

**GOSPORT BOROUGH COUNCIL**

**CONSTITUTION**

**OF THE**

**COUNCIL**

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# **Part 1**

## **SUMMARY AND EXPLANATION**

# SUMMARY AND EXPLANATION

## 1 Introduction and Background to the Borough Council’s Constitution

Local authorities are required to have a written Constitution. This requirement is contained in Section 9.P of the Local Government Act 2000.

The requirement was foreshadowed in July 1998 when the Government signalled its intention to introduce options for new political management structures when it published the White Paper “Modern Local Government: In Touch With People”. The introduction of the Local Government Act 2000 places every Council, (other than the small Town and Parish Councils) under a duty to review their political management structures. As part of the review Councils were required to consider the type of new structure it should adopt and were given a choice of only four models from which to choose.

For Councils with a population of less than 85,000, one of the models was known as “alternative arrangements”. This allowed Councils to retain a Committee structure for making decisions (known as ‘executive decisions’) but introduced a system that allowed other Councillors to scrutinise all decisions made. All residents in the Borough were asked for their views on the structure that should be adopted. The overwhelming majority of residents who responded to the consultation favoured the adoption of the “alternative arrangements” in preference to any of the others available to the Borough Council.

Following consideration of the residents’ views the Borough Council have now adopted a new Constitution based on the “alternative arrangements” favoured by its residents. Following legislative changes in 2012 these arrangements are now known as a ‘Committee System’

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

The Council has Boards, Sub Boards and Committees, which will make decisions. The Council has resolved not to have an Overview and Scrutiny Committee under Section 9JA of the Local Government Act 2000.

The Committee System provides for decisions to be made at the following meetings:-

- Council
- Policy and Organisation Board
- Community Board
- Housing Board
- Climate Change Board

Economic Development Board

## Regulatory Board

The Council has also appointed a Standards and Governance Committee. This Committee comprises of 12 Councillors. The Committee's job is to promote and maintain the highest standards of conduct by Members and Officers of the Council. This Committee will also act as the Council's Crime and Disorder Committee. Full details of its role are shown in the Constitution.

The Constitution itself is divided into 14 Chapters. These set out the basic rules governing the Council's business. In addition the Constitution also includes a number of more detailed procedures and codes that are set out in separate rules and protocols at the end of the document.

## **2 What's in the Constitution?**

Chapter 1 of the Constitution commits the Council to provide clear community leadership and to ensure that it operates with transparency, efficiency and accountability. Chapters 2-14 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Chapter 2)
- Citizens and the Council (Chapter 3)
- The Full Council (Chapter 4)
- Chairing the Council (Chapter 5)
- Service and Regulatory Boards and Committees (Chapter 6)
- The Standards and Governance Committee (Chapter 7)
- Area Committees and Forums (if appointed) (Chapter 8)
- Joint arrangements (Chapter 9)
- Management Structure (Chapter 10)
- Decision Making (Chapter 11)
- Finance, Contracts and Legal matters (Chapter 12)
- Review and revision of the Constitution (Chapter 13)
- Suspension, interpretation and publication of the Constitution (Chapter 14)

## **3 How the Council operates**

The Council is currently composed of 34 Councillors with half elected every two 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 follow certain rules and in particular agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards and Governance Committee trains Councillors on their roles and responsibilities and the rules they must follow and advises them on the code of conduct.

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 appoints the Service and Regulatory Boards and may hold Public Question Times and special public debates on matters of concern relating to the economic, social and environmental well-being of the Borough. It also acts as arbiter of last resort in the event of disputes between Boards or disagreements between the Service and Regulatory Board.

#### **4 How decisions are made**

The six Boards referred to above make most day-to-day decisions.

The Policy and Organisation Board deals with issues relating to the Council's policy and strategy; financial and other, and human resources; Performance Plan/Corporate Plan; revenues and benefits; land charges; electoral; and civic matters.

The Community Board deals with issues relating to environmental health; leisure recreation and other amenities; highway, street and road safety; coastal protection; refuse collection; and grounds maintenance.

The Housing Board deals with all issues relating to the Council's Housing responsibilities.

The Climate Change Board deals with the Council's approach relating to Climate Change.

The Economic Development Board deals with the strategy and policy for economic prosperity in the Borough; the Local Development Framework; tourism and culture; management of Council land and authorises acquisition of land.

The Regulatory Board deals with development control matters as the local planning authority, regulatory functions under the Council's Building Control and discharges the Council's function on licensing including the functions contained in the Licensing Act 2003.

The Standards and Governance Committee deals with the code of conduct for members; training for members; supporting the work of the Council's Monitoring Officer and Chief Financial Officer; internal and external audit; risk management; complaints; whistle blowing, anti fraud and corruption policies. It is also the designated Crime and Disorder Committee.

The Borough Council may change the functions of the individual Boards and Committees from time to time if it believes that changes would help to improve its decision making arrangements for the benefit of the community it serves.

Meetings of the Council's Boards and Committees are open to the public except where exempt or confidential matters are being discussed. Details of when Boards can meet in private are shown in Schedule 12 in Part 4 of this Constitution.

## **5 The Council's Staff**

Officers working for the Council give advice, implement decisions and manage the day-to-day delivery of its services. Some Officers have specific duties to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between Officers and Members of the Council.

## **6 Citizens' Rights**

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Chapter 3. Some of these are legal rights, whilst others depend on the Council's own processes. For many services the Council issues leaflets explaining how decisions are made but the Citizens' Advice can also 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;
- Obtain a copy of the Constitution;
- Attend meetings of the Council, its Boards and its Committees except where exempt, for example personal or confidential matters are being discussed;
- Petition to request a referendum on a mayoral form of executive;
- Participate in the Council's Public Question Time
- Submit deputations to Boards and Committees within the provisions of the Public Speaking arrangements;
- Submit petitions in accordance with the Council's Petition Scheme
- Complain to the Council if they believe the Council, any Councillor or Officer has not performed his or her duties in a proper manner. Details of the Council's Complaints Procedure are available at the Council offices;

- Complain to the Local Government Ombudsman if they think the Council has not followed its procedures properly. However, the Ombudsman expects that the public would only do this after using the Council's own complaints procedure;
- 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; and
- Inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on rights as a citizen, please contact the Democratic Services Section at the Town Hall, Gosport. (Telephone 02392 5845340)