

CONSTITUTION OF THE COUNCIL

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Part 1

Summary and Explanation

Summary and Explanation

The Council's Constitution

Eastleigh Borough 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 are a matter for the Council to choose such as exploring and embracing partnership working approaches wherever possible and appropriate.

The Constitution is divided into 18 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What's in the Constitution?

Article 1 of the Constitution commits the Council to efficient, effective and accountable decision-making, whilst maximising the involvement of the community. Articles 2 - 18 explain the rights of members of the public and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Members of the public and the Council (Article 3).
- The Council Meeting (Article 4).
- The Mayor and Deputy Mayor (Article 5).
- Overview and Scrutiny of Decisions (Article 6).
- The Cabinet (Article 7).
- Regulatory and Other Functions (Article 8).
- Audit and Resources Committee (Article 9).
- Area Committees (Article 10).
- Administration Committee (Article 11).
- Licensing Committee (Article 12).
- Joint Arrangements (Article 13).
- Staff (Article 14).
- Decision Making (Article 15).
- Finance, Contracts and Legal Matters (Article 16).
- Review and Revision of the Constitution (Article 17).
- Suspension, Interpretation and Publication of the Constitution (Article 18).

How the Council Operates

The Council is composed of 39 Councillors with one-third elected three years in four. Councillors are democratically accountable to members of the public 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.

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 Leader of the Council and Committees (except Cabinet). At its ordinary meetings, the Council considers recommendations from the Cabinet and other Committees on those matters which only the Council can decide.

How Decisions are Made

The Cabinet is the part of the Council which is responsible for day-to-day decisions other than 'local' issues (see Area Committees) and miscellaneous matters (see Administration Committee). The Cabinet is made up of between 2 and 9 Councillors who are appointed by the Leader. When major decisions are to be discussed or made these are published in the Cabinet's forward plan insofar as they can be anticipated. Meetings of the Cabinet are generally open to the public 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 which is outside the budget or policy framework, this must be referred to the Council as a whole, to decide.

Overview and Scrutiny

The Policy and Performance Scrutiny Panel supports the work of the Cabinet and the Council as a whole. The Panel scrutinises decisions of the Cabinet and Local Area Committees, assists with policy development and undertakes best value work. These lead to reports and recommendations which advise the Cabinet and the Council as a whole, on its policies, budget and service delivery.

Area Committees

In order to give local members of the public a greater say in Council affairs, five Area Committees have been created. These cover the following areas and are responsible for taking decisions on local services, development control and licensing matters and working with the Cabinet to secure integrated policies:

Bishopstoke, Fair Oak and Horton Heath
Bursledon, Hamble-le-Rice and Hound
Chandler's Ford and Hiltingbury
Eastleigh
Hedge End, West End and Botley

The Committees membership only includes Councillors who represent the members of the public who live in the geographical area covered by the Committee

Articles 6, 7, 10 and 11 respectively show in more detail the responsibilities of the Scrutiny Panel, the Cabinet, Local Area Committees and the Administration Committee. There is a diagram on page 1-5 showing the overall structure.

The Council's Staff

The Council has people working for it (called 'staff') to give advice, implement decisions and manage the day-to-day delivery of its services. Some staff have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol (Part 5 of the Constitution) governs the relationships between staff and members of the Council.

Members of the public's Rights

Members of the public 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.

Members of the public have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- view the Constitution in line with accessibility regulations
<https://www.legislation.gov.uk/ukxi/2018/952/contents/made>;
- attend meetings of the Council, Cabinet, Committees and Panels except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of Cabinet;
- contribute to debates at all meetings, subject to the Council's public participation rules (see Appendix to Council and Committee Procedure Rules in Part 4);
- find out, from the Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or staff, and when;
- attend meetings of the Cabinet where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council, Cabinet, Area Committees and any other Committees of the Council;
- complain to the Council (using the Complaints process) about a failure to follow agreed procedures, give proper advice or deliver an acceptable standard of service;

- complain to the Local Government 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;
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its members of the public in its work. For further information on your rights as a member of the public, please contact the Council's Monitoring Officer:

Eastleigh House
Upper Market Street
Eastleigh SO50 9YN
Telephone: 023 8068 8015
E-mail: joanne.cassar@eastleigh.gov.uk

Part 4 of this Constitution contains information on the rights of members of the public to inspect agendas and reports and attend meetings.

Democratic structure chart

