

# Introduction to the Constitution of Fareham Borough Council and Summary Overview

## Purpose

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.

## Background

The Council is responsible for a wide range of services. Some of these must be provided by law – others are discretionary. The Council is a statutory body – that is, a body created under an Act of Parliament. A statutory body can only do things that it is specifically to do by law, by statutory regulations or by decisions of government ministers, who have been authorised to make them by Parliament.

## The Council's Job

The Council's job is to deliver local government services to the people of Fareham. Currently, it provides the following main services:

- Planning and Development Control
- Housing
- Environmental Health
- Refuse Collection
- Street Cleansing
- Leisure Facilities, Parks, Recreation Grounds and Public Open Spaces
- Cemeteries
- Economic Development
- Conservation and Protecting the Environment
- Community Funding

## How are they paid for?

Money for local government services comes from:

- Income from Fees and Charges
- Central Government Grants
- Reserves and Balances
- National Business Rates
- Council Tax

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## What's in the Constitution?

For ease of reference, the Constitution has been divided into eight parts. Parts one, two and three form the main part of the Constitution. They are sub-divided into chapters that set out the basic rules governing the way that the Council operates. Parts four to eight are supporting documents that describe more detailed procedures. These include the Council's Standing Orders, Codes of Conduct and the Scheme of Delegations to Officers.

A more detailed description of each Part is as follows:

**Part One** is the formal Constitution of the Council. It is divided into the following Chapters:

Chapter 1 – Purpose and Interpretation of the Constitution – describes the contents of the Constitution and explains the terms and phrases used in the document.

Chapter 2 – Members of the Council – explains the composition of the Council, the terms of office of Members, their role and their right to receive appropriate allowances

Chapter 3 – Citizens and the Council – explains the rights of access of Members of the public to information and involvement in the Council's business.

Chapter 4 – The Role of the Council – sets out the role of the Council in setting policies, strategies and budgets and in allocating functions to its Executive, Committees and Officers.

Chapter 5 – The Mayor and Deputy Mayor – describes the roles of the Mayor and Deputy Mayor

Chapter 6 – The Executive – gives information about the roles and responsibilities of the Executive, the Executive Leader of the Council and the way in which the Executive should carry out its duties.

Chapter 7 – Overview and Scrutiny – explains how the Council organises the overview and scrutiny of executive decisions.

Chapter 8 – Non-Executive (Regulatory) Functions – contains information about the way that the Council deals with those functions that are not the responsibility of the Executive.

Chapter 9 – Audit and Governance Standards Sub-Committee – includes details of the arrangements that have been made to ensure that the Council's members and Officers adopt high standards of behaviour.

Chapter 10 – The Council's Officers – gives details of the Council's officer structure.

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Chapter 11 – Decision Making – explains how the Council makes its decisions.

Chapter 12 – Joint arrangements – sets out the rules which apply where the Council sets up joint arrangements with other local authorities to undertake any of its functions.

Chapter 13 – Legal, Financial and Contract Matters – provides the formal power for the Council to make Standing Orders for Meetings, contracts, legal matters and Financial Regulations.

Chapter 14 – Review and Revision of the Constitution – explains the arrangements the Council must follow for the review of and revision to, the Constitution.

Chapter 15 – Interpreting the Constitution: Suspending the Constitution – explains how the Constitution can be suspended, its interpretation and the way in which it must be published.

Chapter 16 – Codes of Conduct – provides for the making of Codes of Conduct, protocols and rules relating to the standards of behaviour applicable to all Council members and officers.

**Part Two** 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, other Committees and Officers.

**Part Three** contains the rules about the way in which the Council must operate and make decisions. It makes provision for consultation both within the Council and with Members of the public and specifies how and when information will be made available to the public.

**Part Four** contains the ‘stand-alone’ documents including documents such as the Council’s Standing Orders, Financial Regulations and the Scheme of Delegations to Officers.

**Part Five** contains the Codes of Conduct specifying the standards of behaviour required of Members and Officers.

**Part Six** explains the scheme of allowances payable to Members.

**Part Seven** gives details of the Council’s current officer management structure.

**Part Eight** gives the current names and addresses of all the Council’s Members and shows the membership of the Executive, Scrutiny Board and its Panels and Committees of the Council.

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## How the Council operates

The Council is made up of 31 Members who are normally elected for a four-year term. They make all major decisions, meeting as either full Council, in an Executive of six Members, or in a Committee. All these meetings are normally open to the public. Most decisions are taken collectively, although some decision making has been delegated to individual Members of the Executive or to the Council's Officers.

Members are democratically accountable to the residents of their ward. They have a special duty to their constituents, including those who did not vote for them, but their overriding duty is to the whole community. Their responsibility is to deliver services to the people of the Borough in an open and cost-effective way, acting in the best interests of Fareham. This sometimes means that the 'greater good' has to take precedence over the interests of a particular individual or group, but this is how the democratic system works.

At meetings of Council, it is the responsibility of Members to:

- Decide the Council's overall policies
- Set the Council's budget each year
- Appoint the Executive Leader
- Decide the roles of Members serving on the Executive
- Determine the arrangements to scrutinise policies and budgets proposed by the Executive
- Hold the Executive and Committees of the Council (and any Members and Officers acting on behalf of the Executive) to account for the decisions they take
- Receive any petitions and/or deputations submitted by Members of the public.

## How decisions are made

The Executive is part of the Council that is responsible for most of its day-to-day decisions. Usually, the political party having the greatest number of Members on Council will form the Executive and will decide the Council's policies.

The Executive is made up of six Members, one of whom is the Executive Leader of the Council. When major decisions are to be made, these have to be published by the Executive Leader in the Executive's Notice of Key Decisions in so far as they can be anticipated. The Executive can only make decisions that are in line with the Council's overall policies and budget. If it wishes to make a decision that is outside the Council's budget or policy framework, this must be referred to Council to decide.

The work of the Executive and of the Council is supported by 6 Scrutiny Panels, which are directly associated with each of the 6 Executive Portfolios. The purpose of these Scrutiny Panels is to hold the Executive Portfolio Holders' and Senior Officers to account, in the delivery of the service and the Improvement Actions identified in the Council's Corporate Priorities and Corporate Vision.

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The Scrutiny Panels will undertake an external scrutiny function as well and can invite external organisations operating within the Borough to attend meetings to present information and respond to questions. Scrutiny Panel Members are able to directly support local projects and initiatives by suggesting that these are added to the policy development work of the relevant Scrutiny Panel. Any Executive decisions subject to the formal Call-In process will be considered by the relevant Scrutiny Panel.

*A 'relevant Scrutiny Panel' is that Panel for which the item of business for consideration falls within the remit of the associated Executive Portfolio for that Scrutiny Panel.*

Decisions on certain legally defined matters such as planning and licensing applications, certain financial matters and election procedures are taken by the Planning, Audit and Governance and Licensing and Regulatory Affairs Committee as appropriate.

## The Council's Officer

Officers are employed by the Council to give advice, implement decisions and manage the day-to-day delivery of its service. Some officers have a prescribed duty to ensure that the Council acts within the law and uses its resources wisely. A protocol governs the relationship between officers and Members of the Council.

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