

***PART 2***  
***ARTICLES OF***  
***THE***  
***CONSTITUTION***

# ARTICLES

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## **ARTICLE 1 – THE CONSTITUTION**

### **1.01 Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

### **1.02 The Constitution**

This Constitution, and all its appendices, is the Constitution of the Rhondda Cynon Taff County Borough Council.

### **1.03 Purpose of the Constitution**

The purpose of the Constitution is to:

1. provide clear leadership to the community it serves, in active partnership with citizens, local businesses, voluntary and community organisations, and other agencies, in order to improve the quality of life of all those who live in, work in, or visit Rhondda Cynon Taff;
2. support the active involvement of local citizens in the process of democratic decision making;
3. help all Councillors to represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. ensure that those responsible for decision making are clearly identifiable to local people and that the reasons for decisions are clearly explained;
6. create a powerful and effective means of holding decision makers to public account;
7. ensure that no one will review or scrutinise a decision in which they were directly involved; and
8. improve the delivery of services to the community, which are procured or provided by the Council, or by its strategic partners.

### **1.04 Interpretation and Review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

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## ARTICLE 2 - MEMBERS OF THE COUNCIL

- 2.01 (a) **Composition.** The Council will comprise 75 Members, otherwise called Councillors. One or more Councillors will be elected by the voters of each electoral ward in accordance with a scheme drawn up by the Local Democracy and Boundary Commission for Wales and approved by the Welsh Ministers.
- (b) **Eligibility.** Only registered voters of the County Borough Council or those living or working in the area will be eligible to hold the office of Councillor.

### 2.02 Election and terms of Councillors

The regular election of Councillors will be held on the first Thursday in May normally every five years. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

### 2.03 Roles and Functions of All Councillors

- (a) **Key Roles.** All Councillors will:
- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
  - (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
  - (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
  - (iv) balance different interests identified within the electoral ward and represent the electoral ward as a whole;
  - (v) contribute to the continual improvement of Council services;
  - (vi) participate in non-executive decision making;
  - (vii) be available to represent the Council on other bodies; and
  - (viii) maintain the highest standards of conduct and ethics.
- (b) **Rights and Duties**
- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
  - (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other

than a Councillor or Officer entitled to know it.

- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

#### 2.04 **Conduct**

Councillors will at all times observe the Members' Code of Conduct, the Local Protocol – 'Standards of conduct to be followed by Members', the Members' Memorandum of Understanding and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

#### 2.05 **Councillor's Remuneration**

Councillors will be entitled to salaries in accordance with the Schedule of Member Remuneration set out in Part 6 of the Constitution.

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## ARTICLE 3 – CITIZENS AND THE COUNCIL

### 3.01 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

- (a) **Voting and Petitions.** Citizens over the age of 16 on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.
- (b) **Information.** Citizens have the right to:
  - (i) attend meetings of the Council, the Cabinet and its Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
  - (ii) find out from the forward work programme what decisions will be taken by the Cabinet or Council and which issues the Overview and Scrutiny Committee will be considering, and when these matters will be discussed;
  - (iii) see reports and background papers, and any records of decisions made by the Council and the Cabinet; and
  - (iv) inspect the Council's accounts and make their views known to the external auditor.
- (c) **Participation.** Citizens have the right to contribute to investigations by Overview and Scrutiny Working Groups. The Council must encourage local people to participate in the making of decisions by the Council. See the Council's public participation strategy for more information.
- (d) **Complaints.** Citizens have the right to complain:
  - (i) to the Council itself under its complaints scheme;
  - (ii) to the Public Services Ombudsman for Wales ('Ombudsman') about any injustice they have suffered as a result of maladministration, but they are encouraged to use the Council's own complaints scheme first;
  - (iii) to the Ombudsman where they believe a Member or co-opted Member of the Council has breached the Member's Code of Conduct.
- (e) **Submitting Petitions.** A member of the public can seek to raise a matter with the Council by submitting a petition in accordance with the Council's Petition Scheme. This is a scheme prepared

and published pursuant to section 42 of the Local Government and Elections (Wales) Act 2021 (and reviewed from time to time) for the purpose of setting out: -

- how a petition may be submitted to the Council;
- the steps the Council will take in response to a petition received by it;
- the circumstances in which the Council may take no further action in response to a petition; and
- how and by when the Council will make available its response to a petition to the person who submitted the petition and to the public. It can be found in Part 5 of the Constitution and on the Council's website.

### **3.02 Citizens' Responsibilities**

Citizens must not be violent, abusing or threatening to Councillors or Officers and must not wilfully harm things owned by the Council, Councillors or Officers.

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## ARTICLE 4 – THE FULL COUNCIL

### 4.01 Introduction

The Full Council is a formal meeting of all Councillors. The Full Council is required by law to take certain important decisions including setting the Council's Budget and council tax and approving a number of key plans and strategies, which together form the Policy Framework (listed below). It is responsible for all of the functions not the responsibility of the Executive. It will carry out some functions itself, but others will be delegated to Committees or named Officers.

