

# **PART 2**

## **ARTICLES OF THE CONSTITUTION**

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## **ARTICLE 1 – THE CONSTITUTION**

### **1.1 POWERS OF THE COUNCIL**

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

### **1.2 THE CONSTITUTION**

This Constitution, and all its appendices, is the Constitution of the Ceredigion County Council.

### **1.3 PURPOSE OF THE CONSTITUTION**

The purpose of the Constitution is to:

- 1.3.1 enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- 1.3.2 provide a framework for good governance;
- 1.3.3 support the active involvement of citizens in the process of local authority decision-making;
- 1.3.4 help Councillors represent their constituents more effectively;
- 1.3.5 enable decisions to be taken efficiently and effectively;
- 1.3.6 create a powerful and effective means of holding decision-makers to public account;
- 1.3.7 ensure that no one will review or scrutinise a decision in which they were directly involved;
- 1.3.8 ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
- 1.3.9 provide a means of improving the delivery of services to the community.

### **1.4 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 14.

## **ARTICLE 2– MEMBERS OF THE COUNCIL**

### **2.1 COMPOSITION AND ELIGIBILITY**

#### **2.1.1 Composition.**

The Council will comprise 38 members, otherwise called Councillors who are elected by the voters of each electoral division in accordance with a scheme drawn up by the Boundary Commission in Wales and approved by Senedd Cymru.

#### **2.1.2 Eligibility**

Only registered voters of the County Council or those living or working in the area will be eligible to hold the office of Councillor (in accordance with the provisions of the Local Government Act 1972). A Member of the Council is disqualified from being appointed to any Officer position at the Council while they remain a Member.

### **2.2 ELECTION AND TERMS OF COUNCILLORS**

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

### **2.3 ROLES AND FUNCTIONS OF ALL COUNCILLORS**

#### **2.3.1 Key roles. All Councillors will:**

- 2.3.1.1 collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- 2.3.1.2 represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- 2.3.1.3 deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- 2.3.1.4 balance different interests identified within the electoral division and represent the electoral division as a whole;
- 2.3.1.5 contribute to the continual improvement of Council services;
- 2.3.1.6 be involved in decision-making;
- 2.3.1.7 be available to represent the Council on other bodies; and
- 2.3.1.8 maintain the highest standards of conduct and ethics.

## **2.3.2 Rights and duties**

2.3.2.1 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 and this Constitution.

2.3.2.2 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.

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

2.3.2.4 Councillors are entitled to serve on School Governing Bodies.

## **2.4 CONDUCT**

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

In the event that consideration is to be given to the grant of an indemnity to an individual member, who is subject to misconduct proceedings under the Local Government Act 2000, the Council has resolved to introduce a cap of £20,000 on the level of indemnity granted to members.

## **2.5 SALARIES**

Councillors will be entitled to receive salaries in accordance with the Schedule of Member Remuneration which is available on the Council website <http://www.ceredigion.gov.uk/English/Your-Council/Councillors-Committees/Members-Allowances/Pages/default.aspx>

The Schedule is produced annually, in exercise of powers conferred by the Local Government (Wales) Measure 2011, as amended by the Local Government Democracy Wales Act 2013. Account is also taken of the Independent Review Panel Regulations, and relevant determinations.

## ARTICLE 3 – CITIZENS AND THE COUNCIL

### 3.1 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:

3.1.1 **Voting and petitions.** Citizens on the electoral roll for the area have the right to sign a petition to request a referendum for an elected mayoral form of Cabinet and the right to vote in any such referendum.

3.1.2 **Information.** Citizens have the right to:

3.1.2.1 attend meetings of the Council, the Cabinet and Committees except where exempt or confidential information is likely to be disclosed, and the meeting is therefore held in private;

3.1.2.2 find out from the forward work programme what decisions will be taken by the Cabinet or Council and which issues the Overview and Scrutiny Committees will be considering, and when these matters will be discussed;

3.1.2.3 see reports and background papers, and any records of decisions made by the Council, the Cabinet and Committees unless exempted from discussion for any legal reason; and

3.1.2.4 inspect the Council's accounts and make their views known to the external auditor (sections 29 and 30 Public Audit (Wales) Act 2004). Under the Accounts and Audit (Wales) Regulations 2014, the accounts will be available for public inspection for twenty (20) working days after the date appointed by the auditor.

3.1.3 **Complaints.** Citizens have the right to complain:

3.1.3.1 to the Council itself under its Corporate Complaints Procedure;

3.1.3.2 to the Ombudsman about any injustice they have suffered as a result of maladministration, but they are encouraged to use the Council's own Corporate Complaints Procedure first;

3.1.3.3 to the Ombudsman where they believe a Member or Co-opted Member of the Council has breached the Member's Code of Conduct.

3.1.3.4 To the Social Services Complaints Officer where appropriate.

#### **3.1.4 Welsh Language**

Under the Council's Welsh Standards, citizens have the right to receive Council services of the same standard in Welsh and English.

#### **3.1.5 The Rights of the Child**

3.1.5.1 The Council has adopted the United Nations Convention on The Rights Of The Child ("the UNCRC") when exercising its functions. This means that the Council will consider how any decision it will make relates to the rights and obligations in the UNCRC.

3.1.5.2 All children will be supported and encouraged to learn Welsh and use the language and customs of their families, whether these are shared by the majority of people in the country or not.

### **3.2 CITIZENS' RESPONSIBILITIES**

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

## **ARTICLE 4 – THE FULL COUNCIL**

### **4.1 THE FOLLOWING PLANS AND STRATEGIES ARE:**

4.1.1 Required by the Local Authority Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (as amended) to be adopted by the Council, namely:

- Ceredigion Local Well- being Plan\*
- Local Transport Plan (Regional Transport Plan)
- Local Development Plan
- Welsh Language Standards
- Youth Justice Plan
- Housing Strategy
- Rights of Way Improvement Plan

4.1.2 The Monitoring Officer in accordance with the Forward Work Programme will recommend from time to time the plans and strategies which should be adopted by the Council.

Statutory policies and policies relating to Council functions will be adopted by Council. Other policies will be approved by Cabinet.

Strategies will be adopted by Council. Policies and Strategies can be found on the Ceredigion County Council Website.

### **4.2 PARTNERSHIP STRATEGIES AND PLANS**

The Ceredigion Local Well-being Plan marked with an asterisk in 4.1.1 above is prepared by the Public Service Board of which the Council is a statutory partner.

### **4.3 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. The Council will adopt the Treasury Management Policy Statement, the Capital Programme and the Revenue Budget.



## **4.4 FUNCTIONS OF THE FULL COUNCIL**

Only the Council will exercise the following functions:

- 4.4.1 adopting and making major changes to the Constitution with changes to reflect legislative structural and minor matters to be effected by the Monitoring Officer;
- 4.4.2 approving or adopting the policy framework and the budget, and setting the Council Tax;
- 4.4.3 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 a Cabinet 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;
- 4.4.4 agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;
- 4.4.5 appointing the Leader;
- 4.4.6 noting the appointment of Cabinet Members by the Leader;
- 4.4.7 appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- 4.4.8 adopting a Schedule of Member Remuneration under Article 2.5;
- 4.4.9 adopting or revising a Code of Conduct for Members of the Council;
- 4.4.10 all the non-Cabinet functions set out in Table 1 in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than a Committee, namely:
  - 4.4.10.1 making, amending, revoking, re-enacting or adopting bylaws;
  - 4.4.10.2 promoting or opposing the making of local legislation or personal bills;
  - 4.4.10.3 the approval of the Council's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be);
  - 4.4.10.4 making standing orders and standing orders as to contracts;
  - 4.4.10.5 the consideration of adverse reports from the Public Services Ombudsman for Wales with recommended compensation over the level of £1,000 or from the Children's Commissioner, the Care and Social Services'

