore established a Planning Committee to look after applications for planning permission and planning enforcement. The Licensing and Appeals Committee has a Licensing and

Appeals Panel which deals with the appeals which are made to the Council against decisions that have been taken as well as all the Council's licensing functions e.g. taxis and dangerous wild animals. Matters for which responsibility is conferred on the Council by the Licensing Act 2003 and the Gambling Act 2005, which include liquor licensing and regulated entertainment as well as gambling, are dealt with by the Alcohol and Entertainment Licensing Panel. The regulatory and quasi-judicial Committees have special rules which follow principles of natural justice.

d) Ethical

The government has also been concerned to strengthen the security of ethical standards in local government. In line with those expectations the Council has accordingly established a Governance, Audit and Standards Committee, Standards Hearing Sub Committee and Advisory Shareholder Sub Committee. The Governance, Audit and Standards Committee will keep under review the codes of conduct for Members and Officers and ensure proper training is provided for their implementation. The Standards Hearing Sub Committee, in partnership with the Monitoring Officer, will also examine cases where it is alleged that standards of conduct have not been maintained. The Advisory Shareholder Sub Committee will support and advise the Portfolio Holder for Resources and Personnel Policy and the Cabinet in its exercise of the Council's function, as the shareholder of the Council's companies.

e) General

There is a range of other bodies exercising Council functions. These include the Governance, Audit and Standards Committee, Planning Committee, Licensing and Appeals Committee and the Chief Officer Employment Committee. More details of these and other bodies are detailed at Chapter 2 of this Constitution.

As envisaged by the government the bulk of everyday decisions of the Council are taken by Officers acting within the policies and guidelines established by the Council, its Cabinet and Committees. Officers' powers are contained in the Scheme of Delegation.

5. **General Principles**

In drawing up its constitutional arrangements the Council has sought to achieve the government's purpose in providing clear accountability in decision-making.

The Council, at an early stage in formulating its procedures, decided that the Cabinet and the Committees, as legislatively required, should so far as possible

meet in public. It also decided that the Committees should reflect as far as possible the political balance of all those Members elected to the Council and that the Cabinet Members would take

decisions collectively rather than on an individual basis. Those three principles are enshrined in this Constitution.

6. Constitution

This Constitution embraces a number of documents to put the above principles into effect. The documents will be kept under review by the Council and will be amended in line with legislative requirements and best practice from time to time.

The following documents comprise the Council's Constitution:

CHAPTER 1: INTRODUCTION

Part 1: Summary and Introduction

Part 2: Decision Making and Types of Decisions

CHAPTER 2: PROCEDURE RULES AND ARRANGEMENTS

Part 1&2: The Council and Council Procedure

Rules Part 3: The Executive (Cabinet)

Part 4: Executive (Cabinet) Procedure Rules

Part 5: Access to Information Procedure Rules

Part 6: Budget and Policy Framework Procedure Rules

Part 7: Overview & Scrutiny Arrangements and Procedure

Rules Part 7a: Overview & Scrutiny Arrangements flow diagram

Part 7b: Overview & Scrutiny Arrangement Call-in flow diagram

Part 7c: Councillors Call for Action flow diagram

Part 8-17: Committee Arrangements

CHAPTER 3: OFFICER RESPONSIBILITIES

Part 1: Scheme of Delegation

CHAPTER 4: FINANCIAL GOVERNANCE

Part 1: Financial Regulations

Part 2: Financial Regulations (Contracts)

CHAPTER 5: CODES AND PROTOCOLS

Part 1: Member Code of Conduct

Part 2: Officer Code of Conduct

Part 3: Good Practice

- Part 4: Protocol for Councillor/Officer Relations
- Part 5: Whistleblowing Charter
- Part 6: Charter for Consultation and Relations with Parish and Town Councils

CHAPTER 6: APPENDICIES

- Appendix 1: Governance structure chart
- Appendix 2: Establishment structure chart
- Appendix 3: The Local Joint Consultative Committee (LJCC)
- Appendix 4: Bramcote Bereavement Services Joint Committee
- Appendix 5: Economic Prosperity Committee
- Appendix 6: Notice of Call in of Decision