

**BASSETLAW DISTRICT COUNCIL  
CONSTITUTION  
PART 1**

PART 1

SUMMARY AND EXPLANATION



## **THE COUNCIL'S CONSTITUTION**

Bassetlaw District Council's constitution sets out how the Council operates, how decisions are made and the procedures which are followed. The Constitution is designed to ensure that these are, transparent, accountable and efficient to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 16 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols throughout the document.

## **WHAT'S IN THE CONSTITUTION?**

Article 1 of the Constitution commits the Council to adopting a cultural approach to the way it conducts its business. Articles 2 - 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council. (Article 2)
- Citizens and the Council. (Article 3)
- The Council meeting. (Article 4)
- Chairing the Council. (Article 5)
- Scrutiny of decisions. (Article 6)
- The Leader and Cabinet (Article 7)
- Regulatory and other committees. (Article 8)
- Standards Sub-Committee. (Article 9)
- Joint arrangements. (Article 10)
- Officers. (Article 11)
- Decision making. (Article 12)
- Finance, contracts and legal matters. (Article 13)
- Review and revision of the Constitution. (Article 14)
- Suspension, interpretation and publication of the Constitution. (Article 15)

## **HOW THE COUNCIL OPERATES**

The Council is composed of 48 councillors elected every four years after 2015. Councillors are democratically accountable to 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.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties.

All councillors meet together as the Council. Meetings of the Council are normally open to the press and public. Here councillors decide the Council's overall policies and set the budget each year. The Council has a cultural philosophy of providing services in partnership with others.

## **HOW DECISIONS ARE MADE**

The Leader and Cabinet are the part of the Council which is responsible for most set policy day-to-day decisions. The Cabinet is made up of a maximum of 10 Members i.e. the Leader and Members appointed by him/her. When major decisions (known as key decisions) are to be discussed or made, these are published in the Cabinet's Forward Plan. In addition, decisions (both key and non-key) to be made in private are also published in advance on the Plan. Notice is given of these decisions at least 8 weeks in advance of when they are due to be considered. When decisions are made the meeting of the Cabinet will generally be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

In certain circumstances the Leader may delegate to individual Members of the Cabinet power to take decisions to discharge the executive functions that fall within their portfolio areas. Those circumstances are set out in the Constitution.

## **SCRUTINY**

There are 2 main scrutiny committees that support the work of the Cabinet and the Council as a whole. They allow Members to consider council matters in greater detail leading to reports and recommendations which advise Cabinet on its policies, budget and service delivery. They may also be consulted by the Cabinet on forthcoming decisions and the development of policy.

There is also a sub-committee which deals with member conduct.

## **OVERVIEW & SCRUTINY COMMITTEE**

The Overview and Scrutiny Committee monitors the decisions of the Cabinet or an individual Member of the Cabinet exercising delegated powers. It can in certain circumstances as set out in the Constitution consider 'calling-in' a decision which has been made by the Cabinet or an individual member of the Cabinet exercising delegated powers. It can in certain circumstances set out in the Constitution consider 'calling-in' a decision which has been made by the Cabinet but not yet implemented. This enables it to consider whether the decision is appropriate. They may recommend that the Leader and Cabinet reconsiders the decision.

The Committee also discharges the statutory functions arising under Section 19 Police and Justice Act 2006 relating to crime and disorder. The Committee also receives requests from Members in respect of councillor Calls for Action.

The committee has a further responsibility to scrutinise performance including the Council's budget and allocation of resources. It scrutinises the effectiveness of services delivered through formal partnerships with organisations providing services on the Council's behalf. And further, it has a role in examining public services provided to the residents of Bassetlaw by other public sector organisations in relation to issues which are of particular local concern.

### **AUDIT & RISK SCRUTINY COMMITTEE**

The Audit and Risk Scrutiny Committee is primarily responsible for governance overall but has three specific responsibilities. The Audit aspect provides independent scrutiny of the Council's financial and non financial performance and oversees the financial reporting process and corporate governance. The Risk aspect considers the effectiveness of the Council's risk management arrangements and associated control environment. The Standards aspect in relation to elected members and Code of Conduct arrangements is handled by the Standards sub-committee which is aligned to Audit & Risk.

### **STANDARDS SUB-COMMITTEE**

The Standards sub-committee deals with hearings relating to the conduct of elected and co-opted members including those of Parish Councils.

### **OTHER COMMITTEES**

The ways in which Councils have been run for many years by a Committee system has largely been replaced by the Cabinet and Scrutiny systems detailed in its Constitution. However by law some decisions are still taken by Committees and in Bassetlaw most planning and licensing decisions are taken by a Planning Committee and a Licensing Committee (or by officers on their behalf).

The Council has also retained some none-decision making advisory bodies whose role and composition is set out in the Constitution.

### **THE COUNCIL'S STAFF**

The Council has people working for it called "officers" to 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. A code of practice governs the relationships between officers and councillors.

### **CITIZENS' RIGHTS**

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The Council will publicise those rights and the local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific council services, for example as a council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- attend meetings of the Council, the Cabinet and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of Cabinet;
- participate in the question time at Council and Cabinet meetings and contribute to investigations by the scrutiny committees in accordance with the Council's public involvement procedure;
- find out, from the Cabinet's forward plan, what major decisions are to be discussed by the Leader and Cabinet or individual Cabinet Members, and when;
- see reports and background papers, and any record of decisions made by the Council and the Leader and Cabinet or individual Cabinet Members;
- complain to the Council about any aspect of the Council's service provision;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct;
- inspect the Council's accounts and make their views known to the external auditor.
- Obtain information from the Council under the Data Protection and Freedom of Information Acts;
- Councillors Calls for Actions; and
- Petitions.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Council's Monitoring Officer.