

PART 1
SUMMARY AND EXPLANATION

Contents

1. THE COUNCIL'S CONSTITUTION	2
2. WHAT'S IN THE CONSTITUTION	2
3. HOW THE COUNCIL OPERATES	5
4. HOW DECISIONS ARE MADE	5
5. OVERVIEW AND SCRUTINY.....	7
6. REGULATORY AND OTHER COMMITTEES	7
7. THE COUNCIL'S STAFF	7
8. CITIZENS' RIGHTS	8
9. GLOSSARY OF SERVICE TERMS	9

1. THE COUNCIL'S CONSTITUTION

The **Ceredigion County Council** has agreed a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 15 Articles (Part 2) which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

You may find it helpful to read this Constitution in conjunction with the Constitution Guide, which is available on the Council's website at:

<https://www.ceredigion.gov.uk/your-council/about-the-council/the-councils-constitution/>.

2. WHAT'S IN THE CONSTITUTION

Part 2: The Articles

Article 1 (Part 2) of the Constitution commits the Council to make effective arrangements to carry out its duties and responsibilities. Articles 2 –15 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5).
- Overview and Scrutiny of decisions (Article 6).
- Cabinet (Article 7).
- Regulatory Committees (Article 8).
- The Ethics and Standards Committee (Article 9).
- Joint arrangements (Article 10).
- Officers (Article 11).
- Decision-making (Article 12).
- Finance, contracts and legal matters (Article 13).
- Review and revision of the Constitution (Article 14).
- Suspension, interpretation and publication of the Constitution (Article 15).
- Corporate Joint Committees (Article 16).

Part 3: Responsibility for Council Functions

Part 3 is concerned with responsibility for the various Council Functions i.e. who does what. This section includes 4 detailed tables, which set out:

- (Part 3.1) The Responsibility for Council Functions – Table 1;
- (Part 3.2) - The Responsibility for Local Choice Functions - Table 2;
- (Part 3.3) The Committees of the Council - Table 3; and
- (Part 3.4) The Responsibility for Cabinet Functions - Table 4

At Part 3.5 the Scheme of Delegation to Officers is set out (Delegations A-N – to be widely interpreted) The scheme delegates certain functions of the Council and Cabinet to officers and sets out the conditions for any decisions made by use of the delegations, with General Conditions for Delegation to Officers set out in Delegation A, to be read in conjunction with Part 3.1.

Part 4: Rules of Procedure

Part 4 of the Constitution details rules surrounding the Council's various procedures, which relate to Council proceedings, its structure and decision making. These are needed for clarity, transparency, adherence to legislation and to ensure the smooth running of the Council, and include:

- (Document A) – Council Procedure Rules;
- (Document B) – Access to Information Procedure Rules;
- (Document C) – Budget and Policy Framework Procedure Rules;
- (Document D) – Cabinet Procedure Rules;
- (Document E) Overview and Scrutiny Procedure Rules;
- (Document F) Financial Regulations and Accompanying Financial Procedures;
- (Document G) Contract Procedure Rules;
- (Document H) Officer Employment Procedure Rules;
- (Document I) Development Management Committee Operational procedures

Part 5: Codes and Protocols

Part 5 includes the Council's codes of conduct, which together create an ethical framework with standards of conduct that are expected to be adhered to. Part 5 also sets out the Council's Protocols, which are a system/procedure of rules to be followed in certain situations. The various Codes and Protocols in this section include:

- (Document J) Code of Conduct for Members;

- (Document K) Protocol on Member/Officer Relations;
- (Document L) Code of Conduct for Local Government Employees;
- (Document M) Overview and Scrutiny Protocol;
- (Document M2) Protocol for Access by Cabinet Members to Overview and Scrutiny Committees;
- (Document N) Overview and Scrutiny Public Engagement Protocol;
- (Document O) Petitions Protocol;
- (Document P) Social Services Protocol; and
- (Document Q) Member's Protocol of Good Practice in Planning

Part 6: Management Structure

Part 6 (Management Structure) is a single document, the Council's Organisational Chart. It is a handy visual aid showing the Council's Chief Executive, Corporate Directors, Corporate Lead Officers, including their Statutory Roles and main areas of responsibility.

Part 7: Consultative and Advisory Fora

Part 7 details the consultative and advisory fora (statutory and non-statutory) established, the Internal Policy Development/Monitoring Groups, the Partnerships within Ceredigion County, Regional Partnerships/Fora/Consortia/Joint Committees and Member Champions.