### 4.02 Meanings

- (a) **Policy Framework.** The policy framework means the following plans, policies and strategies:-
- Corporate Plan;
  - Corporate Performance Report (the Council's Improvement Plan);
  - Cwm Taf Well-Being Plan (Cwm Taf Public Services Board);
  - Crime and Disorder Reduction Strategy;
  - Youth Justice Plan;
  - Local Transport Plan;
  - Plans and alterations which together comprise the Local Development Plan;
  - Rights of Way Improvement Plan;
  - Statement of Licensing Policy – Alcohol, Entertainment & Late Night Refreshment Statement of Principles – Gambling Act 2005; and
  - Pay Policy Statement.
- b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.
- (c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to Welsh Ministers for approval of a programme of disposal of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

### 4.03 Functions of the Full Council

Only the Council will exercise the following functions:



- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, the budget and any application to Welsh Ministers in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (d) appointing the Leader;
- (e) agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them unless the appointments have been delegated by the Council;
- (f) appointing representatives to outside bodies unless the appointment has been delegated by the Council;
- (g) performing the corporate joint committee functions set out in Article 10 to this Constitution, including the making of a corporate joint committee application and the giving of consent to corporate joint committee regulations being made;
- (h) allocating senior salaries to Members in accordance with the Independent Remuneration Panel for Wales Regulations;
- (i) approving the Council's annual Pay Policy Statement;
- (j) changing the name of the area or conferring the title of freedom of the borough;
- (k) making or confirming the appointment of the Chief Executive and Chief Officers;
- (l) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or Personal Bills;
- (m) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive;
- (n) all other matters which, by law, must be reserved to Council. For example, appointing the Chair of the Democratic Services Committee, approving the appointment or dismissal of the Chief

Executive, determining the level (and any change in the level) of remuneration to be paid to a Chief Officer;

- (o) consulting local people, other persons carrying on a business in the Council's area, the officers of the Council and every trade union which is recognised by the Council about the extent to which the Council is meeting its performance requirements;
- (p) preparing an annual report on the extent to which the Council has met its performance requirements;
- (q) making arrangements for a panel performance assessment and responding to the panel's report;
- (r) approving, reviewing and amending the Council's Petition Scheme;
- (s) reviewing, approving and amending the Council's wellbeing objectives in accordance with section 9 of the Well-being of Future Generations (Wales) Act 2005 and the accompanying statutory guidance issued by the Welsh Government;
- (t) considering Chief Executive reports prepared pursuant to section 54(2)(b) of the Local Government and Elections (Wales) Act 2021, within 3 months of them being made;
- (u) considering annual reports received from the Standards Committee, within 3 months of them being made;
- (v) keeping under review the extent to which:
  - (a) the Council is exercising its functions effectively;
  - (b) using its resources economically, efficiently and effectively; and
  - (c) its governance arrangements are effective for securing the matters set out in a) and b) above.
- (w) The decision whether or not to accept a delegation of an Executive or non-executive function from another local authority.
- (x) The adoption of Member and Officer codes of conduct and protocols recommended by the Standards Committee.
- (y) Receiving and considering reports from the Executive or

Committees as appropriate.

- (z) The reviewing or scrutinising of a decision or proposed decision of the Executive, individual Executive Councillor or Area Committee, or a decision of a Committee discharging non-executive functions.
- (aa) Receiving and considering reports from statutory Officers (arising from their statutory roles) and other Officers (in relation to any Council functions not delegated to a Committee).
- (bb) Adopting arrangements for the appointment of Chief Officers.
- (cc) All other matters which, by law, must be reserved to Council.

#### 4.04 **Council Meetings**

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

#### 4.05 **Responsibility for Functions**

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

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## **ARTICLE 5 – CHAIRING THE COUNCIL AND MAYORAL CIVIC ROLE**

### **5.01 Title of the Person Chairing Council Meetings**

The Councillor elected annually by the Council to Chair its meetings will be called the 'Llwydd' / 'Presiding Officer' or 'Chair'.

### **5.02 Role and function of the Llwydd / Presiding Officer**

The Llwydd / Presiding Officer of the Council and in their absence the Dirprwy Llwydd / Deputy Presiding Officer will have the following roles and functions:

- (i) to uphold and promote the purpose of the Constitution, and to interpret the Constitution when necessary;
- (ii) to preside over meetings of the Council so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors and the interests of the Community;
- (iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Executive are able to hold the Cabinet and Committee Chairs to account;
- (iv) to promote public involvement in the Council's activities;
- (v) to be the conscience of the Council;
- (vi) to attend such civic and ceremonial functions as the Council and they determine appropriate;
- (vii) to carry out duties as required under The Family Absence for Members of Local Authorities (Wales) Regulations 2013; and
- (viii) to Chair the Council's Constitution Committee.

### **5.03 Mayoral Civic Role**

A Councillor shall be elected annually by the Council to be its Mayor.

### **5.04 Role and function of the Mayor**

The Mayor of the Council and in their absence the Deputy Mayor will have the following roles and functions:

- (i) to be the civic leader of Rhondda Cynon Taff;
- (ii) to attend such civic and ceremonial functions as the Council and they determine appropriate;
- (iii) to promote the interests and reputation of the Council and Rhondda Cynon Taff as a whole and acts as an ambassador for both; and
- (iv) to undertake civic, community and ceremonial activities and fosters community identity and pride.

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## ARTICLE 6 – OVERVIEW AND SCRUTINY COMMITTEE

### 6.01 Terms of Reference

The Council will appoint an Overview and Scrutiny Committee and the thematic Scrutiny Committees set out in the left hand column of the table below to discharge the functions confined by Section 21 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the table.

