

# FAREHAM

BOROUGH COUNCIL

## CONSTITUTION

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## **Introduction (Pages 7 - 12)**

The purpose of this Constitution is to set out how Fareham Borough Council works, how its decisions are taken and what procedures will be followed to make sure that Council is efficient, transparent and accountable to local people.

## **PART ONE - The Constitution**

The formal part of the Constitution which is divided into 16 Chapters that set out the basic rules governing the way the Council operates.

### **Chapter 1 - Purpose and Interpretation of the Constitution (Pages 15 - 16)**

### **Chapter 2 - Members of the Council (Pages 17 - 18)**

### **Chapter 3 - Citizens and the Council (Pages 19 - 20)**

### **Chapter 4 - The role of the Council (Pages 21 - 22)**

### **Chapter 5 - The Mayor and Deputy Mayor (Pages 23 - 24)**

### **Chapter 6 - The Executive (Pages 25 - 30)**

### **Chapter 7 - Overview and Scrutiny (Pages 31 - 32)**

### **Chapter 8 - Non-Executive (Regulatory) Functions (Pages 33 - 34)**

### **Chapter 9 - Audit and Governance Standards Sub Committee (Pages 35 - 36)**

### **Chapter 10 - The Council's Officers (Pages 37 - 40)**

### **Chapter 11 - Decision Making (Pages 41 - 42)**

### **Chapter 12 - Joint Arrangements (Pages 43 - 46)**

### **Chapter 13 - Legal, Financial and Contract Matters (Pages 47 - 48)**

### **Chapter 14 - Review and Revisions of the Constitution (Pages 49 - 50)**

### **Chapter 15 - Interpreting the Constitution: Suspending the Constitution (Pages 51 - 52)**

### **Chapter 16 - Code of Conduct**

### **Appendix 1 - Roles of Members as Councillors (Pages 53 - 56)**

### **Appendix 2 - Role of Mayor (Pages 57 - 58)**

### **Appendix 3 - Role of Deputy Mayor (Pages 59 - 60)**

### **Appendix 4 - Role of Executive Leader (Pages 61 - 62)**

**Appendix 5 - Role of an Executive Member** (Pages 63 - 66)

**Appendix 5A - Executive Portfolios including specific service responsibilities**  
(Pages 67 - 70)

**Appendix 6 - Role of Chairman of Scrutiny Panels** (Pages 71 - 72)

**Appendix 7 - Role of Chairman of Planning Committee** (Pages 73 - 74)

**Appendix 8 - Role of Chairman Licensing Regulatory Affairs Committee** (Pages 75 - 76)

**Appendix 9 - Role of Chairman of Audit & Governance Committee** (Pages 77 - 78)

## **PART TWO - Responsibilities and Functions**

Contains details of the allocation of functions between different parts of the Council. It also provides an explanation of powers delegated to the Executive, the Scrutiny Panels, Committees and officers.

**Chapter 1 - General Responsibilities** (Pages 81 - 82)

**Chapter 2 - Functions of the Executive** (Pages 83 - 88)

**Chapter 3 - Functions of the Scrutiny Panels** (Pages 89 - 90)

**Chapter 4 - Functions of Regulatory and Others Committees** (Pages 91 - 92)

**Chapter 5 - Functions of the Planning Committee** (Pages 93 - 98)

**Chapter 6 - Functions of the Licensing and Regulatory Affairs Committee** (Pages 99 - 112)

**Chapter 6 (Annex) - Functions of the Licensing Panel** (Pages 113 - 116)

**Chapter 7 - Functions of the Appeals Committee** (Pages 117 - 118)

**Chapter 8 - Functions of the Audit and Governance Committee** (Pages 119 - 124)

**Chapter 9 - Functions of the Standards Committee** (Pages 125 - 126)

**Chapter 10 - Constitution and Functions of the Portchester Crematorium Joint Committee** (Pages 127 - 134)

**Chapter 11 - Constitution and Functions of the Joint Committee for the Partnership for South Hampshire (PfSH) - (PfSH Agreement 2021)** (Pages 135 - 158)

## **PART THREE - Procedure Rules**

Contains the rules about the way in which the Council must operate and make decisions and specifies how and when information will be made available to the public.

**Chapter 1 - Access to Information Procedure Rules** (Pages 161 - 166)

**Chapter 2 - Executive Procedure Rules (Pages 167 - 168)**

**Chapter 3 - Notice of Key Decisions and Key Decisions (Pages 169 - 172)**

**Chapter 4 - Budget and Policy Framework Procedure Rules (Pages 173 - 176)**

**Chapter 5 - Decisions making by Individual Members of the Executive and Key Decisions by Officers (Pages 177 - 180)**

**Chapter 6 - Urgent Decisions outside the Policy Framework and/or Budget (Pages 181 - 182)**

**Chapter 7 - Removing the Executive Leader and Members of the Executive (Pages 183 - 184)**

**Chapter 8 - Resolution of Disputes between Full Council and the Executive (Pages 185 - 186)**

**Chapter 9 - Rights of the Scrutiny Panels (Pages 187 - 190)**

**Chapter 10 - Call-in Procedure for Executive Decisions (Pages 191 - 194)**

#### **PART FOUR - 'Stand Alone' Supporting Documents**

**Standing Orders with Respect to Meetings (Pages 197 - 242)**

**Standing Orders with respect to the Appointment, Dismissal and Discipline of Employees (Pages 243 - 252)**

**Procurement and Contract Procedure Rules (Pages 253 - 280)**

**Financial Regulations (Pages 281 - 338)**

**Scheme of Delegation to Officers (Pages 339 - 358)**

**Scheme of Delegation to Individual Members of the Executive (Pages 359 - 362)**

#### **PART FIVE - Code of Conduct and Practice**

**Code of Conduct for Members (Pages 365 - 372)**

**Guidance for Members and Officers Dealing with Planning Matters (Pages 373 - 380)**

**Anti-Fraud and Corruption Policy (Pages 381 - 402)**

**Code of Practice - Member/Officer Relations (Pages 403 - 414)**

**Dignity at Work Policy - July 2022 (Pages 415 - 422)**

**Code of Corporate Governance (Pages 423 - 432)**

**Anti Bribery Policy - to be added once updated and confirmed by Council**

## **PART SIX - Members' Allowances**

**Members' Allowance Scheme 2022/23** (Pages 435 - 462)

## **PART SEVEN - Senior Management Structure**

**Senior Management Structure** (Pages 465 - 466)

## **PART EIGHT - Councillors**

### **Members of the Council**

[Members of the Council](#)

### **Committee Structure**

[Committee Structure](#)

### **Members of the Executive**

[Members of the Executive](#)

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