3. HOW THE COUNCIL OPERATES

The Council is composed of 38 Councillors elected every five years. Councillors are democratically accountable to residents of their electoral division. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow the Code of Conduct for Members to ensure high standards in the way they undertake their duties. The Ethics and Standards Committee trains and advises them on the Code of Conduct.

All Councillors meet together as the Council. Meetings of the Council are open to the public. Here, Councillors decide the Council's overall policies and set the budget each year. The Council is responsible for electing the Leader, notes the appointment of Cabinet Members by the Leader (see also Article 7.8 (Job Sharing) in Part 2 below) and appoints Members to Committees.

The Council's Code of Good Governance is available on the Council's web-site.

4. HOW DECISIONS ARE MADE

Cabinet is the part of the Council which is responsible for taking most of the day-to-day executive decisions. The Cabinet comprises the Leader of the Council and at least six, but no more than nine other Councillors whom the Leader appoints (subject to Article 7.8 (Job Sharing) in Part 2 below).

The business to be considered by Cabinet, Overview and Scrutiny Committees and the Council as a whole is published in the forward work programme. Meetings of the Cabinet, Overview and Scrutiny Committees, the Council and other Committees are open for the public to attend except where exempt or confidential matters are being discussed, as defined by the law.

Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

The Council also has a call-in procedure, whereby a decision made by Cabinet, an individual member of Cabinet or a Committee of the Cabinet or under joint arrangements, may be referred by Members to the relevant Overview and Scrutiny Committee in certain circumstances (see the Call-In Procedure in Part 4 Document E of the Constitution).

In making decisions and setting policies and strategies, the Council will take into account the principles and objectives of the **Well-being & Future Generations Act 2015**, and in particular:

the five ways of working:

long term, prevention, collaboration, integration and involvement.

The Council will also take into account the seven well-being goals:

Prosperous, Globally responsible, Resilient, Healthier, a more equal Wales, a Wales of cohesive communities and a Wales of vibrant culture and a thriving Welsh language.

When making decisions of a strategic nature about how to exercise its functions, the Council will have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage, as set out in the Equality Act 2010.

When making decisions, the Council will also have due regard to its Anti-Slavery Policy and Anti-Slavery Annual Statement, which is signed by the Council's Anti-Slavery and Ethical Employment Champion, approved by the Council and published on the Council's website (www.ceredigion.gov.uk). The Anti-Slavery Policy covers the 12 commitments of the Welsh Government's Code of Practice on Ethical Employment in Supply Chains and refers to safeguarding processes and responsibilities of the Council under the Modern Slavery Act 2015.

The Council acknowledges the need to have regard to its statutory duty in relation to the Welsh Language, the Well-being of Future Generations (Wales) Act 2015, equality and socio-economic duty.

The Monitoring Officer has the authority to make changes to the Constitution that are needed to ensure it complies with legislation (the law) and minor matters.

The Council also has an established Cross-Party Constitution Working Group, which meets regularly to discuss changes to the Constitution and makes proposals to Council regarding these changes. The Monitoring Officer will confirm any minor changes made to the Constitution to the Cross-Party Constitution Working Group (see also Article 14 – Review and Revision of the Constitution and Part 7).

Certain decisions, which form parts of the Constitution, such as the Responsibility of Cabinet Functions (i.e. which members of the Cabinet, Committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular Cabinet function) are approved by the Leader and subsequently recorded in the Constitution without need for reference to a Council Meeting for approval.

5. OVERVIEW AND SCRUTINY

There is one Co-ordinating Committee and four Overview and Scrutiny Committees therefore five in total which support the work of Cabinet and the Council as a whole. They look into matters of local significance. They have a remit to scrutinise the budget, policies and service delivery that can lead to reports and recommendations to the Cabinet and the Council. Overview and Scrutiny Committees also monitor the decisions of Cabinet. They can 'call-in' a decision which has been made by Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that Cabinet reconsider the decision. They may also be consulted by Cabinet or the Council on forthcoming decisions and the development of policy. They must also exercise their powers and responsibilities in relation to the Public Service Board pursuant to the Well-being of Future Generations (Wales) Act 2015.

