**Constitution**

**Article Four: Councillors**

* 1. Nottingham City Council is a democratic, political body. It is made up of 55 Councillors who are elected once every four years by registered, eligible voters. All Nottingham City Councillors are elected at the same time unless a by-election is called as a result of as casual vacancy occurring. Councillors are not employees of the Council but are democratically elected to represent an area of the city, called a ward, by the voters of that ward. The overriding duty of Councillors is to the City of Nottingham as a whole, but they have a special duty to their constituents, including those who did not vote for them. Nottingham is currently divided into 20 wards and each ward elects either two or three Councillors, dependent on the size of the population of the ward.
	2. Only registered voters of the city or those living or working or who have owned property in the city for at least 12 months before an election will be eligible to hold the office of Councillor.

* 1. **Terms of Office**

Councillors are elected for four year terms, which start on the fourth day after being elected and finish on the fourth day after the date of the next scheduled City Council election. The exceptions to this are the Chair (Lord Mayor) of the Council and the Leader of the Council who shall continue in office and as Councillors until the successors to those roles are appointed at the Annual General Meeting immediately following those elections. The Sheriff will also continue in office, though not as a Councillor, during this period.

* 1. **The Role of a City Councillor**

Councillors represent their local communities, championing the needs and interests of citizens and working to make a positive difference to their local area and the city as a whole. They take decisions as members of the Executive or Committees, scrutinise decisions taken by the Executive and oversee how Council policies and services are developed, implemented and delivered. Councillors are responsible for setting Council policy, agreeing the budget and taking strategic decisions.

* 1. When acting in the capacity of a Councillor it is expected that all Councillors will act in accordance with the seven principles of public life (often known as the Nolan Principles). The principles are that Councillors will act with:
* Selflessness

Holders of public office should act solely in the public interest.

* Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

* Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. They carry out their role to the best of their judgement and ability.

* Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

* Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

* Honesty

Holders of public office should be truthful.

* Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

* 1. Councillors may act in a number of different roles, both individually and collectively, which include:
* policy-makers and budget setters – setting the strategic framework within which the Council must operate
* community representatives and leaders and advocates for their wards,
* representatives of the Council on non-Council bodies
* as politicians, representatives of the political parties to which they belong, recognising that in their role as Councillors they have a duty always to act in the public interest.
	1. Specific or key roles held by Nottingham City Councillors include:
* Lord Mayor

The Lord Mayor chairs meetings of Full Council and performs civic and ceremonial functions.

* Sheriff

The Sheriff is Vice Chair of meetings of Full Council and performs civic and ceremonial functions.

* Leader of the Council

The Leader of the Council is responsible for taking Executive decisions or delegating responsibility for those decisions to others.

* Portfolio Holders

Portfolio Holders are responsible for taking Executive Decisions collectively as part of an Executive Committee or individually within their Portfolios, as delegated by the Leader of the Council.

* Executive Assistants

Executive Assistants support the work of one or more Portfolio Holders.

* Committee Chairs

Committee Chairs are responsible for chairing their Committees in accordance with their Committee’s Terms of Reference.

* 1. More detail on the specific roles held by Nottingham City Councillors can be found in the role profiles at the end of this Article.
	2. **Conduct**

Councillors must observe the Councillor/ Officer Protocol and Councillor Code of Conduct as set out in Articles 6 and 15 of this Constitution.

* 1. **Allowances**

All Councillors are entitled to receive a Basic Allowance and those holding specific responsibilities are also entitled to receive a Special Responsibility Allowance. Allowances will be paid in accordance with the Members’ Allowances Scheme as set out in Governance Framework Document C– Members’ Allowances Scheme.

* 1. The Members’ Allowances Scheme only be amended by Full Council. Full Council cannot make any amendments until a review of the Scheme has first been carried out by an Independent Remuneration Panel. Full Council must consider the Panel’s recommendations before agreeing any amendment of the Scheme.
	2. **Consultation with Councillors**

All Councillors representing an affected ward should be notified of any proposed formal consultation exercises and/or site visits conducted by the Council and invited to Council-run public meetings relating to their wards. Other consultation with Councillors will vary depending on the Councillor’s role.