- Inspectorate the Older People's Commissioner for Wales,  
the Welsh Language Commissioner or Audit Wales;
- 4.4.10.6 functions relating to sea fisheries;
- 4.4.10.7 changing the name of the County;
- 4.4.10.8 changing the name of a community;
- 4.4.10.9 conferring the title of honorary alderman or to admit to be  
an honorary freeman;
- 4.4.10.10 petition for a charter to confer County borough status;
- 4.4.10.11 appointing an electoral registration officer;
- 4.4.10.12 the dissolution of Community Councils;
- 4.4.10.13 making of orders to group Community Councils and for  
dissolving groups and separating Community Councils from  
groups;
- 4.4.10.14 appointing a returning officer for local government  
elections;
- 4.4.10.15 submitting proposals to the Secretary of State for an order  
under section 10 (pilot schemes for local elections in  
England and Wales) of the Representation of the People  
Act 2000;
- 4.4.10.16 functions relating to local government pensions and the  
firemen's pension scheme.
- 4.4.10.17 Consideration of Cabinet decisions called in, following  
recommendation by the relevant Scrutiny Committee,  
limited to circumstances the Call-In procedures (part 6).
- 4.4.11 appointing the Chief Executive, Corporate Directors and Corporate  
Lead Officers;
- 4.4.12 Appointing statutory officers, including Section 151 Officer, Monitoring  
Officer, Director of Social Services, Chief Education Officer, and Head  
of Democratic Services;
- 4.4.13 Determining the level, and any change in the level, of the remuneration  
of Chief Officers;
- 4.4.14 all local choice functions set out in Part 3 of this Constitution which the  
Council decides should be undertaken by itself rather than Cabinet;
- 4.4.15 approving, reviewing and amending the Council's Petitions Protocol;
- 4.4.16 preparing an annual report on the extent to which the Council has met  
its performance requirements;
- 4.4.17 making arrangements for a panel performance assessment and  
responding to the panel's report;

- 4.4.18 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;
- 4.4.19 considering annual reports received from the Ethics and Standards Committee, within 3 months of them being made;
- 4.4.20 performing the corporate joint committee functions set out in Article 16 of this Constitution, including the making of a corporate joint committee application and the giving of consent to corporate joint committee regulations being made;
- 4.4.21 all other matters which, by law, must be reserved to Council.

## **4.5 COUNCIL MEETINGS**

There are four types of Council meeting:

4.5.1 the First Annual Meeting

4.5.2 the Annual meeting;

4.5.3 Ordinary meetings;

4.5.4 Special meetings.

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

## **4.6 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 Cabinet.

Plans and strategies which the Council has adopted as a matter of local choice can be found on the Council's website at [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk) and CeriNet Home Page.

## ARTICLE 5 – CHAIRING THE COUNCIL

### 5.1 ROLE AND FUNCTION OF THE CHAIRPERSON OF THE COUNCIL

The Chairperson of Council and in his/her absence, the Vice-Chairperson will have the following roles and functions:

The Chairperson will be elected by the Council annually at the annual meeting.

The Chairperson will have the following responsibilities:

- 5.1.1 to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- 5.1.2 to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- 5.1.3 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 Cabinet are able to hold the Cabinet and Committee chairmen to account;
- 5.1.4 to promote public involvement in the Council's activities;
- 5.1.5 to be the conscience of the Council; and
- 5.1.6 to attend such civic and ceremonial functions as they and the Council determine appropriate.

### 5.2 CHAIR OF COMMITTEES

The Chair ~~and Vice-Chair~~ of the Council shall not serve concurrently as Chair ~~or Vice-Chair~~ of any Committee of the Council.

Chairs and Vice-Chairs of Committees shall serve for a term of two municipal years and may hold one Committee Chair and one Committee Vice-Chair post concurrently and may not seek re-election for the succeeding term in relation to the relevant committee/s of which they hold Chair status.

## ARTICLE 6 – OVERVIEW AND SCRUTINY COMMITTEES

### 6.1 TERMS OF REFERENCE

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

<b>Committee</b>	<b>Scope</b>
<b>Co-ordinating Committee (10 Members)</b>	Transformation of services, collaboration, partnership working. Ceredigion Public Service Board, Ceredigion Local Well-being Plan, Corporate Strategy & Well-being Objectives Safeguarding, communication, equalities and crime and disorder matters
<b>Corporate Resources (13 Members)</b>	Corporate Services (to include human resources, customer services, ICT, treasury management and legal services), Inclusion/Equal Opportunities, Civil Contingencies, Business Continuity, Estates Management and Civil Registration.
<b>Healthier Communities (13 Members)</b>	Social Services, Integrated Care Services, Housing services, Leisure and Recreation Facilities, Environmental Health, Public Protection and Licencing.
<b>Learning Communities (13 Members)</b>	Lifelong Learning, Children and Young People, Schools, Training, Youth Services and Cultural Services.
<b>Thriving Communities (17 Members)</b>	Economic Development, Regeneration, Tourism, Marketing, Stronger Communities, European Grant Aid, Business Support, Capital Programme, Transport and Highways Infrastructure, Town and Country Planning and Sustainability, Coast and Countryside and Waste and other Municipal Services

## 6.2 GENERAL ROLE

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

- 6.2.1 review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- 6.2.2 make reports and/or recommendations to the full Council and/or the Cabinet and/or any joint committee in connection with the discharge of any functions;
- 6.2.3 consider any matter affecting the area or its inhabitants; and
- 6.2.4 exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet.
- 6.2.5 The role of the Overview and Scrutiny Co-ordinating Committees be extended :
  - (a) To review or scrutinise decisions made, or other actions taken by the Public Services Board ("the P.S.B"), in the exercise of its functions;
  - (b) To review and scrutinise the PSB's governance arrangements;
  - (c) To make reports or recommendations to the PSB with respect to the PSB's functions or governance arrangements;
  - (d) To consider such matters relating to the PSB as the Welsh ministers may refer to it and to report to the Welsh ministers accordingly;
  - (e) To carry out such other functions in relation to the PSB as are imposed on it by the Well-being of Future Generations (Wales) Act 2015.
  - (f) To report/make recommendations to the appropriate fora (including Cabinet, the PSB and relevant sub-groups).

## 6.3 SPECIFIC FUNCTIONS

6.3.1 **Policy development and review.** Overview and Scrutiny Committees may:

- 6.3.1.1 assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- 6.3.1.2 conduct research, community and other consultation in the analysis of policy issues and possible options;

- 6.3.1.3 consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
  - 6.3.1.4 question members of the Cabinet and/or Committees and chief officers about their views on issues and proposals affecting the area or any matter under consideration; and
  - 6.3.1.5 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.
- 6.3.2 **Scrutiny.** Overview and Scrutiny Committees are expected to:
- 6.3.2.1 review and scrutinise the decisions made by and performance of the Cabinet and/or Committees and Council officers both in relation to individual decisions and over time;
  - 6.3.2.2 review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
  - 6.3.2.3 question members of the Cabinet and/or Committees and appropriate officers about their decisions and performance, whether generally in comparison with business plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
  - 6.3.2.4 make recommendations to the Cabinet and/or appropriate Committee and by way of, and in accordance with good practice to inform Council decision making arising from the outcome of the e scrutiny process;
  - 6.3.2.5 review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance;
  - 6.3.2.6 question and gather evidence from any person (with their consent).
  - 6.3.2.7 review or scrutinise decisions made, or actions taken, by the Ceredigion Public Services Board. The Overview and Scrutiny Co-ordinating Committee may:
    - 6.3.2.7.1 review or scrutinise decisions made, or other action taken, by the Ceredigion Public Services Board;
    - 6.3.2.7.2 review or scrutinise the Ceredigion Public Services Board's governance arrangements;



- 6.3.2.7.3 make reports or recommendations to the Ceredigion Public Services Board with respect to the board's functions or governance arrangements;
- 6.3.2.7.4 consider such matters relating to the board as the Welsh Ministers may refer to it and to report to the Welsh Ministers accordingly; and
- 6.3.2.7.5 copy reports to the Ceredigion Public Services Board regarding the board's functions and governance arrangements to: -
  - (a) the Welsh Ministers;
  - (b) the Future Generations Commissioner for Wales; and
  - (c) the Auditor General for Wales.
- 6.3.2.7.6 require one or more of the attendees at the Ceredigion Public Services Board, or anyone designated by such a person, to attend a meeting of the Overview and Scrutiny Committee and provide it with explanations of such matters as it may specify.
- 6.3.3 **Finance.** Overview and Scrutiny Committees may exercise overall responsibility for the finances made available to them.
- 6.3.4 **Annual report.** Overview and Scrutiny Committees must report annually to full Council on the work undertaken by each of the Committees and make recommendations for future work programmes and amended working methods if appropriate.
- 6.3.5 **Work Programme.** Overview and Scrutiny Committees must exercise overall responsibility for the work programme.

