

# Introduction to the Constitution of Hampshire County Council and Summary Overview

## **Purpose**

The purpose of this Constitution is to set out in a single place, and in clear language how the County Council works and how it makes decisions.

## **Background**

The County Council is responsible for a wide range of services. It must provide some of these services by law; others are discretionary. The County Council is a statutory corporation; that is, a body created by government under an Act of Parliament. A statutory corporation can only do things it is specifically authorised to do by law, by regulations (often referred to as statutory instruments) and by decisions of government ministers, who have themselves been authorised by Parliament. Interestingly, this is the opposite of a company incorporated under the Companies Acts. Such companies can do anything, unless they are specifically prevented from doing so by the law of the land.

## **Services**

The County Council currently provides the following range of services:

- archives;
- arts;
- children's services;
- country parks;
- economic development;
- education;
- grants to voluntary groups;
- harbour management;
- libraries;
- minerals and waste planning;
- museums;
- planning for emergencies;
- protecting the environment;
- registration of births, marriages and deaths;
- road maintenance;
- road safety;

- snow clearance;
- social care;
- strategic planning;
- street lighting;
- trading standards;
- traffic management;
- transport planning;
- waste disposal.

## **Who pays?**

Money for services comes from the following sources:

- council tax;
- council tax benefit contribution;
- general balances;
- government general grant;
- government specific grants;
- income from fees and charges;
- national business rates;
- specific reserves;
- surplus on district council's collection funds.

## **Who decides?**

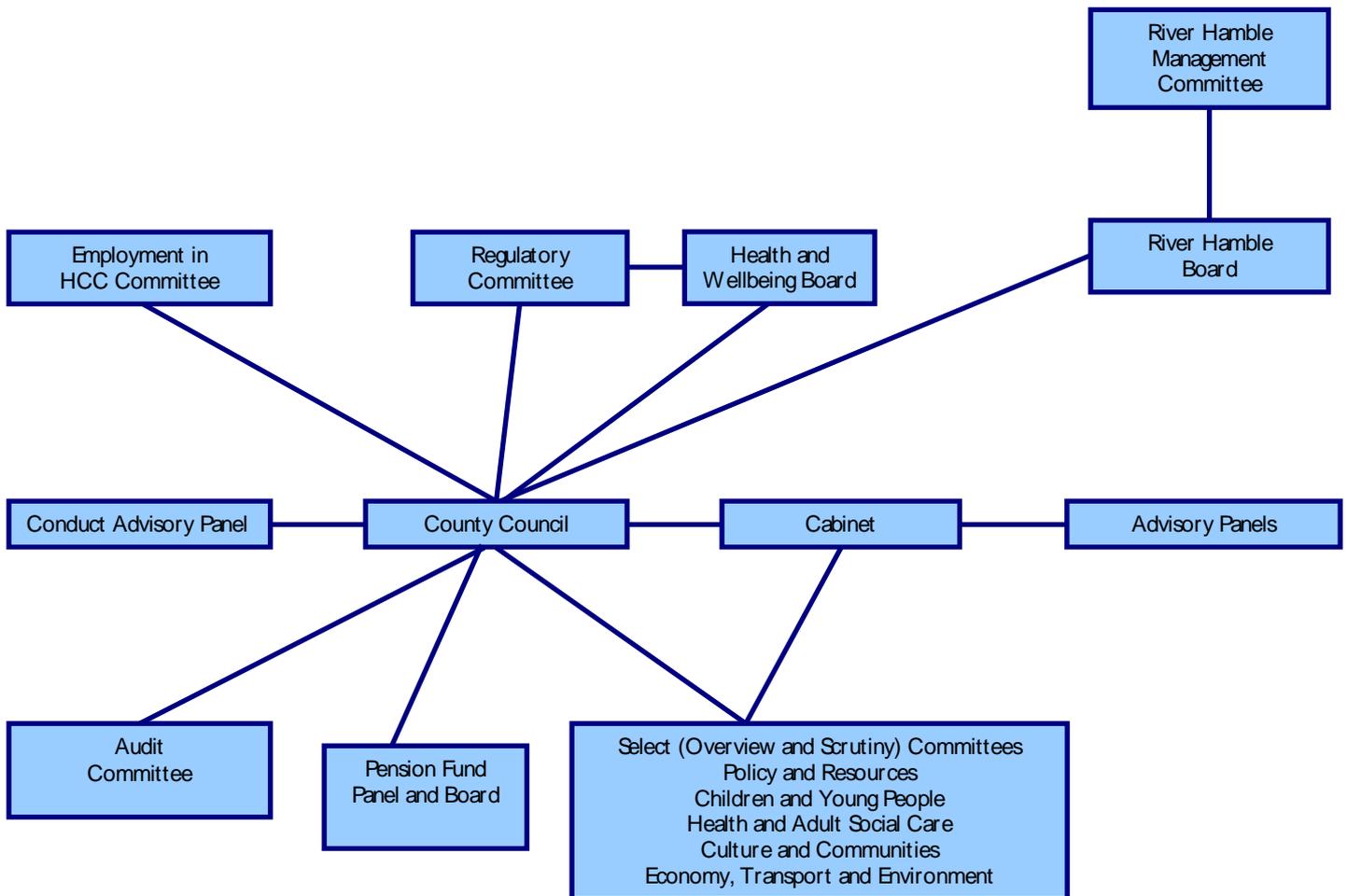
Every four years, voters in the county elect 78 County Councillors. They take all major decisions in the full County Council; in an Executive (which is the Cabinet) comprising up to 10 members of the majority party; or in a County Council Committee. Decisions in the Executive may be collective, or they may be taken by a particular Executive Member with responsibility for a specific remit. Otherwise, decisions are voted on. In the case of equality of votes, at a County Council or County Council Committee Meeting, the Chairman presiding at the Meeting shall have a second or casting vote. This provision does not apply to meetings of the Executive. The party having the greatest overall number of seats on the County Council is able to decide policy, and will be able to establish a 'one party' Executive – it is a requirement that a party with an overall majority will also have proportionally more seats on all Committees. If the result of an election is close, no single party might have an overall majority. Whether or not this happens, the seats on Committees will generally be in the same proportion as the political composition of the whole County Council.