6. REGULATORY AND OTHER COMMITTEES

There are two 'Regulatory Committees' comprising of:

- the Development Management Committee which determines planning applications and notes information regarding planning decisions and
- the Licensing Committee which determines licensing, taxi and sex establishment applications, renewals, and reviews

There is also:

- a Governance and Audit Committee which provides corporate focus on the issues arising from governance risk management, internal control and reporting. The Terms of Reference are set out at Part 3.3 Table 3 and
- the Ethics and Standards Committee which deals with Code of Conduct and standards and dispensations issues for the County Council and Town and Community Councils.

7. THE COUNCIL'S STAFF

The Council has officers working for the Paid Service to give advice, implement decisions and manage the day-to-day delivery of its services. The Paid Service, is led by the Chief Executive (formerly known as the Head of Paid Service)

Some officers have a specific (statutory) duty to ensure that the Council acts within the law and uses its resources wisely.

A protocol on member/officer relations governs the relationships between officers and Members of the Council.

8. CITIZENS' RIGHTS

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3 (Part 2). Some of these are legal rights, whilst others depend on the Council's own processes. There are various local advice agencies and local legal practices who can advise on individuals' legal rights.

Where members of the public use specific Council services, for example as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- 8.1 vote at local elections if they are registered;
- 8.2 contact their local Councillor about any matters of concern to them;
- 8.3 obtain access to the published Constitution in accordance with Article 15 paragraph 15.3.2;
- 8.4 attend meetings of the Cabinet, the Council and its Committees except where exempt or, confidential matters are being discussed;
- 8.5 petition to request a referendum on a mayoral form of Cabinet;
- 8.6 find out, what business is to be considered by the Cabinet, the Council and its Committees and Overview and Scrutiny Committees;
- 8.7 see reports and background papers considered by the Cabinet, the Council and its Committees and the record of any decisions made by the Cabinet, the Council and its Committees except where they contain exempt information with copies being obtainable by members of the public at a reasonable cost;
- 8.8 complain to the Council about the Council's handling of any matter through the Corporate Complaints Procedure which is available at all Council offices and on request
- 8.9 complain to the Ombudsman if they think they have suffered injustice because the Council has not followed its procedures properly. However, they are encouraged only to do this after using the Council's own complaints process;
- 8.10 complain to the Ombudsman if they have evidence which they think shows that a Councillor or Co-opted Member of the Council has not followed the Members' Code of Conduct; and
- 8.11 inspect the Council's accounts and make their views known to the external auditor.

The Council also consults (from time to time and at least once in each financial year) the following about the extent to which it is meeting its performance requirements:

- Local people;
- Other persons carrying on a business in Ceredigion;
- Council Staff; and
- Every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (c.52)) by the Council.

The Council must encourage local people to participate in the making of decisions by the Council, and does welcome participation by its citizens in its work. For further information on your rights as a citizen, please contact the Council's Proper Officer at Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron, SA46 0PA.

A Statement of the rights of members of the public to inspect agendas and reports is available from the Council's Proper Officer.

9. Glossary of Service Terms

A glossary of helpful terms used within the Constitution is included below:

Term in Constitution	Meaning
CONTEST	The UK's unifying Strategy for Countering Terrorism with four 'P' work strands: <ol style="list-style-type: none">1. Prevent: to stop people becoming terrorists/supporting terrorism;2. Pursue: to stop terrorist attacks;3. Protect: to strengthen protection against a terrorist attack; and4. Prepare: to mitigate the impact of a terrorist attack.
Ceredigion CONTEST Board	A multi-agency CONTEST Board, which considers local requirements and implications relating to the 4 Ps, but specifically focusses on local response to the Prevent requirement. The

	CONTEST Board also receives reports from the Channel Panel.
Channel	A local authority statutory function under Section 36 of the Counter-Terrorism and Security Act 2015 ('CTSA') to provide support for people vulnerable to being drawn into terrorism.
Channel Panel	A local strategic multi-agency partnership board overseeing Channel activity. The Channel Panel reports to the Ceredigion CONTEST Board (see above) and Regional Safeguarding Board (CYSUR).
Porth Cymorth Cynnar	The Council's Wellbeing and Learning Service, formerly known as Lifelong Learning, which provides support and intervention services, behaviour, youth and early help services. The Service also provides support in housing-lifelong learning & skills , leisure & wellbeing.
Porth Cynnal Specialist Through Age Services	The Council Service, which formerly encompassed Children's Services and Adult Services. The Service now provides care and support services for complex and ongoing needs.
Porth Gofal Targeted Intervention	The Council Service, formerly known as Porth Ceredigion and, prior to this, Adult Services. The Service provides triage, targeted interventions, housing and direct services.