## 6.4 PROCEEDINGS OF OVERVIEW AND SCRUTINY COMMITTEES

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. The Leader of the Council and Cabinet Members are to attend meetings of the appropriate Overview and Scrutiny Committees as an approved duty under Section 174 Local Government Act 1972 as they are automatically required to attend a meeting of an overview or scrutiny committee by the relevant Chairperson.

Full details of the Overview and Scrutiny Protocol can be found in Part 5.

## 6.5. PUBLIC ENGAGEMENT PROTOCOL

The Council has endorsed the Overview and Scrutiny Public Engagement Protocol, full details of which can be found in Part 5.

## **6.6 JOINT OVERVIEW AND SCRUTINY COMMITTEES**

A Mid Wales Corporate Joint Committee Joint Overview and Scrutiny Committee has been established (see Article 16 below).

## **ARTICLE 7 – CABINET**

### **7.1 ROLE**

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

### **7.2 FORM AND COMPOSITION**

The Cabinet will, subject to Article 7.8 below (Job Sharing), consist of the Leader together with at least 6, but not more than 9, Councillors appointed to a Cabinet by the Leader, the appointments to be reported to Council at its next meeting for information purposes.

### **7.3 LEADER**

The Leader will be a Councillor elected to the position of Leader by the Council.

Two or more Councillors may be elected to share the position of Leader by the Council (see Article 7.8 below (Job Sharing)).

The Leader will hold office until:

- 7.3.1 they resign from the office; or
- 7.3.2 they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- 7.3.3 they are no longer a Councillor; or
- 7.3.4 they are removed from office by resolution of the Council passed by at least 75% of members present at the meeting; or
- 7.3.5 they are removed from office by resolution of the Council in the event of a change in political control of the Council.

### **7.4 OTHER CABINET MEMBERS**

Other Cabinet members shall hold office until:

- 7.4.1 they resign from office; or
- 7.4.2 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
- 7.4.3 they are no longer Councillors; or
- 7.4.4 they are removed from office by the Leader who must give written notice of any removal to the Proper Officer. The removal will take effect two working days after receipt of the notice by the Proper Officer; or

- 7.4.5 they are removed from office, either individually or collectively, by resolution of the Council in the event of a change in political control of the Council.

## **7.5 PROCEEDINGS OF THE CABINET**

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution. The Council's arrangements for multi-location meetings do apply to meetings of the Cabinet.

## **7.6 RESPONSIBILITY FOR FUNCTIONS**

The Leader will maintain a list in Part 3 of this Constitution which will be reported to the next available Council meeting for information setting out which individual members of the Cabinet, Committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular Cabinet functions.

## **7.7 ASSISTANTS TO THE CABINET**

- 7.7.1 Other Councillors may, from time to time, be designated by the Leader as Assistants to the Cabinet. Such Councillors will not be:

- (a) a Member of the Cabinet; or
- (b) The Chairman or Vice-Chairman of the Council

- 7.7.2 Assistants to the Cabinet will not participate in Cabinet Decision making, but may work closely with a Cabinet Member. They will not be a Member of any Overview and Scrutiny Committees relating to the specific responsibilities of the Cabinet Member they are assisting or any other areas to which they are assigned.

- 7.7.3 An Assistant to the Cabinet may support the Cabinet Member through the delegation of tasks as agreed for their area of responsibility, including attending/chairing meetings; speaking/opening events; reading and commenting on papers; meeting Officers; agreeing press releases/comments and carrying out interviews; representing the Council on appropriate groups. Assistants to the Cabinet will not, however, have delegated powers and will not be entitled to vote at Cabinet Meetings or Cabinet Committee Meetings nor deputise for the Cabinet Member when the Cabinet Member is called to appear at the Overview and Scrutiny Committee.

- 7.7.4 Assistants to the Cabinet are entitled to attend, and speak at, any meeting of the Cabinet or a Committee of the Cabinet.

## **7.8 JOB SHARING**

- 7.8.1 Any election or appointment to the Cabinet (including the Leader) may include the election of two or more Councillors to share office. 7.8.2 Where two or more Members have been elected or appointed to share the same office on the Cabinet the maximum number of Members of the Cabinet, including the Leader(s), will be:
- 7.8.2.1 9, where at least two of the Members have been elected or appointed to share office; or
  - 7.8.2.2 10, where at least three of the Members have been elected or appointed to share office.
- 7.8.3 The Members of Cabinet 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 Cabinet.
- 7.8.4 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 Cabinet, they together count only as one person for the purpose of determining whether the meeting is quorate.

## ARTICLE 8 – REGULATORY COMMITTEES

### REGULATORY COMMITTEES

- 8.1 The Council will appoint the Committee set out in the left hand column of Part 3.3 (Table 3) of this Constitution to discharge the functions described in column 3 of that table. Their terms of reference are also set out in column 2 of that Table.

#### 8.2 Development Management Committee

##### 8.2.1 Role, purpose and responsibilities

The Development Management Committee's role, purpose and responsibilities are set out in the Terms of Reference of the Development Control Committee (see Part 3.3 (Table 3), Part 3.1 Table 1 (Part A) and items 3 and 4, Part I in Part 3.1 Table 1 of this Constitution).

The Development Management Committee's Terms of reference and functions of Part 3.3 (Table 3) are set out below, as follows:

1. *Functions relating to town and country planning and development control as specified in Part A of Part 3.1 Table 1 above ('Functions relating to town and country planning and development control), together with functions under items 3 and 4 of Part I of Table 1 ('Miscellaneous functions').*
2. *To carry out the Authority's statutory planning functions in relation to the determination of applications and allied issues relating to development and the regulation of uses and activities.*
3. *To consider and determine applications, so as to advance and contribute to the Council's Corporate Strategy and Priorities through thorough consideration of major developments county-wide.*
4. *To make planning decisions based on sound material planning considerations, and not personal circumstances, opinions or feelings.*
5. *To take into account the sustainable development principle in determining planning applications.*
6. *The power to act, all the powers and duties of the Authority relating to the consideration of planning, listed building and conservation area applications, notification schemes, tree preservation orders, the control of development and the enforcement of such control, and other consultation schemes where appropriate.*
7. *To receive reports from time to time from the Chief Executive or Corporate Lead Officer for Economy and Regeneration and other Officers on the exercise of any functions relating to the control of development which may have been delegated to them.*
8. *To deal with all applications:*
  - a. *made by the Council as landowner;*
  - b. *relating to major developments;*
  - c. *made by a Member or close personal associates; or*
  - d. *made by;*

- I. *Chief Officers (Chief Executive, Corporate Directors and Corporate Lead Officers);*
  - II. *All staff employed by the Planning Service(s) including development management and Forward Planning; and*
  - III. *Any other Staff closely linked to the planning services or a particular planning application or by their close personal associates.*
9. *To prioritise making sound planning judgements in line with all relevant national and local planning policy that advances the corporate strategies and priorities of the Council unless there are other material considerations.*
10. *To determine applications in accordance with the Local Development Plan, the central tenants of the Well-being of Future Generations (Wales) Act 2015, and to deliver the Council's Corporate Priorities:*
- *Corporate Priority 1 – Boosting the Economy;*
  - *Corporate Priority 2 – Investing in People's Future;*
  - *Corporate Priority 3 – Enabling individual and Family Resilience; and*
  - *Corporate Priority 4 – Promoting Environmental and Community Resilience.*

#### 8.2.2 Proceedings of the Committee

Proceedings of the Development Management Committee shall take place in accordance with the Development Management Committee Operational Procedures set out in Part 4 Document I of this Constitution.

#### 8.2.3 Member's Protocol of Good Practice in Planning

The Member's Protocol of Good Practice in Planning (see Part 5 Document Q of this Constitution) sets out the way in which the Authority will expect Members to deal with planning applications and related matters relevant to the Development Management Committee (and respective standards of conduct).

### 8.3 Licensing Committee

See Part 3.3 (Table 3) (Committees of the Council) of this Constitution for functions of the Licensing Committee.