<b>Name of Committee</b>	<b>Scope</b>
Overview and Scrutiny Committee (and designated Crime and Disorder) Scrutiny Committee	<p>To co-ordinate the work of the three under-mentioned thematic Scrutiny Committees and ensure that the work of each of these committees is effective.</p> <p>The Committee is responsible for reviewing the work programme developed by the three thematic Scrutiny Committees to ensure deliverable, coordinated and outcome focused programmes of work. Any 'in-year' or quarterly additions to a thematic scrutiny committee's work programme will need to be approved by this Committee.</p> <p>To fulfil the overview and scrutiny role in relation to all Council cross cutting themes which cut across the terms of reference of the three thematic Scrutiny Committees. Where there are matters that fall within the remit of more than one Scrutiny Committee, the Overview and Scrutiny Committee will determine which Committee has responsibility for its review.</p> <p>The Committee is responsible for scrutinising:</p>

	<p>Financial and operational performance during the year (quarterly `exception` reporting) including Corporate Plan monitoring and reporting;  The annual revenue budget consultation process;  The implementation of Medium-Term Financial Plan and associated decisions considered by the Executive;  and Treasury Management arrangements</p> <p>This Committee is also responsible for dealing with all 'Call-Ins' (under the Council's Overview and Scrutiny Procedure Rules).</p>
<p>Education and Inclusion Scrutiny Committee</p>	<p>This Committee is responsible for focussing upon Education, Inclusion and Schools. It is responsible for scrutinising all Education provision from 3-19 and all other services, provided by the Council which young people engage with within our communities.</p> <p>The Committee also scrutinises the work of the Central South Consortium which has delivered aspects of school improvement services, commissioned by five local authorities to provide a school improvement service that challenges, monitors and supports schools to raise standards.</p> <p>This Committee scrutinises the Council's delivery of the Welsh in Education Strategic Plan.</p>
<p>Community Services Scrutiny Committee (and designated Crime and Disorder) Scrutiny Committee</p>	<p>This Committee is responsible for focussing on the services provided by the Council which support the Health and Well-being of our communities.</p>

	<p>This includes working with partners in the Health Service and consideration of factors which support the services delivered to support older people. The Committee considers adult social services as well as all other factors which contribute to the Health and Well-being of the County Borough, such as Leisure services and Public Health and Protection related Service.</p> <p>As part of its remit, and alongside the Corporate Parenting Board, it considers the Council's responsibilities as Corporate Parents including Children Looked After responsibilities.</p> <p>It is the Council's designated Crime and Disorder Committee (pursuant to Section 19 and 20 of the Police and Justice Act 2006).</p>
<p>Climate Change, Prosperity &amp; Frontline Services Scrutiny Committee</p>	<p>The overview and scrutiny role in connection with scrutinising public service delivery across a range of Council services. This includes Frontline Services delivered by the Council including Waste and Highways. The Committee will consider matters relating to the Environment and Sustainable Development. More specifically this Committee is responsible for scrutinising how the Council is responding to the climate emergency and reducing its Carbon footprint. It also considers areas which contribute to prosperity such as Economic Development, Regeneration, and Tourism.</p>

## 6.02 General Role

Within their terms of reference, Overview and Scrutiny Committees will:-

- (a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (b) make reports and/or recommendations to the full Council and/or the Executive and/or any Joint Committee in connection with the discharge of any functions;
- (c) consider any matter affecting the area or its inhabitants;
- (d) monitor the operation of Council services and appropriate external bodies, including Joint Committees.

**6.03 Policy Development and Review: The Overview and Scrutiny Committees may:-**

- (a) assist the Council or the Executive in the development of its policy framework by in-depth analysis of policy issues;
- (b) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (d) question Members of the Executive and/or Committees and Chief Officers about their views on issues and proposals affecting the area; and
- (e) liaise with other external organisations operating in the area whether national, regional or local to ensure that the interests of local people are enhanced by collaborative working.

**6.04 Scrutiny: The Overview and Scrutiny Committees may:-**

- (a) review and scrutinise the decisions made by and performance of the Executive and/or Committees and Council Officers both in relation to individual decisions and over time;
- (b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (c) question Members of the Executive and/or Committees and Chief Officers about their decisions and performance whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions initiatives or projects;
- (d) make recommendations to the Executive and/or appropriate Committee and/or Council arising from the outcome of the Scrutiny process;
- (e) review and scrutinise the performance of other public bodies in



the area and invite reports from them by requesting them to address the Committee and local people about their activities and performance; and

- (f) question and gather evidence from any person (with their consent).

**6.05 Councillor Calls For Action ('CCfA') - Pursuant to the Local Government (Wales) Measure 2011 and the Police and Justice Act 2006**

Where Member(s) feel the necessity for a Councillor Call for Action ('CCfA') under the auspices of the Local Government (Wales) Measure 2011 or under the requirements of the Police and Justice Act 2006, it will be at the determination of the Chair (or in his/her absence the Vice-Chair) of the Overview and Scrutiny Committee as to which Scrutiny Committee the matter is to be referred following validation by the Council's Head of Democratic Services.

**6.06 Finance**

The Overview and Scrutiny Committees may exercise overall responsibility for the finances made available to them.