## **The Council's Job**

The County Council's role is to act strategically and implement policy as determined by Cabinet and to deliver services to the people of Hampshire (and sometimes beyond) in an open, transparent and cost-effective way; acting in the best interests of Hampshire and its members of the public as a whole.

## How is the County Council organised to carry out its job?

### Council Structure/Cabinet portfolios



### Cabinet is comprised of:

- Leader
- Deputy Leader
- Up to eight other Executive Members whose portfolios are determined by the Leader

## **Cabinet portfolios:**

- Leader and Executive Member for Policy and Resources
- Deputy Leader and Executive Lead Member for Economy, Transport and Environment
- Executive Member for Highways Operations
- Executive Member for Climate Change and Sustainability
- Executive Member for Commercial Strategy, Estates and Property
- Executive Lead Member for Children's Services
- Executive Member for Adult Services and Public Health
- Executive Member for Performance, Human Resources and Partnerships
- Executive Member for Recreation, Heritage and Rural Affairs

# Leader and Executive form of Cabinet

## County Council:

- Decides new Constitution
- Agrees policy framework and budget

## Elected leader:

- Provides political leadership
- Proposes policy framework and budget
- Takes executive decisions within policy framework

## Councillors outside the Cabinet:

- Assist the Executive in policy development
- Propose new policy to the Executive or the County Council
- Represent electorate
- Review and scrutinise policy and Executive decisions

## Cabinet:

- Appointed by the Executive Leader of the County Council
- Implements policy framework under political guidance of the Executive Leader
- Takes delegated Executive decisions as a group
- Individual Executive Members take decisions in light of functions delegated to them.

## Chief Executive and Chief Officers:

- Provide dedicated support to all councillors, the Executive Leader and Cabinet, and Select (Overview and Scrutiny) Committees
- Implement agreed policy and secure service delivery by taking operational and management decisions
- Account for decisions

The rest of this document sets out, in detail, how all the arrangements described above actually work.

The County Council adopted this new Constitution on 30 March 2001 and, at its meeting on 18 June 2001, agreed to operate it with effect from 1 September 2001. This Constitution has been reviewed from time to time since this date.

# Officers of the County Council Management Structure