#### 8.3.1 Simple Majority

Unless this Constitution provides otherwise, any matter decided by the Committee will be decided by a simple majority of those Committee members voting and present in the meeting at the time the recommendation or proposal was made.

#### 8.3.2 Chairperson's Casting Vote

If there are equal numbers of votes for and against, the Chairperson will have a second or casting vote. There will be no restriction on how the Chairperson chooses to exercise a casting vote.

## **8.4 Democratic Services Committee**

8.4.1 See Part 3.3 (Table 3) (Committees of the Council) of this Constitution for functions of the Democratic Services Committee.

8.4.2 The Committee shall comprise of Councillor Members but no more than one Member of the Cabinet, which Cabinet Member must not be the Leader).

8.4.3 The Council shall appoint Members to the Democratic Services Committee in accordance with the political balance rules.

8.4.4 The Chair of the Democratic Services Committee is appointed by the Council and must not be the Cabinet Member.

### **8.4.5 Co-option**

The Measure does not provide the Committee with powers to co-opt persons onto the Committee.

### **8.4.6 Sub-committees**

The Committee may appoint sub-committees as and when required and delegate functions to them. The Committee will appoint the Chairman of any sub-committee.

### **8.4.7 Attendance to answer questions**

The Committee (and any sub-committee) has the power to require the attendance of any Members or Officers of the Council to answer questions and can invite anyone else it likes to do so also. If a member or officer is required to attend they must answer any questions unless the question is one which they would be entitled to refuse in a court.

### **8.4.8 Access to information**

The Committee's proceedings are subject to the Council Access to Information Rules as found in Document B Part 4 of the Constitution.

### **8.4.8 Frequency of meetings**

The Committee will meet at least three times in any municipal year.

A meeting of the Committee can also be convened if the full Council so decides or at least a third of the members of the Committee demands a meeting. The onus lies on the Chairman to ensure that meetings are held when required.



#### 8.4.10 Welsh Government Guidance

The Committee must have regard to guidance from Welsh Ministers when exercising its functions.

#### 8.4.11 Reports of the Head of Democratic Services

Any report presented to the Committee by the HDS must be considered by the Committee within three months. Similarly, any report made by the Committee must be considered by the full Council within three months

### **OTHER COMMITTEES**

- 8.5 The Council will appoint such other Committees as it considers appropriate to the exercise of its functions.
- 8.6 Any Committee appointed by the Council may at any time appoint additional Sub-Committees and panels throughout the year. The terms of reference and delegation of powers to them shall be explicit and within the appointed Committee's terms of reference.

## **ARTICLE 9 – THE ETHICS AND STANDARDS COMMITTEE AND GOVERNANCE AND AUDIT COMMITTEE**

### **9.1 ETHICS AND STANDARDS COMMITTEE**

The Council has an Ethics and Standards Committee in accordance with the Standards Committee (Wales) Regulations 2001 as amended (“the Regulations”).

#### **9.1.1 COMPOSITION OF ETHICS AND STANDARDS COMMITTEE**

##### **9.1.1.1 Membership of Ethics and Standards Committee**

The Ethics and Standards Committee is composed of nine members. Its membership comprises:

- 9.1.1.1.1** Five ‘independent’ members, who are not Councillors or Officers or the spouse of a Councillor or an officer of this Council or any other relevant authority as defined by the Regulations, appointed in accordance with the procedure set out in the Regulations;
- 9.1.1.1.2** Two County Councillors (other than the Leader of the Council and any member of the Cabinet);
- 9.1.1.1.3** Two members of Town and Community Councils wholly or mainly in the Council’s area (‘Community Committee members’).

#### **9.1.2 Term of Office for Ethics and Standards Committee**

- 9.1.2.1** Independent members are appointed for a term of not less than four nor more than six years. They may be re-appointed for one further consecutive term not exceeding four years.
- 9.1.2.2** Members of the Council who are members of the Ethics and Standards Committee have a term of office until the next ordinary local government election following their appointment. They may be reappointed for one further consecutive term.
- 9.1.2.3** A Community Committee member has a term of office until the next ordinary local government election following their appointment. They may be reappointed for one further consecutive term.

#### **9.1.3 Quorum - A meeting of the Ethics and Standards Committee is only quorate when:**

- 9.1.3.1** at least three members are present; and

**9.1.3.2** at least half the members present (including the Chairperson) are Independent Members

**9.1.4 Voting** - Independent Members and Community Committee members are entitled to vote at meetings

**9.1.4.1 Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Committee members voting and present in the meeting at the time the recommendation or proposal was made.

**9.1.4.2 Chairperson's Casting Vote**

If there are equal numbers of votes for and against, the Chairperson will have a second or casting vote. There will be no restriction on how the Chairperson chooses to exercise a casting vote.

**9.1.5 Community Committee Members** - A Community Committee member does not take part in the proceedings of the Ethics and Standards Committee when any matter relating to their Community Council is being considered;

**9.1.6 Chairing the Ethics and Standards Committee**

**9.1.6.1** An Independent Member must chair the Ethics and Standards Committee.

**9.1.6.2** The Chairperson is elected by the members of the Ethics and Standards Committee for whichever is the shorter of the following periods:-

**9.1.6.2.1** a period of not less than four nor more than six years; or

**9.1.6.2.2** until the term of office of that person as an independent member of the Ethics and Standards Committee comes to an end.

**9.1.6.3** The election of a Chairperson is the first item of business for the Ethics and Standards Committee at its first meeting and thereafter at the end of the period of office of the incumbent Chairperson.

**9.1.6.4** If the Chairperson is absent from a meeting of the Ethics and Standards Committee then the Vice-Chairperson of the Committee, if present, shall preside.

**9.1.6.5** If both the Chairperson and the Vice-Chairperson of the Ethics and Standards Committee are absent from a meeting of that Committee,

such independent member of the Ethics and Standards Committee as the members of the Committee present shall choose shall preside.

#### **9.1.7 ROLE AND FUNCTION OF ETHICS AND STANDARDS COMMITTEE**

The Ethics and Standards Committee has the following roles and functions:

- 9.1.7.1** promoting and maintaining high standards of conduct by Councillors, Co-opted Members and church and parent governor representatives;
- 9.1.7.2** assisting the Councillors, Co-opted Members and church and parent governor representatives to observe the Members' Code of Conduct;
- 9.1.7.3** advising the Council on the adoption or revision of the Members' Code of Conduct;
- 9.1.7.4** monitoring the operation of the Members' Code of Conduct;
- 9.1.7.5** 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;
- 9.1.7.6** 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; (81(4) & (5) LGA 2000 and the Standards Committees (Grant of Dispensation)(Wales) Regulations 2001 (2001/2279)
- 9.1.7.7** 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; (section 73(1) LGA 2000 and the Local Government Investigations (Functions of Monitoring Officers and Standards Committees)(Wales) Regulations 2001))(2001 2281)
- 9.1.7.8** the exercise of 9.1.7.1 to 9.1.7.7 above in relation to the Community Councils wholly or mainly in its area and the members of those Community Councils;(Section 56(1) LGA 2000)
- 9.1.7.9** to appoint an appeals panel of three, with a majority of independent members, one of whom would act as Chairperson, with regard to complaints made by members of the public under the Council's complaints procedure.
- 9.1.7.10** Developing and applying any local resolution protocols.
- 9.1.7.11** Working with Political Group Leaders to promote and maintain high standards of conduct by the Group members.
- 9.1.7.12** Monitoring compliance by Leaders of Political Groups with their duty to:
  - 9.1.7.12.1** take reasonable steps to promote and maintain high standards of conduct by members of the Group; and

**9.1.7.12.2** co-operate with the Council's Ethics and Standards Committee (and any sub-committee of the Committee) in exercise of the Ethics and Standards Committee's functions.

**9.1.7.13** Advising, training or arranging to train leaders of political groups on the Council about matters relating to their duties under 9.1.7.12.1 and 9.1.7.12.2 above.