**6.07 Annual Report**

The Overview and Scrutiny Committees must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

**6.08 Proceedings of the Overview and Scrutiny Committees**

The Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

**6.09 Cwm Taf Public Services Board Joint Overview and Scrutiny Committee**

6.10 In accordance with the requirements of the Well-being of Future Generations (Wales) Act, 2015 and taking into consideration the requirements of Section 58 of the Local Government (Wales) Measure 2011 and associated statutory guidance a Joint Overview and Scrutiny Committee has been established comprising 10 elected Members (5 from Rhondda Cynon Taf and 5 from Merthyr Tydfil County Borough Councils). Under section 58 of the Measure, regulations may be made by Welsh Ministers to permit or require two or more local authorities to appoint a joint Overview and Scrutiny Committee.

6.11 The aim of the Cwm Taf Public Services Board Joint Overview and Scrutiny Committee ('Cwm Taf JOSc') is to scrutinise the overall

effectiveness of the Cwm Taf Public Services Board (the 'Board'). For further information on the Board see Section 3A of Part 3 of the Constitution.

6.12 The core statutory functions of the Cwm Taf JOSC are:-

- To review or scrutinise the decisions made or actions taken by the Board;
- To review or scrutinise the Board's governance arrangements;
- To make reports or recommendations to the Board regarding its functions or governance arrangements;
- To consider matters relating to the Board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly; and
- To carry out other functions in relation to the Board that are imposed on it by the Well-Being of Future Generations (Wales) Act 2015.

6.13 In addition to these functions the Cwm Taf JOSC's lines of inquiry can include, but are not limited to, the following:

- The effectiveness of the Wellbeing Assessment;
- The effectiveness of the Wellbeing Plan;
- The effectiveness of performance measurement arrangements;
- The level of commitment from individual partners to the work of the Board;
- The effectiveness of the Board in communicating its work, objectives and outcomes to its stakeholders; and
- The effectiveness of the Board in addressing the issue of pooled funding to tackle priorities.

6.14 Meetings of the Cwm Taf JOSC shall be conducted in accordance with its approved terms of reference.

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## **ARTICLE 7 – THE EXECUTIVE**

### **7.01 Role**

The Executive will carry out all the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

### **7.02 Form and Composition**

The Cabinet will consist of the Leader, together with at least 2, but not more than 9, Councillors appointed to the Cabinet by the Leader.

### **7.03 Leader**

The Leader will be a Councillor elected to the position of leader by the Council. The Leader will hold office until:

- (a) they resign from the office; or
- (b) they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) they are no longer a Councillor; or
- (d) the next annual meeting of the Council save that the Council may remove the Leader from office at an earlier date, but only in the event of a change in the political control of the Council.

### **7.04 Other Cabinet Members**

Other Cabinet Members shall hold office until:

- (a) they resign from office; or
- (b) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer Councillors; or
- (d) they are removed from office by the Leader, who must give written notice of any removal to the Chief Executive. The removal will take effect two working days after receipt of the notice by the Chief Executive.

### **7.05 Proceedings of the Cabinet**

Proceedings of the Cabinet shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

#### **7.06 Responsibility for Functions**

The Leader will maintain a list in Part 3 of this Constitution setting out which individual Members of the Cabinet, Committees of the Cabinet, Officers or joint arrangements are responsible for the exercise of particular executive functions.

#### **7.07 Assistants to the Executive**

- (a) Other Councillors may, from time to time, be designated by the Leader as Assistants to the Executive. Such Councillors will not be:
  - (i) a Member of the Executive; or
  - (ii) The Presiding Member or a Deputy Presiding Member of the Council
- (b) Assistants to the Executive will not participate in Executive Decision making, but may work closely with an Executive Member. He/she will not be a Member of the Overview and Scrutiny Committee relating to the specific responsibilities of the Executive Member he/she is assisting or any other areas to which they are assigned.
- (c) An Assistant to the Executive may support the Executive Member through the delegation of tasks as agreed for his/her area of responsibility, including attending/chairing meetings; speaking/opening events; reading and commenting on papers; meeting Officers; agreeing press releases/comments and carrying out interview; representative the Council on appropriate groups. An Executive Support Member will not, however, have delegated powers and will not be entitled to vote at Executive Meetings or Executive Committee Meetings nor deputise for the Executive Member when the Executive Member is called to appear at an Overview and Scrutiny Committee.
- (d) Assistants to the Executive are entitled to attend, and speak at, any meeting of the Executive or a committee of the Executive.

#### **7.09 Job sharing by the Leader and Executive Members**

- (a) Any election or appointment to the Executive (including the Leader) may include the election of two or more Councillors to share office.

- (b) Where two or more Members have been elected or appointed to share the same office on the Executive the maximum number of members of the Executive, including the Leader, will be:
  - (i) 12, where at least two of the members have been elected or appointed to share office; or
  - (ii) 13, where at least three of the members have been elected or appointed to share office.
- (c) The members of the Executive who share the same office will have one vote between them in respect of any matter on which they have a right to vote because they are a member of the Executive.
- (d) Where any meeting is attended by more than one of the members who share the same office and those members are attending in their capacity as a member of the Executive, they together count only as one person for the purpose of determining whether the meeting is quorate.

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## ARTICLE 8 – REGULATORY COMMITTEES

### 8.01 Regulatory and Other Committees

The Council will appoint the Committees to discharge the functions set out in Sections 2 and 4 of Part 3 of this Constitution.

