

## **CONSTITUTION OF THE COUNCIL**

### **Contents**

Part 1 – [Summary and Explanation](#)

Part 2 – Articles of the Constitution

- Article 1 – The Constitution
- Article 2 – Members of the Council
- Article 3 – Citizens and the Council
- Article 4 – The Full Council
- Article 5 – Chairing the Council
- Article 6 – Overview and Scrutiny Committees
- Article 7 – The Executive
- Article 8 – Regulatory and other Committees
- Article 9 – Governance Committee
- Article 10 – Joint Arrangements
- Article 11 – Officer
- Article 12 – Decision Making
- Article 13 – Finance, Contracts and Legal Matters
- Article 14 – Review and Revision of the Constitution
- Article 15 – Suspension, Interpretation and Publication of the Constitution
  - Schedule 1 – Description of Executive Arrangements

Part 3 – Responsibility for Functions

- Responsibility for Functions

Part 4 – Rules of procedure

- Council Procedure Rules
- Access to Information Procedure Rules
- Budget and Policy Framework Procedure Rules
- Executive Procedure Rules
- Overview and Scrutiny Procedure Rules
- Financial Procedure Rules
- Contracts Procedure Rules
- Officer Employment Procedure Rules

- Part 5 – Codes and Protocols
- Members' Code of Conduct
  - Officers' Code of Conduct
  - Protocol on Member/Officer Relations
  - Civic and Ceremonial Protocol
  - Code for Dealing with Joint Arrangements with Third Parties
  - Protocol for the Monitoring Officer
  - Partnership Code
- Part 6 – Members' Allowances Scheme
- Members' Allowances Scheme
- Part 7 – Management Structure
- Management Structure Chart
- Part 8 – Ancillary Documents
- List of Proper Officers
- Part 9 – Definitions
- Part 10 – Officer Scheme of Delegation and Associated Documentation, Rules & Guidance
- Officer Scheme of Delegation
  - Recording Officer Decisions
- Part 11 – Petition Scheme
- Part 12 – Change Control

## **PART 1: SUMMARY AND EXPLANATION**

### **THE COUNCIL'S CONSTITUTION**

Southampton City Council's Constitution 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.

The Constitution is divided into 15 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.

The Constitution may be accessed on the internet at:

<http://www.southampton.gov.uk/council-democracy/meetings/council-constitution.aspx>

### **WHAT'S IN THE CONSTITUTION?**

Article 1 of the Constitution commits the Council to:

- Leadership;
- Responsibility;
- Integrity
- Transparency;
- Efficient and effective services; and
- Participation

Articles 2 – 15 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5).
- Overview and scrutiny of decisions (Article 6).
- The Executive (Article 7).
- Regulatory and other committees (Article 8).
- The Governance Committee (Article 9).
- Joint arrangements (Article 10).
- Officers (Article 11).

- Decision making (Article 12).
- Finance, contracts and legal matters (Article 13).
- Review and revision of the Constitution (Article 14).
- Suspension, interpretation and publication of the Constitution (Article 15).

## **HOW THE COUNCIL OPERATES**

The Council is composed of 48 Councillors with one-third elected three years in four. 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 agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Governance Committee monitors the training and development of Members in this respect and advises Members 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 will elect a Leader who will appoint his/her Cabinet, and hold the Executive to account both through its own processes, and through Overview and Scrutiny. Citizens may make deputations to and ask questions of Members at Council meetings. For details of these particular matters, please contact the Democratic Services team (contact details at the end of this Part of the Constitution).

## **HOW DECISIONS ARE MADE**

The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of an Elected Leader, who is elected from amongst the Councillors by all the Councillors and a cabinet of Councillors whom s/he appoints. When major decisions are to be discussed or made, these are published in the Executives' Forward Plan in so far as they can be anticipated. If these major decisions are to be discussed with Council Officers at a meeting of the Executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive 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**

There is an Overview and Scrutiny Management Committee (parent committee) which manages the process. This then appoints ad hoc Panels (as needed), Scrutiny Commissions and Standing Overview and Scrutiny Panels which support the work of the Executive and the Council as a whole. These arrangements allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, Budget and service delivery. Overview and Scrutiny Committees also monitor the decisions of the Executive. They can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate.

They may recommend that the Executive reconsider the decision. They will also be consulted by the Executive or the Council on forthcoming decisions and the development of the Policy Framework and Budget.

## **INVOLVEMENT OF CITIZENS AND COMMUNITIES**

In order to give local citizens a greater say in Council affairs, the Council has supported the development of many structures, groups and organisations. In addition, the Council is committed to encouraging community involvement in every activity and in the establishment of partnerships such as Regeneration and Neighbourhood Partnerships. The Council has a Community Involvement Policy which outlines its commitment to involving citizens in all aspects of city life and in democratic processes. In addition, the Council is committed to taking specific steps to involve socially excluded citizens and communities.

## **THE COUNCIL'S STAFF**

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

## **CITIZENS' RIGHTS**

Citizens 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.

Where members of the public use specific Council services, for example as a parent of a school pupil or 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 and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of Executive;
- ask the Executive questions, make deputations to the Council, submit petitions and contribute to investigations by the overview and scrutiny committees;
- find out, from the Executive's Forward Plan, what major decisions are to be discussed by the Executive or decided by the Executive or Officers, and when;
- attend meetings of the Executive where Key Decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Executive;

- complain to the Council in accordance with the Council's Corporate Complaints Process;
- complain to the 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;
- complain to the Council 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 your rights as a citizen, please contact the Head of Business Operations from whom the public may also obtain information as to the rights of citizens to inspect agendas and reports and attend meetings.