

# PART 1

## Summary and Explanation

### The Constitution

This Constitution is intended to facilitate council business. It explains how the Council operates, how decisions are made and who has the power to take which decisions. It sets out the procedures, codes and protocols to be followed to ensure that decisions are made efficiently, transparently and with accountability to local people.

The Council has agreed this Constitution, which combines all the governance provisions it is required by law to adopt, together with its Standing Orders for the Regulation of Business which set out how it conducts its meetings. These documents together provide the framework within which the Council operates.

**Part 1** is a brief summary of what is contained in the Constitution and definitions.

**Part 2** is an introduction to the main aspects of political governance at the Council and how the Council works.

**Part 3** is the Responsibility for Functions, which explains who within the Council has powers to exercise various powers and duties. The terms of reference for member level bodies, committees and panels are also found in this section.

**Part 4** contains the Standing Orders and other rules and procedures to be followed by the Council to ensure that its decisions and actions are legal, financially sound and carried out in accordance with the policy frameworks.

**Part 5** includes the Code of Conduct for Councillors, and other codes and protocols, which set out the high standards of conduct that are expected of Members and officers in their Council business.

**Part 6** is the Members Allowances Scheme, which sets out the scheme of payment to elected Members.

## Definitions

<b>Definition</b>	<b>Meaning</b>
Authorised Officer	Officers within the Corporate Leadership Team and Corporate Managers who are individually responsible and accountable for the exercise of delegated functions for their areas of service
Cabinet	The Leader and the Cabinet members who are appointed by the Leader.
Cabinet Member	An elected member appointed to the Cabinet by the Leader.
Cabinet work programme	The forward plan containing the particulars of key decisions and other matters to be published in advance, as required by the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 (as amended).
Cabinet portfolio	A function or collection of functions of the Council allocated by the Leader to a Cabinet member.
Call-in	The exercise of the right by the Overview and Scrutiny Committee to review the proposed exercise of a function of the Executive before it may take effect.
Chairman of a Committee	Includes the vice-chairman of a committee to act on his or her behalf or acting in his or her absence.
Confidential	Matters not be made public by law or information a government department has given to the Council upon terms which forbid the disclosure of the information to the public.
Constitution	The collection of documents called the Constitution approved by the Council for the purposes of Section 37 of the Local Government Act 2000.
Corporate Leadership Team	Comprises the Chief Executive, Executive Directors and Heads of Service.
Decision-making body	The full Council, the Cabinet, Cabinet Portfolio Holder, Development Management Committee, Licensing, Audit and General Purposes Committee and officers under delegated powers.
Document	Any report or background papers other than that only in draft form, taken into consideration in relation to a decision by a decision-making body.

the Executive	The Cabinet and individual Cabinet members and officers in so far as they discharge Executive functions.
Executive arrangements	The description of the political structure of the Council described in Part 2, paragraph 3.3.
Executive functions	All those functions of the Council which are not non-Executive functions as set out in Part 3 of the Constitution (Part 3, Section 2, paragraph 2.1).
Exempt Information	Information as defined in the Local Government Act 1972 and includes personal details of staff or clients, legal actions, financial and business affairs of individuals or companies.
Key decisions	Those executive decisions which are likely to result in significant expenditure or savings or to have significant effects on communities living or working in two or more wards of the Borough. See full definition in Part 2, paragraph 3.12).
Leader of the Council	The person appointed by the Council in accordance with Standing Order 5 (1).
Meeting	A formal meeting of the Council or committee, the agenda and papers for which are published under the Local Government Act 1972.
Member	In relation to the Council, means an elected member of Rushmoor Borough Council In relation to any committee, means a person appointed as a member of that committee or nominated substitute.
Municipal Year	The year starting with the Annual Council Meeting in May and ending with the Annual Council Meeting the following year.
Overview and Scrutiny	A committee appointed by the Council whose functions include holding to account the Executive.
Policy Framework	Functions which are reserved to the Council for determination defined in Part 3 – Section 4 (4.1).
Programme	A set of projects or activities co-ordinated together with a long-term aim.
Proper Officer	Officer appointed to discharge specific statutory provisions (Part 3, Section 12).

Report	The final document on which the Council, the Cabinet, a Cabinet member, a committee or officers under delated powers take a decision or agree a proposed decision. It does not include draft reports.
Scheme of Delegation	The part of the Constitution, within the Responsibility for Functions, specifying the delegation by the Council of its executive and non-executive functions (Part 3 – Sections 3 - 6).
Task and Finish Group	A time-limited small cross-party group of members, without decision making powers to examine or develop proposals.
Ward Member	A member who was elected to, and represents, an electoral ward within the Borough.
Working Day	Any day which is not a weekend or a bank holiday.
Working Group (often a Standing Group)	A group of members working together on an ongoing basis to examine, monitor or develop proposals or services without decision making powers.
Writing	Includes the use of electronic means.