### 8.02 The Governance and Audit Committee

- (a) The Council will appoint a Governance and Audit Committee to discharge the functions described in Section 4 of Part 3 of this Constitution.
- (b) The Committee shall comprise of two-thirds Councillor members and one-third members who are not members of the Council ('lay members'). No more than one member of the Committee may be a member of the Executive (which Executive Member must not be the Leader) or an Assistant to the Executive although the Committee may have no Executive members or Assistants to the Executive among its membership.
- (c) The Council shall appoint Members to the Governance and Audit Committee in accordance with the political balance rules.
- (d) The Chair of the Governance and Audit Committee and Deputy Chair are appointed by it. The person appointed as Chair of the Governance and Audit Committee must be a lay member. The person appointed as Deputy Chair cannot be a member of the Executive or an Assistant to the Executive.
- (e) A meeting of the Governance and Audit Committee is to be chaired:
  - (i) By the Chair of the Governance and Audit Committee, or
  - (ii) If the Chair of the Governance and Audit Committee is absent, by the Deputy, or
  - (iii) If both the Chair of the Governance and Audit Committee and the Deputy Chair are absent, the Committee may appoint a member of the Committee who is not a member of the Council's Executive, or an Assistant to the Executive, to chair the meeting.
- (f) Members of the Governance and Audit Committee may vote on any matter before the Committee.

### **8.03 The Democratic Services Committee**

- (a) The Council will appoint a Democratic Services Committee to discharge the functions described in Section 4 of Part 3 of this Constitution.
- (b) The Committee shall comprise of Councillor Members but no more than one member of the Executive (which Executive Member must not be the Leader).
- (c) The Council shall appoint Members to the Democratic Services Committee in accordance with the political balance rules.
- (d) The Chair of the Democratic Services Committee must not be a Member who belongs to a group with Members in the Executive.
- (e) Members of the Democratic Services Committee may vote on any matter before the Committee.

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## ARTICLE 9 – THE STANDARDS COMMITTEE

### 9.01 Composition

- (a) **Membership.** The Standards Committee is composed of 6 Members. Its membership includes:
- (i) 3 ‘independent’ Members, who are not either a Councillor or an Officer or the spouse of a Councillor or an Officer of this Council or any other relevant Authority as defined by the Act, appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001;
  - (ii) 2 Councillors other than the Leader and not more than one Member of the Executive; and
  - (iii) 1 Community Council Member
- (b) **Term of Office**
- (i) Independent Members are appointed for a period of 6 years and may be reappointed for a consecutive term not exceeding 4 years.
  - (ii) Members of local authorities who are members of the Standards Committee will have a term of office until the next ordinary local government election following their appointment. They may be reappointed for 1 further consecutive term.
- (c) **Quorum.** A meeting of the Standards Committee shall only be quorate when:
- (i) at least three Members, including the Chairperson, are present, and
  - (ii) at least half the Members present (including the Chairperson) are Independent Members.
- (d) **Voting.** Independent Members and the Community Council Member will be entitled to vote at meetings.
- (e) **Chairing the Committee.**
- (i) Only an Independent Member of the Standards Committee may be the Chair.
  - (ii) The Chair and Vice Chair will be elected by the Members of the Standards Committee for whichever is the shortest period of (a) not less than 4 years or no more than 6 years, or (b) until the term of office of the Independent Member comes to an end. The Chair and Vice Chair can be



appointed for one period only.

## 9.02 **Role and Function**

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors, co-opted Members and Church and Parent Governor representatives;
- (b) assisting the Councillors, co-opted Members and Church and Parent Governor representatives to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors, co-opted Members and Church and Parent Governor representatives on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to Councillors, co-opted Members and Church and Parent Governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- (g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that Officer by the Public Services Ombudsman For Wales;
- (h) overview of complaints handling and Ombudsman investigations relating to Councillors, co-opted Members and Church and Parent Governor representatives;
- (i) oversight of the Members' protocols adopted by the Council;
- (j) oversight of the register of personal interests maintained under Section 81 of the Local Government Act 2000;
- (k) oversight of the gifts and hospitality register;
- (l) monitor adherence to the Council's Management of Unreasonably Persistent Customers Policy by Group and Service Directors; and
- (m) the Committee will exercise the functions set out in (a) - (g) above in relation to Community Councils and Members of Community Councils.

### 9.03 Annual Report

- (a) As soon as possible after the end of each financial year, the Standards Committee must make an annual report to the Council.
- (b) The annual report must include: -
  - (i) a description of how the Standards Committee has discharged its functions;
  - (ii) a summary of any reports and recommendations that were referred to the Standards Committee under Chapter 3 of Part 3 of the Local Government Act 2000;
  - (iii) a summary of the actions that the Standards Committee has taken following consideration of the reports and recommendations referred to in (ii) above;
  - (iv) a summary of any notices that were given to the Standards Committee under Chapter 4 of Part 4 of the Local Government Act 2000; and
  - (v) the Standards Committee's assessment of the extent to which leaders of political groups on the Council have complied with their duties to promote and maintain high standards of conduct by members of their group and to cooperate with the Standards Committee in the exercise of the Standards Committee's functions; and
  - (vi) any recommendations which the Standards Committee considers it appropriate to make to the Council about any matter which falls within the Committee's functions.