**9.1.7.14** Making an annual report to the Council as soon as possible after the end of each financial year.

**9.1.7.14.1** The annual report must include:-

**9.1.7.14.2a** description of how the Ethics and Standards Committee has discharged its functions;

**9.1.7.14.3a** summary of any reports and recommendations that were referred to the Ethics and Standards Committee under Chapter 3 of Part 3 of the Local Government Act 2000;

**9.1.7.14.4a** summary of the actions that the Ethics and Standards Committee has taken following consideration of the reports and recommendations referred to in 9.1.7.14.3 above;

**9.1.7.14.5a** summary of any notices that were given to the Ethics and Standards Committee under Chapter 4 of Part 4 of the Local Government Act 2000;

**9.1.7.14.6** the Ethics and 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 Ethics and Standards Committee in the exercise of the Ethics and Standards Committee's functions; and

**9.1.7.14.7** any recommendations which the Ethics and Standards Committee considers it appropriate to make to the Council about any matter which falls within the Committee's functions.

#### **9.1.7.15 Joint Standards Committee**

The Mid Wales Corporate Joint Committee has established a Mid Wales Corporate Joint Committee Standards Sub-Committee (see Article 16).

## **9.2 GOVERNANCE AND AUDIT COMMITTEE**

The Council has a Governance and Audit Committee in accordance with the Local Government (Wales) Measure 2011 (as amended), the Accounts and Audit Regulations (Wales) 2014 and the Accounts and Audit (Wales) (Amendment) Regulations 2018.

### **9.2.1 ROLE AND FUNCTION OF GOVERNANCE AND AUDIT COMMITTEE**

The Governance and Audit Committee has the following roles and functions, which are expanded upon in the Terms of Reference of the Governance and Audit Committee of Part 3.3 (Table 3):

- 9.2.1.1** To provide an independent and high-level focus on the Council's audit, assurance and reporting arrangements;
- 9.2.1.2** To independently review and advise the Council and Cabinet, and their respective Committees and Officers, on matters regarding good governance, financial oversight, risk management control, complaints procedures/handling and internal control in the delivery of the Council's services and functions;
- 9.2.1.3** To ensure the Council's systems of governance and internal control are effective, including arrangements for ensuring value for money, supporting standards and ethics and for managing the authority's exposure to the risks of fraud and corruption, and to ensure that the Council's internal audit services operates in accordance with agreed procedures;
- 9.2.1.4** To review, scrutinise and issue reports and recommendations in relation to the Council's financial affairs;
- 9.2.1.5** To review, scrutinise and issues reports and recommendations on the appropriateness of the Council's risk management, internal control and corporate governance arrangements;
- 9.2.1.6** To oversee the Council's internal and external audit arrangements and the Council's relationship with other regulators, including supporting the effective relationships between external and internal audit, reviewing the external auditor's opinion and reports to members, and monitoring management action in response to the issues raised by external audit;
- 9.2.1.7** To oversee the Council's financial reporting and review its financial statements;
- 9.2.1.8** To review and assess the Council's draft annual Self-Assessment report and make any necessary recommendations to Council for changes to:
  - 9.2.1.8.1** the conclusions; or
  - 9.2.1.8.2** to anything included in the report relating to what actions the Council intends to take, or any actions it has already taken, with a view to increasing the extent to which the Council will meet the performance requirements in the financial year following the financial year to which the report relates

- 9.2.1.9** To consider the Panel Performance Assessment Report, review the Council's draft response to the report of the Panel and make any necessary recommendations for changes to the statements made in the draft response.
- 9.2.1.10** To consider any Auditor General Report following a special inspection of the Council, review the Council's draft response to the Auditor General Report and make any necessary recommendations for changes to the statements made in the Council's draft response relating to what action, if any, the Council intends to take in response to the Auditor General's recommendations; and
- 9.2.1.11** To adhere to accountability arrangements, including reporting on the arrangements and performance of the Governance and Audit Committee, and publish an annual report on the Committee's work.

## **9.2.2 COMPOSITION OF GOVERNANCE AND AUDIT COMMITTEE**

### **9.2.2.1 Membership of Governance and Audit Committee**

The Governance and Audit Committee membership is composed of:

**9.2.2.1.1** A one-third membership total of 'lay persons'. For the purpose of the membership of the Governance and Audit Committee, a lay person is defined as a person who is not a member or officer of any local authority, who has not at any time in the period of twelve months ending with the date of that person's appointment been a member or an officer of any local authority, and who is not the spouse or civil partner of any member or officer of any local authority, as defined in the Local Government and Elections (Wales) Act 2021 and the Local Government (Wales) Measure 2011 (as amended) and any associated legislation; and

**9.2.2.1.2** The remaining membership is composed of County Councillors. The Council shall appoint Members to the Governance and Audit Committee in accordance with the political balance rules.

### **9.2.2.2 Chairing the Governance and Audit Committee**

The Governance and Audit Committee chooses its Chair and Deputy Chair and:

**9.2.2.2.1** The Chair of the Governance and Audit Committee shall be a lay person.

- 9.2.2.2.2 The Deputy Chair of the Governance and Audit Committee shall not be a member of the Council's executive or an assistant to its executive.
- 9.2.2.2.3 Meetings of the Governance and Audit Committee shall be chaired by its Chair or, in the absence of the Chair, by its Deputy Chair. If both the said Chair and Deputy Chair are absent, the Governance and Audit Committee may appoint a member of the Committee who is not a member of Cabinet, or an assistant to Cabinet, to chair the meeting.

### **9.2.3 Quorum**

A meeting of the Governance and Audit Committee is only quorate when at least three members are present.

### **9.2.4 Voting**

#### **9.2.4.1 Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Committee members voting and present in the meeting at the time the recommendation or proposal was made.

#### **9.1.4.2 Chairperson's Casting Vote**

If there are equal numbers of votes for and against, the Chairperson will have a second or casting vote. There will be no restriction on how the Chairperson chooses to exercise a casting vote.



## **ARTICLE 10 – JOINT ARRANGEMENTS**

### **10.1 ARRANGEMENTS TO PROMOTE WELL BEING**

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

10.1.1 enter into arrangements or agreements with any person or body;

10.1.2 co-operate with, or facilitate or co-ordinate the activities of, any person or body; and

10.1.3 exercise on behalf of that person or body any functions of that person or body.

### **10.2 JOINT ARRANGEMENTS**

10.2.1 The Council may establish joint arrangements with one or more local authorities and/or Health Boards and/or their Executives to exercise functions which are not Executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of Joint Committees, or Regional Health Partnership Boards with these local authorities and/or Health Boards.

10.2.2 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, or Regional Health Partnership Boards with these other local authorities and/or Health Boards.

10.2.3 Except as set out below, the Cabinet may only appoint Cabinet members to a Joint Committee and those members need not reflect the political composition of the local Council as a whole.

10.2.4 The Cabinet may appoint members to a Joint Committee from outside the Cabinet where the Joint Committee has functions for only part of the area of the Council, and that area is smaller than two-fifths of the Council by area or population. In such cases, the Cabinet may appoint to the Joint Committee any Councillor who is a member for an electoral division which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.

10.2.5 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 (and Section 4 of Part 7 of this Constitution in relation to the Mid Wales Corporate Joint Committee). There is also information in Part 7 of this Constitution regarding consultative and advisory fora (statutory and non-statutory), internal policy

development/monitoring groups, partnerships within Ceredigion and regional partnerships/fora/consortia/joint committees.

### **10.3 ACCESS TO INFORMATION**

10.3.1 The Access to Information Rules in Part 4, Document B of this Constitution apply.

### **10.4 DELEGATION TO AND FROM OTHER LOCAL AUTHORITIES**

10.4.1 The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.

10.4.2 The Cabinet may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.

10.4.3 The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

### **10.5 CONTRACTING OUT**

The Council or Executive may arrange for the Council to contract out to another body or organisation functions which may be exercised by an officer. Contracting out to another local authority can be arranged under Section 101 of the Local Government Act 1972 and Section 2 of Part 1 Local Government Act 2000. Special statutory provisions permit joint arrangements with Health Bodies, but otherwise there may be a need for an order under Section 70 of the Deregulation and Contracting Out Act 1994, unless the contracting arrangements provide that the contractor acts as the Council's agent under usual contracting principles (and provided there is no delegation of the Authority's discretionary decision-making).

