

PART 2
ARTICLES OF THE
CONSTITUTION

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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.

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 four 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' 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.

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 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.
- (d) **Complaints.** Citizens have the right to complain:
 - (i) to the Council itself under its complaints scheme;
 - (ii) to the 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.

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.

ARTICLE 4 – THE FULL COUNCIL

4.01 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;
 - 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 the National Assembly for Wales for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.02 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 the National Assembly for Wales 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) allocating senior salaries to Members in accordance with the Independent Remuneration Panel for Wales Regulations;
- (h) approving the Council's annual Pay Policy Statement;
- (i) changing the name of the area or conferring the title of freedom of the borough;
- (j) making or confirming the appointment of the Head of Paid Service and Chief Officers;
- (k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (l) 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; and
- (m) all other matters which, by law, must be reserved to Council.

4.03 **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.

4.04 **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.

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 'Presiding Member' or 'Chair'.

5.02 Role and function of the Presiding Member

The Presiding Member of the Council and in his/her absence the Deputy Presiding Member 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 Chair 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 he/she determines 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 Corporate Governance and 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 his/her 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 he/she determines 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.

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.

Name of Committee	Scope
Overview and Scrutiny Committee	<p>To co-ordinate the work of the four under-mentioned thematic Scrutiny Committees and ensure that the work of each of these committees is effective.</p> <p>The Committee will be responsible for reviewing the work programme developed by the four thematic Scrutiny Committees to ensure deliverable, coordinated and outcome focused programmes of work.</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 four thematic Scrutiny Committees.</p> <p>This Committee is also responsible for dealing with all 'Call-Ins' (under the Council's Overview and Scrutiny Procedure Rules).</p>
Finance and Performance Scrutiny Committee	<p>The overview and scrutiny role in connection with scrutinising financial and operational performance; treasury management arrangements; the annual revenue budget consultation process; statutory performance reporting requirements and monitoring the implementation of medium term financial planning.</p>

Children and Young People Scrutiny Committee	The overview and scrutiny role in connection with scrutinising public facing services which deliver services for children and young people within the County Borough.
Health and Well-Being Scrutiny Committee	The overview and scrutiny role in connection with scrutinising services which support the Health and Well-being of our communities. 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 Services.
Public Service Delivery, Communities and Prosperity (and designated Crime and Disorder) Scrutiny Committee	The overview and scrutiny role in connection with scrutinising public service delivery across a range of Council services. The Committee considers areas which contribute to prosperity and also community safety issues. It is the Council's designated Crime and Disorder Committee (pursuant to Section 19 and 20 of the Police and Justice Act 2006).

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).

6.11 The aim of the Cwm Taf Public Services Board Joint Overview and Scrutiny Committee ('Cwm Taf JOSOC') 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 JOSOC 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 JOSOC'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 JOSOC shall be conducted in accordance with its approved terms of reference.

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) he/she resigns from the office; or
- (b) he/she is 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) he/she is 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.

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 Audit Committee

- (a) The Council will appoint an Audit Committee to discharge the functions described in Section 4 of Part 3 of this Constitution.
- (b) The Committee shall comprise of Councillor Members (being at least two-thirds of the membership) and at least one member who is not a member of the Council (lay member) and no more than one member of the Executive (which Executive Member must not be the Leader).
- (c) The Chair of the Audit Committee is appointed by it and they cannot be a member who belongs to a group with Members in the Executive but can be a lay member.
- (d) Members of the 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 Chair of the Democratic Services Committee must not be a Member who belongs to a group with Members in the Executive.
- (d) Members of the Democratic Services Committee may vote on any matter before the Committee.

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 of no more than four years or until the next ordinary local government election following their appointment, whichever is the shorter. 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 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;
- (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.

ARTICLE 10 – AREA REGENERATION PARTNERSHIPS AND COMMUNITY DEVELOPMENT PARTNERSHIPS

10.01 Role of Area Regeneration Partnerships

The fundamental role of Area Regeneration Partnerships is to develop working partnerships between elected County Borough Councillors, representatives of community organisations, businesses and local residents to assist in both the development and achievement of the aims detailed within the community strategies, which all local authorities have a statutory duty to undertake. Each partnership will be chaired by a member of the Cabinet, who is not a local member of the area, as designated by the Leader of the Council.

10.02 Role of Community Development Partnerships

The Community Development Partnerships will work alongside the Area Regeneration Partnerships, and will bring together local people, local voluntary organisations and community groups. They will be involved in advising the Area Regeneration Partnerships on local interests, and assisting in delivering community strategies and action plans, which are to be created by the Area Regeneration Partnerships following approval by the Cabinet.