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## **ARTICLE 10 –CORPORATE JOINT COMMITTEES**

### **10.01 Introduction**

Corporate joint committees may be established: -

- (i) at the instigation of the Welsh Ministers, to undertake the Council's transport, strategic planning, economic development and/or improving education functions; or
- (ii) at the instigation of the Council, to undertake any of the Council's functions.

### **10.02 Corporate Joint Committees**

The Council may, jointly with one or more other local authorities make a joint committee application to the Welsh Ministers, asking them to consider making regulations under section 72 of the Local Government and Elections (Wales) Act 2021 establishing a corporate joint committee to exercise a function of those authorities or the economic wellbeing function in relation to the principal areas of those authorities.

The Council shall not make such an application unless and until it has consulted: -

- (a) local people in the Council's area;
- (b) community councils in the Council's area;
- (c) the National Park authority for a National Park, any part of which is in the Council's area;
- (d) the Public Services Board;
- (e) every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992) by the Council; and
- (f) such other persons as the Council considers appropriate.

The Council may, jointly with all other local authorities for the principal areas in a corporate joint committee's area, make an application to the Welsh Ministers asking them to consider making regulations under section 80 of the Local Government and Elections (Wales) Act 2021 to amend or revoke joint committee regulations which establish a corporate joint committee of which the

Council is a member. The Council may not exercise the power to ask the Welsh Ministers to amend corporate joint committee regulations so as to omit or modify a function which relates to the Council's transport, strategic planning, economic development or improving education functions.

### **10.03 South East Wales Corporate Joint Committee**

The Leader shall be the 'council member' of the South East Wales Corporate Joint Committee. Where the Leader is suspended or unable to discharge their functions in respect of the South East Wales Corporate Joint Committee for any period, the Council must appoint a member of its Executive as a substitute member of the South East Wales CJC for that period.

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## **ARTICLE 11 – JOINT ARRANGEMENTS**

### **11.01 Arrangements to Promote Well Being**

The Executive in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

### **11.02 Joint Arrangements**

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating Authorities, or advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other local authorities.
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of Joint Committees with these other local authorities.
- (c) The Cabinet may appoint Members to a Joint Committee from outside the Cabinet.
- (d) When considering whether to establish a joint committee, the Council and the Executive shall have regard to any guidance issued by the Welsh Ministers about establishing joint committees and the circumstances in which it is appropriate to do so.
- (e) Details of any joint arrangements including any delegations to joint Committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

### **11.03 Access to Information**

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the Members of a Joint Committee are Members of the Cabinet in each of the participating Authorities then its access to information regime is the same as that applied to the Cabinet.
- (c) If the Joint Committee contains Members who are not on the Executive of any participating Authority then the access to information rules in Part VA of the Local Government Act 1972

will apply.

#### **11.04 Delegation To and From Other Local Authorities**

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- (b) The Executive may delegate executive functions to another local authority or the Executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

#### **11.05 Contracting Out**

The Council may in the case of functions which are not executive functions, and the Cabinet may in the case of executive functions, contract out to another body or organisation functions which may be exercised by an Officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

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## ARTICLE 12 – OFFICERS

### 12.01 Management Structure

- (a) **General.** The full Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The full Council will engage persons for the following posts, who will be designated Chief Officers, which designation includes persons acting temporarily in such capacity:

Post	Functions and Areas of Responsibility
Chief Executive	<ul style="list-style-type: none"><li>• Overall corporate management and operational responsibility including overall management responsibility for all Officers;</li><li>• The provision of professional and impartial advice to all parties in the decision making process to the Executive, to Overview and Scrutiny Committee, the full Council and other Committees;</li><li>• Together with the Monitoring Officer and Service Director – Communications and Head of Democratic Services, responsibility for a system of record keeping for all the Authority’s decisions (Executive or otherwise);</li><li>• Representing the Authority on partnership and external bodies (as required by statute or the Council); and</li><li>• Service to the whole Council, on a politically neutral basis</li></ul>
Group Director, Finance, Digital and Frontline Services  (Deputy Chief Executive and Chief Finance (s151) Officer	<ul style="list-style-type: none"><li>• Finance;</li><li>• Performance &amp; Improvement;</li><li>• ICT &amp; Digital Services;</li><li>• Customer Care;</li><li>• Information Management;</li><li>• Internal Audit;</li><li>• Frontline Services including Highways;</li><li>• Transportation;</li><li>• Fleet Management;</li><li>• Streetcare &amp; Waste;</li><li>• Strategic Projects &amp; Countryside;</li></ul>

