

The Constitution of South Norfolk Council

This version of the Constitution incorporates changes made by Council up to 25 July 2011.

Note that as with all paper documents, this document may be made obsolete by resolutions of Council or changes in the Law. Accordingly, the definitive text of the Constitution at any one time is to be found on the Council's website.

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PART 1

SUMMARY AND EXPLANATION

Part 1 – Summary and Explanation

1 The Council's Constitution

- 1.1 The South Norfolk Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others have been chosen deliberately by the Council.
- 1.2 The Constitution consists of 16 articles, which set out the basic rules governing the Council's business. The remainder of the document sets out more detailed procedures and codes of practice.

2 What's in the Constitution?

- 2.1 Article 1 of the Constitution sets out how the Council's processes enable it to offer clear leadership to the community in partnership with citizens, businesses and other organisations in a transparent and accountable way. Articles 2 – 16 explain how the key parts of the Council operate and the rights of citizens in relation to them. These are:
- (a) Members of the Council - Article 2
 - (b) Citizens and the Council - Article 3
 - (c) The Council meeting - Article 4
 - (d) Chairing the Council - Article 5
 - (e) Overview and Scrutiny of decisions - Article 6
 - (f) The Cabinet - Article 7
 - (g) Regulatory committees - Article 8
 - (h) The Standards Committee - Article 9
 - (i) Area Committees and Neighbourhood Boards- Article 10
 - (j) Joint arrangements - Article 11
 - (k) Staff- Article 12
 - (l) Decision making - Article 13
 - (m) Finance, contracts and legal matters - Article 14
 - (n) Review and revision of the Constitution - Article 15
 - (o) Suspension, interpretation and publication of the Constitution - Article 16
- 2.2 But then there are various codes, protocols, structures and procedures that set out in detail the rules for how the Council does its business. These are set out in sections 3 to 8 of this constitution.

3 How the Council operates

- 3.1 The Council has 46 members who are elected every four years. 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. The Standards Committee will train and advise them on the code of conduct.

- 3.2 All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council will hold to account the Cabinet and committees.

4 How decisions are made

- 4.1 The Cabinet is the part of the Council that is responsible for most day-to-day decisions. The Cabinet is made up of between 2 and 10 councillors appointed by the Leader. When major decisions are to be discussed or made, these are published in the Cabinets' core agenda in so far as they can be anticipated. If these major decisions are to be discussed with council staff at a meeting of the Cabinet, this 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 that is outside the budget or policy framework, this must be referred to the Council as a whole to decide.
- 4.2 Certain regulatory decisions on development control and licensing, for example, are taken by special committees set up for the purpose. Part 3 of this document explains which decisions are made by which body.

5 Overview, Scrutiny and Governance

- 5.1 There are other bodies which support the work of the Cabinet and the Council as a whole. The Accounts, Audit and Governance Committee pays particular attention to governance and financial probity. Scrutiny Committee and the Overview Sub Committees allow citizens to have a greater say in Council matters by discussing issues and problems, scrutinising policy and holding public inquiries into matters of local concern. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. Overview Sub Committees and the main Scrutiny Committee also monitor the decisions of the Cabinet. Any three Members may 'call-in' a decision which has been made by the Cabinet but not yet implemented and, in effect, "suspend" it while it is examined in more depth by the Scrutiny Committee. This enables the Scrutiny Committee to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. Any 3 members may also request that a decision of the Cabinet be considered by the Scrutiny Committee, without being suspended. This is known as a "non-suspensive call in."
- 5.2 The operation of Scrutiny is explained more fully in Part 2, Article 6 and Part 3, Section 1.6.

6 Political Groups and the role of the Opposition

- 6.1 It has become usual for most Councillors to be elected on the basis of a declared party political affiliation and manifesto and those so elected serve on the Council as members of a designated party political group.
- 6.2 If one such group has more members than all the other parties combined, it is termed "the majority group" and is thus able to form an Administration of its own, nominating the Leader of the Council for appointment by the Council.
- 6.3 Except for Cabinet, and unless no-one votes against at the Annual General Meeting, all political groups on the Council will be entitled to places on the constituent bodies of the Council as set out at the end of Part 4.1 of this document, in proportion to the number of seats that party group holds on the Council as a whole. If there is a single party with an absolute majority of Councillors, the Cabinet shall wholly consist of members of that Majority Group. If, however, no party has an overall majority, the composition of the Cabinet shall be as the Leader determines from time to time.
- 6.4 The political parties that are not represented on the Cabinet are described in this Constitution as "Opposition Parties". Their role is to challenge constructively the thinking and policies of the Majority Group, offering alternative approaches and, if necessary, acting as channels for dissent. The Leader of the largest of the Opposition Parties shall be known as the Leader of the Opposition.

7. The Council's Staff

- 7.1 The Council has people working for it to give advice, implement decisions and manage the day-to-day delivery of its services. Certain staff 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 staff and members of the council. (See Part 5.1 of the Constitution)

8 Citizens' Rights

- 8.1 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 local Citizens' Advice Bureau can advise on individuals' legal rights.
- 8.2 All citizens have the right to:
- (a) Vote at local elections if they are registered;
 - (b) contact their local councillor about any matters of concern to them;
 - (c) obtain a copy of the Constitution;
 - (d) attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
 - (e) petition to request a referendum on a mayoral form of Executive;

- (f) submit or support petitions on other matters which are then considered in accordance with the Council's petitions Scheme (See Part 4.6 F below)
- (g) find out, from the Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- (h) attend meetings of the Cabinet where key decisions are being discussed or decided;
- (i) participate through the scheme of the rights of the public at meetings;
- (j) see reports and background papers, and any record of decisions made by the Council and Cabinet;
- (k) complain to the Council through the complaints system;
- (l) 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;
- (m) complain via the Monitoring Officer to the Standards & Ethics Committee if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- (n) inspect the Council's accounts and make their views known to the external auditor.

8.3 The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Democratic Services Team on 01508 533669.

8.4 This constitution contains a further section which refers to the rights of citizens to inspect agendas and attend meetings - in Part 4.3 "Access to Information Rules".

8.5 Where members of the public use specific council services they may have additional rights. These are not explained more fully in this Constitution but the local Citizen's Advice Bureau can advise on them.