**Role of a City Councillor (and general member of a Committee)**

Key Responsibilities:

1. Setting the strategic direction of the Council, agreeing the policy and budget framework and carrying out a number of strategic and corporate management functions for the Council.
2. Monitoring and reviewing the performance of the Council in implementing policy and delivering services,
3. Making decisions in the best interests of the city, taking into account professional advice and other relevant information.
4. Attending, participating and contributing constructively in meetings of Full Council and in its Committees as appointed by the Council, the Leader or relevant Group Leader or other democratic process.
5. Accepting appropriate roles on non-Council bodies.
6. Scrutinising and challenging decision makers, in the manner of a critical friend, holding them to account and providing constructive feedback.
7. Carrying out a range of corporate responsibilities including being a corporate parent; upholding safeguarding responsibilities; promoting equality, diversity and fairness; considering the impacts of climate change and communicating decisions made by the Council.
8. Representing, advocating for, and providing leadership to their ward, the public, communities, and the city as a whole, balancing different interests and perspectives.
9. Engaging communities, groups and individual members of the public in the work and decision making of the Council, identifying and supporting opportunities for collaborative working between different groups and organisations.
10. Supporting individual members of the public by undertaking casework and responding to contact from them fairly, impartially and in a timely manner.
11. Developing and maintaining a working knowledge of matters relevant to their roles and attending learning and development events to support them in this.
12. Maintaining the highest standards of conduct and ethics and abiding by the Councillor Code of Conduct and Councillor / Officer Protocol as set out in Articles 15 and 6 of this Constitution.

**And in relation to their ward**

1. Making recommendations to decision makers on:
* the area capital programme and other area based budgets
* housing environmental improvements
* highway environmental improvements of a local nature
* minor traffic schemes, diversions and closures under highways and road traffic legislation, of a local nature
* applications for footpath closures on grounds of amenity or development
* the making of Public Spaces Protection Orders which are not deemed by the relevant Director to be contentious or politically sensitive, following consultation commenced by the Director of Community Protection.
1. Being consulted on the following in relation to their ward:
* strategic planning applications
* schools re-organisation
* detailed proposals for landscaping, open space provisions, park equipment provision, affordable housing and other local enhancements relating to agreements under section 278 of the Highways Act 1980 or funded by obligations under section 106 of the Town and Country Planning Act 1990 unless there is a specific detailed allocation provided for by the terms of the agreement itself
* the development of local housing policies and strategies.

**Role of the Lord Mayor**

Key responsibilities:

1. Upholding and promoting the Council's Constitution and the interests of the wider Council and citizens.
2. Presiding over meetings of Full Council in accordance with Standing Orders, as outlined in Article 12 – Council Standing Orders and Committee Procedures, so that its business can be carried out efficiently and with regard to the rights of Councillors and the public interest.
3. Attending civic and ceremonial functions in an apolitical capacity as required by the Council.
4. Ensuring that the business of Full Council is planned and managed effectively and transparently in the interests of the wider Council and citizens.
5. Ensuring that the plans and strategies that form the Council’s Policy Framework are considered by Council in a planned and co-ordinated manner.
6. Resolving, in accordance with the Article 8 – the Budget and Policy Framework, any disagreement between the Council and the Executive in respect of the budget and the Policy Framework.
7. In the absence of the Chair and Vice Chair of the Corporate Scrutiny Committee, agreeing the urgency of proposed decisions outside the Policy and Budgetary Framework where it is not possible to convene a quorate meeting of Full Council, in accordance with Article 8 – The Budget and Policy Framework.
8. Ensuring that the Council meeting is a forum for the debate of matters of concern to the local community.
9. Presiding over citizenship ceremonies to welcome new British citizens to the City of Nottingham.
10. Receiving members of the Royal Family and other important visitors to the City.
11. In the absence of the Chair of the Corporate Scrutiny Committee, to make decisions applying special urgency and urgent private meeting procedures to key and exempt decisions as outlined in Article 13 – Access to Information Procedure Rules.

**Role of the Sheriff**

Key responsibilities:

1. Assuming the responsibilities of the Lord Mayor in the Lord Mayor’s absence.
2. Promoting the City through, for example, welcoming visitors to the City at events and hosting welcome receptions and opening new retail, entertainment or visitor attractions in the City and County.
3. Engaging with communities and members of the public through supporting and representing the Council at local events.
4. Attending civic and ceremonial functions in an apolitical capacity as required by the Council.

**Role of the Leader of the Council**

Key responsibilities in addition to any in their individual Portfolio:

1. Allocating and discharging all Executive functions.
2. Appointing a member of the Executive as the Deputy Leader or removing that person from office and appointing a replacement.
3. Determining the size of the Executive, appointing its members and removing them at any time and reporting these appointments to Full Council.
4. Establishing and disestablishing Executive Committees, determining their terms of reference, making appointments to them and removing members at any time and reporting these changes to Full Council.
5. Chairing and leading the work of the Executive Board in accordance with its terms of reference.
6. Being responsible for the performance of the Executive, both individually and collectively.
7. Taking Leader’s Key Decisions as outlined in Article 10 – Executive Arrangements.
8. Steering and overseeing the strategic use of resources and the strategic planning cycle of the Council as it relates to Executive matters.
9. Supporting open and transparent scrutiny, and encouraging Full Council, the Executive and statutory partners to do the same.
10. Attending Overview and Scrutiny meetings when requested.
11. Responding to questions from the public and Councillors, including those asked at Full Council meetings.
12. Being the principal political spokesperson for Nottingham, including representing it in the media, issuing statements and engaging with statutory bodies and Government.
13. Working with partners to build and promote a shared vision for the city, aiming to ensure that Council policies and plans, and those of the Council’s partners, match that vision.
14. Promoting the city, and the Council and its core values and objectives.