Post	Functions and Areas of Responsibility
Director of Social Services  (Lead Director for Children and Young People's Services and Director of Social Services)	<ul style="list-style-type: none"> <li>• Social Services Community Care; functions, Community Housing functions;</li> <li>• Youth Offending;</li> <li>• Adult Services;</li> <li>• Children's Services including safeguarding, children looked after and children in need;</li> </ul>
Director of Prosperity & Development	<ul style="list-style-type: none"> <li>• Prosperity &amp; Regeneration (including Strategic Housing &amp; Grants);</li> <li>• Development and Planning;</li> <li>• Tourism</li> </ul>
Director of Public Health, Protection & Communities	<ul style="list-style-type: none"> <li>• Community Wellbeing &amp; Resilience;</li> <li>• Public Health &amp; Protection;</li> <li>• Leisure Services &amp; Parks;</li> <li>• Cultural Services;</li> <li>• Libraries and Community Learning</li> </ul>
Director of Education and Inclusion Services	<ul style="list-style-type: none"> <li>• Education Services including Schools and Access and Inclusion</li> </ul>
Director of Legal & Democratic Services	<ul style="list-style-type: none"> <li>• Legal Services;</li> <li>• Electoral Services;</li> <li>• Coroners Service;</li> <li>• Freedom of Information and Ombudsman Complaints;</li> <li>• Council and Regulatory Business;</li> <li>• Democratic Services;</li> <li>• Cabinet Office &amp; Secretariat;</li> <li>• Strategy, Communications and Public Relations</li> </ul>
Director of Human Resources	<ul style="list-style-type: none"> <li>• Employee Relations, Organisation and Employee Development, Health and Safety,</li> <li>• Equalities;</li> <li>• Procurement and Transactional Services;</li> <li>• Pensions</li> </ul>
Director of Corporate Estates	<ul style="list-style-type: none"> <li>• Estates (including corporate maintenance &amp; design and strategic &amp; operational property services</li> </ul>



- (c) **Chief Executive, Monitoring Officer and Chief Finance Officer.** The Council has designated the following posts as shown:

<b>Post</b>	<b>Designation</b>
Chief Executive	Chief Executive
Director of Legal & Democratic Services	Monitoring Officer
Group Director, Finance, Digital and Frontline Services (Deputy Chief Executive)	Chief Finance Officer
Service Director, Communications and Democratic Services	Head of Democratic Services

Such posts will have the functions described in Article 12.02–12.05 below.

- (d) **Structure.** The Chief Executive will determine and publicise a description of the overall group structure of the Council showing the management structure and deployment of Officers. This is set out at Part 7 of this Constitution.

## 12.02 Functions of the Chief Executive

### (a) Discharge of Functions by the Council

The Chief Executive must keep the following matters under review:

- (i) the manner in which the exercise by the Council of its different functions is co-ordinated;
- (ii) the council's arrangements in relation to—
  - (A) financial planning,
  - (B) asset management, and
  - (C) risk management;
- (iii) the number and grades of staff required by the Council for the exercise of its functions;
- (iv) the organisation of the Council's staff;
- (v) the appointment of the Council's staff; and

- (vi) the arrangements for the management of the Council's staff (including arrangements for training and development).
- (b) If the Chief Executive considers it appropriate to do so, they must make a report to the Full Council setting out their approach to these matters. As soon as possible after preparing a report, the Chief Executive must arrange for a report to be sent to each Member of the Council.
- (c) **Acting as one of the Council's Representatives on the Public Services Board**

The Chief Executive shall be one of the Council's two representatives at meetings of the Public Services Board.
- (d) **Restrictions on Functions.** The Chief Executive may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

### 12.03 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.
- (b) **Ensuring Lawfulness and Fairness of Decision Making.** After consulting with the Chief Executive and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receiving Reports.** The Monitoring Officer will receive and act on reports made by the Public Services Ombudsman for Wales and decisions of the case tribunals.
- (e) **Conducting Investigations.** The Monitoring Officer will conduct investigations into matters referred by the Ombudsman and make reports or recommendations in respect of them to the

Standards Committee.

- (f) **Access to Information.** The Monitoring Officer is responsible for consideration of the exclusion of access by the Public to Reports.
- (g) **Advising Whether Decisions of The Executive Are Within the Budget and Policy Framework.** The Monitoring Officer will, in conjunction with the Chief Finance Officer, advise whether decisions of the Executive are in accordance with the budget and policy framework.
- (h) **Providing Advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.
- (i) **Providing a Certificate of Opinion Under Section 2(3) of the Local Government and Housing Act 1989.**
- (j) **Restrictions on Posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Chief Executive.

#### 12.04 Functions of the Chief Finance Officer

- (a) **Ensuring Lawfulness and Financial Prudence of Decision Making.** After consulting with the Chief Executive and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of Financial Affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to Corporate Management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing Advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles.
- (e) **Give Financial Information.** The Chief Finance Officer will provide financial information to the media, members of the public

and the community.

- (f) **Advising Whether Decisions of the Executive are Within the Budget and Policy Framework.** The Chief Finance Officer will, in conjunction with the Monitoring Officer, advise whether decisions of the Executive are in accordance with the Budget and Policy Framework.
- (g) **Restrictions on posts.** The Chief Finance Officer cannot be the Monitoring Officer or the Head of Democratic Services. The Chief Finance Officer must be a member of one (or more) of the following professional bodies: -
  - (i) the Institute of Chartered Accountants in England and Wales;
  - (ii) the Chartered Association of Certified Accountants;
  - (iii) the Chartered Institute of Public Finance and Accountancy;
  - (iv) the Chartered Institute of Management Accountants; or
  - (v) any other body of accountants established in the United Kingdom and for the time being approved by the Welsh Ministers for this purpose.

