

Chapter 1

The council's constitution

Portsmouth City Council's constitution (adopted from May 2002) 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 16 chapters 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.

1.1 What's in the Constitution?

The Constitution explains that the city council consults regularly with the people of Portsmouth and the results of these consultations are reflected in the council's core values and priorities and the community plan as the city council exists to improve Portsmouth people's quality of life.

The chapters of the Constitution explain how the key parts of the council operate as follows:

- Members of the Council (Chapter 2)
- Residents and the Council (Chapter 3)
- Role of the City Council (Chapter 4)
- Chairing the Council (Chapter 5)
- Overview and scrutiny of decisions (Chapter 6)
- The Cabinet (Chapter 7)
- Regulatory functions (Chapter 8)
- Governance & Audit & Standards Committee (Chapter 9)
- Area committees and forums (Chapter 10)
- Joint arrangements (Chapter 11).
- Officers (Chapter 12).
- Decision making (Chapter 13).
- Finance, contracts and legal matters (Chapter 14).
- Review and revision of the Constitution (Chapter 15).
- Suspension, interpretation and publication of the Constitution (Chapter 16).

1.2 How the council operates

The Council is composed of 42 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 and Audit and Standards Committee trains and advises them on the code of conduct.

All councillors meet together as the council. Meetings of the council are open to the public, except in limited circumstances — for example when staffing matters and commercially sensitive information is being considered. Here councillors decide the council's overall policies and set the budget each year. The council will appoint the Leader of the Council. Decisions in the Cabinet may be collective or they may be taken by individual Cabinet members with a specific remit. The functions and responsibilities of the Cabinet and the council are set out in Part 2 of the Constitution. Some matters, such as licensing and planning applications, have to be determined by a 'regulatory committee', made up of councillors in political proportionality to the number of seats each party has on the council. The functions of these regulatory committees are set out in Part 2 of the Constitution.

1.3 How decisions are made

The Cabinet is the part of the council which is responsible for most day-to-day decisions. The Cabinet is made up of a cabinet of not less than 3 and not more than 10 councillors including the Leader of the council. When major decisions are to be discussed or made, these are published in the Council's 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 Cabinet, this will be open for the public to attend 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.

1.4 Overview and scrutiny

There is one overarching scrutiny management panel (SMP) which can create its own ad hoc panels to support the work of the Cabinet and the council as a whole. They allow citizens to have a greater say in council matters by examining in detail matters of local concern. These lead to reports and recommendations which advise the Cabinet and the council as a whole on its policies, budget and service delivery. The SMP also monitors the decisions of the Cabinet. They can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the council on forthcoming decisions and the development of policy.

1.5 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 member-officer protocol governs the relationships between officers and members of the council.

1.6 Residents' rights

Residents 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.

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.

Residents have the right to:

- vote at local elections if they are registered
- contact their local councillor about any matters of concern to them
- inspect, read and obtain a copy of the Constitution
- attend meetings of the council except where, for example, personal or confidential matters are being discussed
- petition the Council
- find out, from the Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when
- see reports and background papers, and any record of decisions made by the council and Cabinet
- complain or make comments to the council about any of the services it provides, using the council's complaints procedure <https://www.portsmouth.gov.uk/ext/the-council/transparency/comment-compliment-or-complaint.aspx>
- complain to the ombudsman if they think the council has not followed its procedures properly. Though, they should only do this after using the council's own complaints process
- 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 <https://www.portsmouth.gov.uk/ext/the-council/councillors-and-mps/complaining-about-a-councillor.aspx>; and
- inspect the council's accounts and make their views known to the external auditor (within relevant legislation/regulations as published each year).

The council welcomes participation by its Residents in its work. For further information on your rights as a Resident, please contact the council's Local Democracy Manager at Civic Offices, Guildhall Square, Portsmouth — Telephone 023 9283 4055.

The council has adopted rules, which are set out in Part 3 of this Constitution, regarding the availability of information relating to what the council, the Cabinet, committees and panels discuss. Before any meeting an agenda and supporting papers that are to be discussed will be available normally within 5 clear days before the meeting.

Residents can attend the meeting, and the council has also adopted rules that allow anyone to speak as a deputation on any matter that is included on the agenda for the meeting. Anyone wishing to speak must notify the Local Democracy Manager by 12 noon on the day before the meeting.

After the meeting, a record of the decisions (known as minutes) is prepared, and these are published. The agendas and minutes for all meetings are also available on the city council's web site at <http://democracy.portsmouth.gov.uk/ieDocHome.aspx?bcr=1>

1.7 Complaints

Residents have the right to complain to:

1. the city council itself under its complaints scheme, which provides for the resident to:
 - firstly contact the service, and if still not happy, to
 - contact the appropriate director, and if still not happy, to
 - contact the Chief Executive's office.
2. the ombudsman after using the city council's own complaints scheme if the citizen still remains dissatisfied at the city council's response.
3. the Monitoring Officer in relation to any alleged breach of the councillors' code of conduct. monitoringofficer@portsmouthcc.gov.uk