**Role of the Deputy Leader of the Council**

Key responsibilities in addition to any in their individual Portfolio:

1. If the Leader is unable to act or the office of Leader is vacant, deputising for him/her and acting in his/her place.
2. Providing assistance and support to the Leader and all Portfolio Holders in the delivery of their individual areas of responsibility.

**Role of Portfolio Holders**

Key responsibilities:

1. Accepting and discharging joint responsibility with the Leader, Deputy Leader and other members of the Executive for the Executive business of the Council.
2. Engaging fully in the work of Executive Board and any other Executive Committees they are appointed to.
3. Having strategic responsibility for their named portfolio of services, providing political leadership in this area of Council activity.
4. Being accountable for performance and management of their Portfolio.
5. Ensuring that the Executive functions within their Portfolio are performed in accordance with approved Council policies and strategies, and to the highest ethical standards.
6. Below the level of Key Decision, taking strategic decisions in relation to Executive functions within their Portfolio in accordance with the requirements outlined in Article 10 – Executive Arrangements.
7. Being accountable to the Leader, Executive Board, Audit Committee, and Overview and Scrutiny for the performance of their Portfolio.
8. Directing, encouraging and developing Executive Assistants.
9. Building relationships with officers and other relevant stakeholders, including in external organisations, working effectively with them and giving consideration to any advice provided.
10. Approving capital expenditure in accordance with Article 17 - Financial Regulations on schemes within the remit of their Portfolio which form part of the approved capital programme.
11. Speaking and issuing statements on their area of responsibility and representing the Council’s views in line with agreed policy.
12. Supporting open and transparent Overview and Scrutiny, including attending meetings when requested.
13. Supporting open and transparent Audit processes, included attending Audit Committee meetings when requested.
14. Responding to questions from the public and Councillors, including those asked at Full Council meetings.

**Role of Committee Chairs**

This applies to Chairs of all formal Council Committees. Additional responsibilities of particular Committee Chairs are identified below.

If the Chair is absent for any reason the Vice-Chair will assume the role.

Key responsibilities:

1. Ensuring the effective conduct of open and transparent meetings.
2. Chairing meetings in a clear, disciplined, courteous and fair manner, making sure that decisions are made by the Committee in a way which demonstrates high standards of behaviour and ethics, and in accordance with the Constitution.
3. Ensuring that the Committee fulfils its terms of reference and strives to meet the standards of best practice.
4. Providing confident and effective management of meetings to facilitate inclusivity, participation and effective decision and/ or recommendation making.
5. Guiding the Committee as appropriate to reach informed and effective recommendations and/ or decisions.
6. Overseeing the prioritisation of the Committee’s work, taking account of available resources, including the co-ordination of sub-committees or working groups.
7. Providing leadership and strategic direction to the work of the Committee.
8. Building relationships with officers and other relevant stakeholders, including in external organisations, working effectively with them and giving consideration to any advice provided.
9. Supporting Committee members, ensuring individual and collective learning and development needs are understood and appropriate training provided.
10. Reporting and being accountable to Council or the Executive where required.
11. Championing the work of the Committee and those issues which are the Committee’s responsibility.

**Role of Chairs of Overview and Scrutiny Committees**

These responsibilities are in addition to those applicable to all Chairs.

Key responsibilities:

1. Ensuring that all Committee members (including any co-opted members) are engaged in the work of the Committee and have the opportunity to contribute to the Overview and Scrutiny process.
2. Maintaining the direction of the work programme, ensuring that the scope for each item is clear, that the Committee remains focused on the topic and that any timescales are adhered to.
3. Promoting and encouraging cross-party working within Overview and Scrutiny.
4. Developing constructive ongoing working relationships with Executive Councillors, officers, council partners and stakeholders.
5. Making sure that recommendations are evidence-based.
6. Facilitating the call-in process.
7. Representing and promoting the Overview and Scrutiny function to internal and external bodies.
8. Representing the Council when required at local, regional and national forums concerned with overview and scrutiny.
9. Monitoring the impact and value of work carried out and supporting the improvement of the function.

**Role of Corporate Scrutiny Committee Chair**

These responsibilities are in addition to those applicable to all Overview and Scrutiny Committee Chairs and all Chairs.