## 12.05 Functions of the Head of Democratic Services

These are set out in section 9 of the Local Government (Wales) Measure 2011. The functions of the Head of Democratic Services are:

- (i) to provide support and advice to the authority in relation to its meetings, subject to (ix) below;
- (ii) to provide support and advice to committees of the authority (other than the committees mentioned in paragraph (v) below) and the members of those committees, subject to (ix) below);
- (iii) to provide support and advice to any joint committee which a local authority is responsible for organising and the members of that committee, subject to (ix) below;

- (iv) to promote the role of the authority's Overview and Scrutiny arrangements;
- (v) to provide support and advice to:
  - the authority's Overview and Scrutiny Committees and the members of those committees; and
  - the authority's Democratic Services Committee and the members of that committee;
- (vi) to provide support and advice in relation to the functions of the authority's Overview and Scrutiny Committees to each of the following:
  - members of the authority;
  - members of the executive of the authority;
  - officers of the authority;
- (vii) to provide support and advice to each member of the authority in carrying out the role of member of the authority, subject to (ix) below;
- (vii) to make reports and recommendations in respect of any of the following:
  - the number and grades of staff required to discharge democratic services functions;
  - the appointment of staff to discharge democratic services functions;
  - the organisation and proper management of staff discharging democratic services functions;
- (viii) such other functions as may be prescribed by law.
- (ix) The function of providing advice about whether or how the authority's functions should be, or should have been exercised, only applies to advice concerning the functions

of the Council's scrutiny arrangements and Democratic Services Committee.

Advice to a Member does not include advice in connection with their role as an executive Member and does not include advice about a matter being or to be considered at a meeting (other than a meeting of a Council Scrutiny Committee or Democratic Services Committee).

### **Restrictions on Posts**

The Head of Democratic Services cannot be the Chief Executive or the Chief Finance Officer.

#### **12.05 Duty to Provide Sufficient Resources to the Chief Executive, Monitoring Officer, Chief Finance Officer and the Head of Democratic Services**

The Council will provide the Chief Executive, Monitoring Officer, Chief Finance Officer and the Head of Democratic Services with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

#### **12.06 Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

#### **12.07 Employment**

The recruitment, selection and dismissal of Officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

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## **ARTICLE 13 – DECISION MAKING**

### **13.01 Responsibility for Decision Making**

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

### **13.02 Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from Officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes;

### **13.03 Decisions Reserved to Full Council**

Decisions relating to the functions listed in Article 4.03 will be made by the full Council and not delegated.

### **13.04 Decision Making by the Full Council**

Subject to Article 13.08, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

### **13.05 Decision Making by the Cabinet**

Subject to Article 13.08, the Cabinet will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

### **13.06 Decision Making by Overview and Scrutiny Committees**

The Overview and Scrutiny Committees will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

### **13.07 Decision Making by Other Committees and Sub-Committees Established by the Council**

Subject to Article 13.08, other Council Committees and Sub-Committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

### **13.08 Decision Making by Council Bodies Acting as Tribunals**

The Council, a Councillor or an Officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.



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## **ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS**

### **14.01 Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

### **14.02 Contracts**

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

### **14.03 Legal Proceedings**

The Director of Legal & Democratic Services is authorised to institute, defend, compromise or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Director of Legal & Democratic Services considers that such action is necessary to protect the Council's interests.

### **14.04 Authentication of Documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Director of Legal & Democratic Services or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

### **14.05 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of Director of Legal & Democratic Services. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Director of Legal & Democratic Services should be sealed. The affixing of the Common Seal will be attested by the Director of Legal & Democratic Services or some other person authorised by him/her.

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## **ARTICLE 15 – REVIEW AND REVISION OF THE CONSTITUTION**

### **15.01 Duty to Monitor and Review the Constitution**

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

### **15.02 Protocol for Monitoring and Review of Constitution by Monitoring Officer**

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order to better achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

1. observe meetings of different parts of the Member and Officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and
4. compare practices in this Authority with those in other comparable Authorities, or national examples of good practice.

### **15.03 Changes to the Constitution where there is a Cabinet Form of Executive**

Changes to the constitution will only be approved by the full Council after consideration of a proposal by the Constitution Committee, the Monitoring Officer or a recommendation of the Cabinet.

### **15.04 Change from a Leader and Cabinet Form of Executive to Alternative Arrangements.**

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

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## **ARTICLE 16 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION**

### **16.01 Suspension of the Constitution**

- (a) **Limit to Suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to Suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules Capable of Suspension.** The following Rules may be suspended in accordance with Article 16.01:  
All the Council Procedure Rules may be suspended except Rule 15.4 and 16.2.

### **16.02 Interpretation**

The ruling of the Chair of Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

### **16.03 Publication**

- (a) The Monitoring Officer will give a printed copy of this Constitution to each Member of the Authority upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council.
- (b) The Monitoring Officer will ensure that electronic copies are available for inspection at Council offices, libraries and other appropriate locations.
- (c) The Monitoring Officer will ensure that the Constitution is updated as necessary.

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## **SCHEDULE 1: DESCRIPTION OF EXECUTIVE**

The following parts of this Constitution constitute the Executive arrangements:

1. Article 6 - Overview and Scrutiny Committee;
2. Article 7 - The Executive;
3. Article 11 - Joint arrangements – where the Executive has delegated functions for discharge by a Joint Committee;
4. Article 13 - Decision making;
5. Part 3 – Responsibility for Functions; and
6. Part 4 - Rules of Procedure - Executive Procedure Rules
  - Overview and Scrutiny Procedure Rules
  - Access to Information Procedure Rules