10.03 Geographical Area

The County Borough has been divided into 12 Economic Renewal Areas, as detailed below. Area Regeneration Partnerships have been established for each of the areas:-

<u>Area</u>	<u>Electoral Divisions</u>
1	Rhigos, Hirwaun and Penywaun
2	Aberaman North, Aberaman South, Aberdare East Aberdare West – Llwydcoed and Cwmbach
3	Abercynon, Mountain Ash East, Mountain Ash West and Penrhiwceiber
4	Cilfynydd, Glyncoch, Graig, Pontypridd Town, Rhondda, Trallwng and Ynysbwl
5	Cymmer, Porth and Ynyshir
6	Ferndale, Maerdy and Tylorstown
7	Pentre, Treherbert and Treorchy
8	Cwm Clydach, Llwynypia, Penygraig, Tonypany Trealaw and Ystrad
9	Gilfach Goch, Tonyrefail East and Tonyrefail West
10	Bryнна, Llanharan, Llanharry, Llantrisant Town, Pontyclun and Talbot Green
11	Beddau, Church Village, Llantwit Fardre, Tonteg and Tyn-y-Nant
12	Hawthorn, Rhydfelen-Ilan, Taffs Well and Treforest

10.04 **Membership**

The membership of Area Regeneration Partnerships will be divided, as far as is practicable, into equal thirds: Public Sector – County Borough Councillors for whose electoral divisions fall within the boundaries of the area (together with Local Health Groups, South Wales Police, Local Schools/Colleges and Community Councils), nominated representatives from both the Voluntary Sector, and the Business Sector. Each partnership will be chaired by a Member of the Cabinet, who is not a local Member for the area, as designated by the Leader of the Council.

10.05 **Voting**

All three Sectors will be involved in the discussions to assist the decision making process.

10.06 **Meetings**

Meetings of the Area Regeneration Partnerships will be on a quarterly basis, or as and when considered appropriate by the Chair. A third of the full membership of an Area Regeneration Partnership, with all Sectors being represented, must be present for a meeting to be quorate.

10.07 **Terms of Reference**

Provisional terms of reference have been drawn up for the Area Regeneration Partnerships, and are summarised as follows:-

- To form a strategic overview of the economic, social and environmental development needs of the County Borough area.
- To develop partnership working to promote the future well-being of the County Borough area.
- To create a single, shared, over-arching 10-15 year Community Plan for the development of Rhondda Cynon Taff
- To put in place an Action Plan which will ensure equality of opportunity to both target and tackle social disadvantage and deprivation.
- To establish appropriate mechanisms for shared long-term funding and resourcing of the Partnership's activities.
- To monitor, evaluate and review both the implementation and outcome of the Community Plan, on an annual basis.
- To establish and support respective Forums for the Community and Business Sectors of the Partnership.

To directly influence, and contribute to, Regional and National Plans affecting Rhondda Cynon Taff and its future development.

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) 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.

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 (and Head of Paid Service)	<ul style="list-style-type: none">• Overall corporate management and operational responsibility including overall management responsibility for all Officers;• 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;• Together with the Monitoring Officer and Cabinet Secretariat, responsibility for a system of record keeping for all the Authority's decisions (Executive or otherwise);• Representing the Authority on partnership and external bodies (as required by statute or the Council);• Service to the whole Council, on a politically neutral basis;• Council and Regulatory Business• Democratic Services;• Cabinet Office & Secretariat;• Strategy, Communications and Public Relations
Director Finance and Digital Services	<ul style="list-style-type: none">• Finance• Performance & Improvement• ICT & Digital Services• Customer Care• Information Management• Internal Audit•

Post	Functions and Areas of Responsibility
Group Director, Prosperity, Development & Frontline Services	<ul style="list-style-type: none"> • Frontline Services including Highways, Transportation, Fleet Management, Streetcare, Waste, Strategic Projects and Parks; • Prosperity & Regeneration (including Strategic Housing & Grants); • Development and Planning; • Tourism and Events; and • Marketing & Design Services
Group Director, Community and Children's Services, lead Director for Children and Young People's Services and Director of Social Services Deputy Chief Executive	<ul style="list-style-type: none"> • Support, to act as Chief Executive in his/her absence; • Social Services Community Care functions, Community Housing functions; • Youth Offending; • Adult Services; • Children's Services including safeguarding, children looked after and children in need; • Community Wellbeing & Resilience; • Public Health & Protection; • Leisure Services; • Countryside; • Cultural Services; • Libraries; and • Community Learning
Director of Education and Inclusion Services	<ul style="list-style-type: none"> • Education Services including Schools and Access and Inclusion
Director of Legal Services	<ul style="list-style-type: none"> • Legal Services, Electoral Services, Coroners Service, Freedom of Information and Ombudsman Complaints
Director of Human Resources	<ul style="list-style-type: none"> • Employee Relations, Organisation and Employee Development, Health and Safety, • Equalities; • Procurement and Transactional Services; and • Pensions
Director of Corporate Estates	<ul style="list-style-type: none"> • Estates (including corporate maintenance & design and strategic & operational property services

- (c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer.** The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Director of Legal Services	Monitoring Officer
Director of Finance and Digital Services	Chief Finance Officer

Such posts will have the functions described in Article 12.02–12.04 below.

- (e) **Structure.** The Head of Paid Service 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 Head of Paid Service

- (a) **Discharge of Functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers.
- (b) **Restrictions on Functions.** The Head of Paid Service 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 Head of Paid Service 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 Ombudsman 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 Head of Paid Service.

12.04 Functions of the Chief Finance Officer

- (a) **Ensuring Lawfulness and Financial Prudence of Decision Making.** After consulting with the head of paid service 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.

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

The Council will provide the Monitoring Officer, the 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.

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 4.02 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 Committee

The Overview and Scrutiny Committee will follow the Overview and Scrutiny Procedures 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.

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 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 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 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 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 Services should be sealed. The affixing of the Common Seal will be attested by the Director of Legal Services or some other person authorised by him/her.

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 better to 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 Corporate Governance and 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.

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.

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