Key responsibilities:

1. Being the lead Councillor for the scrutiny function of the authority.
2. Making decisions applying special urgency and urgent private meeting procedures to key and exempt Executive decisions as outlined in Article 13 – Access to Information Procedure Rules.
3. Determining requests to exempt Executive decisions from the call-in period in accordance Article 11 – Overview and Scrutiny.
4. Agreeing the urgency of proposed decisions outside the Policy and Budgetary Framework where it is not possible to convene a quorate meeting of Full Council, in accordance with Article 8 – The Budget and Policy Framework.
5. Presenting the annual scrutiny report to Full Council.

**Role of the Vice Chair of the Corporate Scrutiny Committee**

Key responsibilities:

1. Deputising for the Chair of the Corporate Scrutiny Committee in his/her absence, with the exception of making decisions applying special urgency and urgent private meeting procedures to Key and exempt decisions as outlined in Article 13 – Access to Information Procedure Rules. These are specifically reserved to the Lord Mayor in the absence of the Chair.

**Role of the Chair of the Audit Committee**

These responsibilities are in addition to those applicable to all Chairs.

1. Modelling, supporting and promoting adherence to CIPFA expectations i.e. that the membership is balanced, objective, independent of mind, knowledgeable and properly trained to fulfil their role.
2. Modelling, supporting and promoting the demonstration of unbiased attitudes – treating auditors, the Executive and management fairly
3. Modelling and encouraging effective use of questioning and listening skills
4. Building constructive working relationships with external auditors, the Executive, the Section 151 Officer, the Chief Internal Auditor, Internal Audit and second line assurance services and senior officers working within the Committee’s remit.
5. Promoting cross-party, apolitical working with a focus on assurance and improvement.
6. Having an awareness of the financial statements that a local authority must produce and the principles to be followed in producing them.
7. Understanding the responsibilities of the External Auditor and the Council in relation to financial statements.
8. Understanding of good financial management and good governance principles including ethics, fraud risk, the role of the Chief Financial Officer, and risk & assurance management.
9. Understanding of both external audit and internal audit standards and key principles and how they are delivered.
10. Understanding the responsibilities of the Chief Internal Auditor and the Council in relation to Internal Audit and gaining assurance that they are met.
11. Understanding of Treasury Management risks, statutory guidance and practices.
12. Producing an Annual report to Full Council on the activity of the Audit Committee on its performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.

**Chair of Planning Committee**

These responsibilities are in addition to those applicable to all Chairs.

Key responsibilities:

1. Chairing meetings of the Committee effectively in accordance with best practice, acknowledging and respecting the semi judicial nature of this Committee.
2. Ensuring that the business of the Committee is determined in accordance with legislative requirements and Council policies, in particular the Nottingham Local Plan, more up to date City Planning Guidance and the Nottinghamshire Structure Plan, and with regard to central and regional guidance and directives.
3. Maintaining regular contact with the Portfolio Holder with responsibility for strategic planning and with relevant senior officers regarding matters relevant to the Committee.
4. Facilitating site visits by members of the Committee when considered necessary and appropriate.
5. Supporting the mandatory training of Councillors before they sit on this Committee.

**Chair of Licensing Committee and Chairs of Licensing Panels**

Key responsibilities:

1. Chairing meetings of the Committee/ Panels effectively and in accordance with best practice given the semi-judicial nature of these bodies.
2. Ensuring that the business of the Committee/ Panels is determined in accordance with legislative requirements and Council policies.
3. Ensuring that consultation is undertaken as appropriate and in accordance with the relevant legislation.
4. Keeping in regular contact with the relevant Portfolio Holder(s) and with relevant senior officers regarding matters relevant to the Committee.
5. Supporting the mandatory training of Councillors before they sit on this Committee.

**Executive Assistants**

Key responsibilities:

1. Provide general political support to the Executive through supporting particular Executive Councillors’ portfolios and areas of executive work.
2. Being accountable in the first instance to a named Portfolio Holder.
3. Developing policy in areas allocated by the Executive.
4. Carrying out research and providing advice on executive functions, including briefings to support portfolio decisions.
5. Supporting liaison between the Executive Councillors and other Councillors, Corporate Directors and the Overview and Scrutiny function, and external organisations.
6. Representing Executive Councillors at internal meetings and at consultation events with the voluntary sector, business and other partners, service users and the public.
7. Representing Executive Councillors and the Council at external meetings ensuring that the Council is represented at as many events as possible.
8. Developing knowledge, experience and expertise in the relevant Executive Portfolio.

Executive Assistants do not have delegated authority to take Executive decisions in relation to any Executive functions.

An Executive Assistant may not participate in the business of Overview and Scrutiny relating to the Portfolios with which they are assisting. They may, however, be invited to attend the meeting in the capacity of expert witness.