## ARTICLE 11– OFFICERS

### 11.1 MANAGEMENT STRUCTURE

**11.1.1** The Organisational Chart can be found at Part 6 of this document and also on the Council website

**11.1.2 General.** The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

**11.1.3 Chief Officers.** The full Council will engage persons for the following posts, who are designated Chief Officers and Deputy Chief Officers as defined in Paragraph 3 of Part 2 of Schedule 3 of the Local Authorities (Standing Orders) (Wales) Regulations 2006, as amended.

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
Chief Executive		<ul style="list-style-type: none"> <li>• Acting Returning Officer for UK Parliamentary General Elections</li> <li>• Counting Officer for Referenda</li> <li>• Electoral Registration Officer</li> <li>• If appointed by the Lord Chancellor, to act as Secretary to the Lord Chancellor's Advisory Committee on Magistrates for Ceredigion.</li> <li>• Overall corporate management and operational responsibility (including overall management responsibility for all officers);</li> <li>• Representing the Council on partnership and external bodies (as required by statute or the Council); and</li> <li>• Returning Officer for Local Government Elections including Community Councils and Senedd Cymru Elections</li> <li>• Service to the whole Council, on a politically neutral basis.</li> <li>• The provision of professional and impartial advice to all parties in the decision-making process - the Leader and Cabinet, Overview and Scrutiny Committees, the full Council and other Committees;</li> <li>• To act as Joint Clerk to the Lord Lieutenancy for their activities in Ceredigion.</li> <li>• To be Proper Officer for the Coroner Service.</li> <li>• Together with the Proper Officer responsibility for a system of record keeping for all the Council's decisions (Executive or otherwise);</li> <li>• Police Area Returning Officer</li> </ul>

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
Corporate Directors		<ul style="list-style-type: none"> <li>• <u>Deputy Electoral Registration Officer</u></li> </ul> <p>Working with the Chief Executive and the wider Senior Leadership Team provide strategic leadership across Ceredigion - promoting the County as a place to live, work, invest and visit.</p> <p>Lead on the strategic health and wellbeing agenda; providing strategic direction to a partnership-led approach to the delivery of children and adults support services and safeguards those who are vulnerable, throughout Ceredigion.</p> <p><b>Principal Accountabilities</b></p> <p><b>1. Strategic Leadership</b></p> <p>Lead the strategic direction of the various functions; ensuring Ceredigion is a place that supports and values its citizens,</p> <p>safeguards those who are vulnerable and provides appropriate care and protection.</p> <p>affording them maximum opportunity to reach academic and skills development to contribute to the economic and social growth of the County.</p> <p><b>2. Thematic Performance</b></p> <p>Monitoring Council wide performance of services, within the role's span of control.</p> <p>Assess performance against plans to ensure the services are delivered effectively and efficiently and to the highest standards; including financial, performance, risk, people and change management.</p>

		<p>Lead and motivate management and staff to develop a climate of high performance and customer/community focus.</p> <p>Deliver performance improvements by driving modernisation and managing change, ensuring read through to corporate objectives.</p> <p>Facilitate change and transformation programmes across the Council, supporting senior managers in delivering excellent services through the provision of pragmatic and effective advice.</p> <p><b>3. Political Engagement</b></p> <p>Lead political and democratic engagement in relation to the relevant thematic areas; establishing and maintaining procedure around democratic services and scrutiny.</p> <p>Develop strong working relationships with elected members; providing high level advice and support to maintain and improve Council performance.</p> <p><b>4. Stakeholder Engagement</b></p> <p>Engage local partners from the public, private and community sectors in the delivery of Corporate priorities; forging a broad network of contacts across the public and private sector to develop Ceredigion as a place to live, work, invest and visit.</p> <p><b>5. Communication</b></p> <p>Communicate the vision and values of the organisation to a broad range of stakeholders; building support among them in order to deliver better public services.</p>
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Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	<p>Corporate Lead Officer</p> <p><b><u>Lifelong Learning*</u></b> <b><u>Schools and Culture</u></b></p> <p><b>*Chief Education Officer</b></p> <p><u>Corporate Lead Officer</u> <b><u>Schools*<sup>1</sup></u></b></p> <p><b><u>*<sup>1</sup>Deputy Chief Education Officer</u></b></p>	<ul style="list-style-type: none"> <li>• School Improvement, including use of statutory notices within mainstream schools and pupil referral units.</li> <li>• Curriculum Support</li> <li>• <u>Additional Learning Needs</u></li> <li>• Assessment, pupil progress and accountability measures</li> <li>• Leadership in <u>Sschools</u></li> <li>• Post 16 <u>education &amp; training provision in schools</u></li> <li>• Early years Education in non-maintained settings</li> <li>• Childcare provision</li> <li>• School Improvement Services including advisory service</li> <li>• Governing Body support</li> <li>• Welsh in Education Strategic Plan</li> <li>• Canolfannau Iaith</li> <li>• English/Welsh as an additional language</li> <li>• Additional Learning Needs including pre-school</li> <li>• Inclusion and well-being</li> <li>• <u>Behaviour Support</u></li> <li>• <u>EOTAS (Education Otherwise than at School)</u></li> <li>• School exclusion appeals</li> <li>• Monitoring of elective home education</li> <li>• Pupil admissions <u>&amp; appeals</u></li> <li>• Pupil voice</li> <li>• Child Performance Licences</li> <li>• School attendance</li> <li>• <u>Pupil Referral Units</u></li> <li>• <u>School Counselling</u></li> <li>• <u>Lifelong Learning and Skills</u></li> <li>• <u>Employability Support Service</u></li> <li>• School modernisation Programme</li> <li>• Infrastructure and Resources</li> <li>• Catering Service</li> <li>• Music Service</li> <li>• Theatre Felin Fach</li> <li>• Cered</li> <li>• Museum</li> </ul>

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer <b>Porth Cymorth Cynnar</b>	<ul style="list-style-type: none"> <li>• <del>Behaviour Services (Through Age)</del></li> <li>• <del>HGT (Work Based Learning)</del></li> <li>• <del>Dysgu Bro (Adult Community Learning)</del></li> <li>• <del>Post 14 Learning and Skills</del></li> <li>• <del>Alternative Curriculum</del></li> <li>• Leisure</li> <li>• Active Young people</li> <li>• NERS</li> <li>• Disability Sport</li> <li>• Youth <del>Services</del> <u>Work &amp; Engagement</u></li> <li>• NEETs</li> <li>• <del>Post 16 Services (Cam Nesa' Project)</del></li> <li>• <del>Work Experience (Extended)</del></li> <li>• <del>Workways+</del></li> <li>• <del>Communities for Work+</del></li> <li>• Flying Start</li> <li>• Pathfinder Project</li> <li>• Play</li> <li>• Carers</li> <li>• Team Around the Family</li> <li>• Tim Teulu</li> <li>• Penparcau Family Centre</li> <li>• Families First</li> <li>• <del>Youth Justice Prevention</del> <u>Service</u> <u>Community Youth Work &amp; Prevention</u></li> <li>• <del>Day/Evening opportunities</del></li> <li>• <del>Porth y Gymuned</del></li> <li>• Community Connectors</li> <li>• <del>Channel (Channel Chair)</del> <u>Housing</u></li> <li>• <u>Common Housing Register</u></li> <li>• <u>Homelessness and Housing Options</u></li> <li>• <u>Disabled Facilities Grants</u></li> <li>• <u>Home Energy Efficiency</u></li> <li>• <u>Housing Standards (HMO's, Landlord Accreditation and Letting Agencies)</u></li> </ul>



Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	<p>Corporate Lead Officer</p> <p><b>Finance &amp; Procurement</b></p> <p><b>* Section 151 Officer</b></p>	<p><b>Core Finance (Deputy 151)</b></p> <ul style="list-style-type: none"> <li>• Medium Term Financial Planning</li> <li>• Statement of Accounts</li> <li>• Capital Programme</li> <li>• Financial Information Systems</li> <li>• Insurances</li> <li>• Sundry Debtors</li> <li>• Community Grants</li> <li>• Taxation</li> <li>• Treasury Management &amp; Income Accounting</li> <li>• Care Home charging</li> </ul> <p><b>Service Finance</b></p> <ul style="list-style-type: none"> <li>• Financial Management</li> <li>• Accountancy</li> <li>• Budget setting and control</li> <li>• Final Accounts</li> <li>• Grant claims</li> <li>• Financial Management support to Schools</li> <li>• External funding</li> </ul> <p><b>Revenues &amp; Financial Assessment</b></p> <ul style="list-style-type: none"> <li>• Council Tax Billing, Collection and Recovery</li> <li>• NNDR Billing, Collection and Recovery</li> <li>• Discretionary rates and Hardship relief</li> <li>• Council Tax Support</li> <li>• Housing Benefits</li> <li>• Financial Assessments</li> <li>• Revenues systems</li> <li>• Discretionary Housing Payments</li> <li>• Free School Meals &amp; Pupil Access Grant</li> </ul> <p><b>Procurement and Payments</b></p> <ul style="list-style-type: none"> <li>• Ordering</li> <li>• Quotations and tenders</li> <li>• Payments</li> <li>• Procurement advice and control</li> <li>• Commissioning of service contracts</li> <li>• Proceeds of Crime Act 2002</li> </ul>

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer <b>Democratic Services</b> <b>*Head of Democratic Services</b>	<ul style="list-style-type: none"> <li>• Cabinet Support</li> <li>• Democratic Services</li> <li>• Deputy Electoral Registration Officer</li> <li>• Deputy Acting Returning Officer for Parliamentary Elections</li> <li>• Deputy Returning Officer for Local Government Elections including Community Councils and Senedd Cymru Elections</li> <li>• Police Area Deputy Local Returning Officer</li> <li>• Member Support</li> <li>• Scrutiny Support</li> <li>• Translation Services</li> <li>• Communication and Engagement</li> <li>• Electoral Services</li> <li>• Corporate Services Support</li> <li>• Welsh Language Standards</li> </ul>

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer <b>People &amp; Organisation</b>	<ul style="list-style-type: none"> <li>• Authorised and Authorising Officer: Regulation of Investigating Powers Act 2000</li> <li>• Human resources (HR) Advice and Administration</li> <li>• Payroll and Benefits</li> <li>• HR Systems</li> <li>• Organisational Development</li> <li>• Corporate Learning and Development</li> <li>• Corporate Health and Safety.</li> <li>• Staff engagement and well-being</li> <li>• Employee Equality</li> </ul>

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	<p>Corporate Lead Officer</p> <p><b>Porth Cynnal Specialist Through Age Services</b></p> <p><b>* Statutory Director of Social Services</b></p> <p><b>*Responsible Individual</b></p>	<ul style="list-style-type: none"> <li>• Adoption</li> <li>• Disabled Children and Adults</li> <li>• Care leavers</li> <li>• Looked After Children</li> <li>• Adults Planned Care Services</li> <li>• Safeguarding Service Children and Adults to include Independent Reviewing Service</li> <li>• Children in Need of Care and Support</li> <li>• Substance Misuse Service</li> <li>• Contracts Monitoring.(Social Care) &amp; Quality Assurance</li> <li>• Regional Partnerships arrangements (Social Services and Well-being Act 2014)</li> <li>• Authorised and Authorising Officer: Regulation of Investigatory Powers Act 2000</li> <li>• Mental Well-being Services</li> <li>• <u>Agency Decision Maker - Children</u></li> <li>• <u>Channel Panel – Safeguarding (Channel Chair)</u></li> </ul>

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	<p>Corporate Lead Officer</p> <p><b>Porth Gofal Targeted Intervention Services</b></p> <p><b>Deputy Statutory Director of Social Services</b></p>	<ul style="list-style-type: none"> <li>• Porth Gofal Intake &amp; Triage</li> <li>• Integrated Community Equipment Stores</li> <li>• Targeted Intervention Services Adults and Children</li> <li>• Assessment of Care and Support needs Adults and Children</li> <li>• Direct Services (In-House Residential Care/Home Care/Equipment)</li> <li>• Domiciliary Care Co-ordination</li> <li>• Porth Gofal</li> <li>• Fostering Services</li> <li>• <del>Housing</del></li> <li>• <del>Common Housing Register</del></li> <li>• <del>Homelessness and Housing Options</del></li> <li>• <del>Disabled Facilities Grants</del></li> <li>• <del>Home Energy Efficiency</del></li> <li>• <del>Housing Standards (HMO's, Landlord Accreditation and Letting Agencies)</del></li> <li>• Emergency Out of Hours Services</li> </ul>

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	<p>Corporate Lead Officer</p> <p><b>Policy, Performance &amp; Public Protection</b></p> <p>*Proper Officer – Public Health Control of Disease Act 1984</p>	<ul style="list-style-type: none"> <li>• Civil Contingency/Business Continuity and Local Resilience Forum</li> <li>• Strategic Partnerships, including Public Service Board and Community Safety.</li> <li>• Engagement and Equalities</li> <li>• Policy, Risk Management and Community Cohesion</li> <li>• Freedom of Information, Corporate Complaints, Compliments and Improvements</li> <li>• Business Planning and Improvement</li> <li>• Corporate Performance and Research</li> <li>• Licensing</li> <li>• Public Protection Services</li> <li>• Animal Health</li> <li>• Food Safety and Food Standards</li> <li>• Trading Standards)</li> <li>• Health &amp; Safety (Regulatory)</li> <li>• Environmental Control</li> <li>• Statutory Nuisance</li> <li>• Dyfed Area Planning Board (Substance Misuse)</li> <li>• Public Health</li> <li>• Senior Authorising Officer for Proceeds of Crime Act 2002</li> <li>• Authorised and Authorising Officer: Regulation of Investigatory Powers Act 2000</li> <li>• Public Health Funerals</li> <li>• Private burials</li> <li>• Filthy and verminous premises</li> <li>• Drainage</li> <li>• Private Water Supplies</li> <li>• Air Quality</li> <li>• Refugee Re-settlement</li> </ul>

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer <b>Highways and Environmental Services</b>	<ul style="list-style-type: none"> <li>• Central Wales Infrastructure Collaboration /North and Mid Wales Trunk Road Agent</li> <li>• Climate Change</li> <li>• Design Services (Highways)</li> <li>• Flooding and Coastal</li> <li>• Highways/Bridges</li> <li>• Operational Delivery in the areas of Highways, &amp; Waste</li> <li>• Public Transport</li> <li>• Regional Transport Collaboration (TraCC)</li> <li>• Road Safety</li> <li>• Traffic Management</li> <li>• Civil parking Enforcement</li> <li>• Transport (to include Corporate Passenger Transport Unit)</li> <li>• Transport Planning (Local and Regional)</li> <li>• Waste</li> <li>• Highways Maintenance</li> <li>• Local Environment Services</li> <li>• Highways Development</li> <li>• Transport Services</li> </ul>

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer <b>Economy &amp; Regeneration</b>	<ul style="list-style-type: none"> <li>• Economic Development</li> <li>• Economic and Community Regeneration;</li> <li>• Funding and Grants;</li> <li>• Business Grants;</li> <li>• Food Centre Wales</li> <li>• Farmers Market &amp; Markets</li> <li>• Planning Policy</li> <li>• Growing Mid Wales Partnership</li> <li>• Regional Engagement</li> <li>• Regional Planning</li> <li>• Tourism and marketing:</li> <li>• Tourist Information Centres; Wildlife, Coast and Countryside</li> <li>• Footpaths, bridleways and byways</li> <li>• Proper Officer – s78 Building Act 1984 (dangerous buildings)</li> <li>• Development Control (Planning)</li> <li>• Town &amp; Country Planning</li> <li>• Conservation</li> <li>• Planning Enforcement &amp; Building Control</li> <li>• Estates/ Development</li> <li>• Property Services</li> <li>• Asset Management</li> <li>• Project Management</li> <li>• All Buildings &amp; Buildings Maintenance</li> <li>• Civil Enforcement</li> </ul>



Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	<b>Corporate Lead Officer</b> <b>Customer Contact</b> <b>*SIRO</b> <b>*Proper Officer for Civil Registration</b>	<ul style="list-style-type: none"> <li>• Archives &amp; Modern Records</li> <li>• Corporate &amp; Education ICT Support &amp; Development</li> <li>• Customer Information Centres</li> <li>• Customer Contact / Community Well-being</li> <li>• Data Protection inc GDPR</li> <li>• ICT</li> <li>• CLIC, inc Family info support Services</li> <li>• DEWIS</li> <li>• Civil Registration</li> <li>• Public Access Requests</li> <li>• Information Management</li> <li>• Library Services</li> <li>• Reprographics Unit</li> <li>• Senior Information Risk Owner</li> </ul>

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer <b>Legal &amp; Governance Services</b> <b>*Monitoring Officer</b>	<ul style="list-style-type: none"> <li>• Head of Legal Services / Chief legal Officer Coroner Service</li> <li>• Internal Audit</li> <li>• External Audit &amp; Regulators</li> <li>• Welsh Audit Office Relationship</li> <li>• Corporate Governance</li> <li>• Constitution</li> <li>• Access to Informations</li> <li>• Deputy Electoral Registration Officer</li> <li>• Ethics and Standards</li> <li>• Monitoring Officer</li> <li>• Notices of Motion</li> <li>• Code of conduct &amp; PSOW Referrals/Investigations</li> <li>• Senior Responsible Officer: Regulation of Investigating Powers Act 2000</li> </ul>

#### 11.1.4 Statutory Posts.

The Council will designate the following statutory posts as shown:

Post	Designation
Chief Executive	Chief Executive
Corporate Lead Officer Finance & Procurement	Chief Finance Officer Section 151 Officer
Corporate Lead Officer Legal & Governance Services	Monitoring Officer
Corporate Lead Officer Democratic Services *	Head of Democratic Services
Corporate Lead Officer Schools & Culture	Chief Education Officer
Corporate Lead Officer Porth Cynnal Specialist Through Age Services	Statutory Director Of Social Services

\*Designated by the Democratic Services Committee.

Such posts will have the functions described in Article 11.2–11.8 below.

**11.1.5 Structure.** The Chief Executive will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

## 11.2 FUNCTIONS OF THE CHIEF EXECUTIVE

- 11.2.1 **Discharge of functions by the Council.** The Chief Executive 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, organisation of officers and the appointment and proper management of officers.
- 11.2.2 **The Chief Executive must keep the following matters under review:**
  - 11.2.2.1 The manner in which the exercise by the Council of its different functions is co-ordinated;
  - 11.2.2.2 The Council's arrangements in relation to:
    - 11.2.2.2.1 Financial planning,
    - 11.2.2.2.2 Asset management, and
    - 11.2.2.2.3 Risk Management
  - 11.2.2.3 The number and grades of Staff required by the Council for the exercise of its functions;
  - 11.2.2.4 The organisation, appointment and management arrangements of the Council's Staff including for training and development).
- 11.2.3 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.
- 11.2.4 **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.
- 11.2.5 **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.

## 11.3 FUNCTIONS OF THE MONITORING OFFICER

- 11.3.1 **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.

- 11.3.2 **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 Cabinet in relation to a Cabinet function if they consider 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.
- 11.3.3 **Supporting the Ethics and Standards Committee.** The Monitoring Officer and Deputy Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Ethics and Standards Committee.
- 11.3.4 **Receiving reports.** The Monitoring Officer will receive and act on reports made by the Ombudsman and decisions of the case tribunals or interim case tribunals.
- 11.3.5 **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred to him/her by the Ombudsman and make reports or recommendations in respect of them to the Ethics and Standards Committee
- 11.3.6 **Proper Officer for access to information.** The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible
- 11.3.7 **Advising whether decisions of Cabinet** are within the budget and policy framework. The Monitoring Officer will advise whether decisions of Cabinet are in accordance with the budget and policy framework.
- 11.3.8 **Providing advice.** The Monitoring Officer will, in conjunction with the Chief Finance Officer, 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 relevant officers.
- 11.3.9 **Restrictions on functions.** The Chief Executive may not be the Monitoring Officer or the Head of Democratic Services but may hold the post of Chief Finance Officer if a qualified accountant. The Head of Democratic Services may not be the Chief Finance Officer.

#### 11.4 **FUNCTIONS OF THE CHIEF FINANCE OFFICER/SECTION 151 OFFICER**

##### **11.4.1 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 Cabinet in

relation to a Cabinet function and the Council's external auditor if they consider 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.

**11.4.2 Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

**11.4.3 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.

**11.4.4 Providing advice.** The Chief Finance Officer will, in conjunction with the Monitoring Officer, 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. Give financial information. The Chief Finance Officer will provide financial information to the media, members of the public and the community as appropriate.

## **11.5 FUNCTIONS OF THE HEAD OF DEMOCRATIC SERVICES**

### **11.5.1 to provide support and advice:**

- to the Council in relation to its meetings
- to committees of the Council and the members of those committees
- to any Joint Committee which the Council is responsible for organising and the members of that Joint Committee
- in relation to the functions of the Council's Overview and Scrutiny Committees, to members of the Council, members of the Cabinet and officers
- to each member of the Council in carrying out the role of member of the Council
- to promote the role of the Council's Overview and Scrutiny Committees
- to make reports and recommendations in respect of the number and grades of staff required to discharge democratic services functions and the appointment, organisation and proper management of those staff
- any other functions prescribed by the Welsh Ministers.

## **11.6 FUNCTIONS OF THE CHIEF EDUCATION OFFICER**

11.6.1 To undertake the statutory duties required of a Chief Education Officer as outlined in section 532 of the 1996 Education Act

## **11.7 FUNCTIONS OF THE STATUTORY DIRECTOR OF SOCIAL SERVICES**

11.7.1 The Functions of the Statutory Director of Social Services are set out in Part 4 Document P

## **11.8 DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE STATUTORY OFFICERS**

11.8.1 The Council will provide the Monitoring Officer, Chief Finance Officer /Section 151 Officer, statutory Director of Social Services, Chief Education Officer and Head of Democratic Services with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

## **11.9 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.

## **11.10 EMPLOYMENT**

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



## **ARTICLE 12 – DECISION-MAKING**

### **12.1 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.

### **12.2 PRINCIPLES OF DECISION-MAKING**

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

- 12.2.1 Proportionality (i.e. any action taken must be proportionate to the aim being pursued);
- 12.2.2 due consultation and the taking of professional advice from officers;
- 12.2.3 respect for equality and human rights;
- 12.2.4 a presumption in favour of openness; and
- 12.2.5 clarity of aims and desired outcomes.
- 12.2.6 Proper recording of reasons for the decision, any personal and prejudicial interests declared as well as any dispensations to speak granted by the Council's Ethics and Standards Committee
- 12.2.7 Taking all reasonable steps and/or having due regard to:
  - 12.2.7.1 meeting the principles and goals set out in the Well-Being of Future Generations (Wales) Act 2015, in carrying out its functions;
  - 12.2.7.2 the desirability of reducing inequalities of outcome which result from socio-economic disadvantage (pursuant to the Equality Act 2010); and
  - 12.2.7.3 the Council's Anti-Slavery Policy and Anti-Slavery Annual Statement (pursuant to the Modern Slavery Act 2015).

### **12.3 DECISIONS RESERVED TO FULL COUNCIL**

Decisions relating to the functions listed in Article 4.1 will be made by the full Council and not delegated.

### **12.4 DECISION-MAKING BY THE FULL COUNCIL**

Subject to Article 12.8 and to Part 3.5 in relation to urgent action, the Council meeting will follow the Council Procedures Rules and other relevant Procedures set out in Part 4 of this Constitution when considering any matter.

## **12.5 DECISION-MAKING BY THE CABINET**

Subject to Article 12.8, the Cabinet will follow the Cabinet Procedures Rules and other relevant procedures set out in Part 4 of this Constitution when considering any matter.

## **12.6 DECISION-MAKING BY OVERVIEW AND SCRUTINY COMMITTEES**

Overview and Scrutiny Committees will follow the Overview and Scrutiny Procedures Rules and other relevant procedures set out in Part 4 of this Constitution when considering any matter.

## **12.7 DECISION-MAKING BY OTHER COMMITTEES AND SUB-COMMITTEES ESTABLISHED BY THE COUNCIL**

Subject to Article 12.8, other Council Committees and Sub-Committees will follow those parts of the Council Procedures Rules and other relevant procedures set out in Part 4 of this Constitution as apply to them.

## **12.8 DECISION-MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS**

The Council, a Councillor or an officer/s 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.

## **12.9 DECISION-MAKING BY CORPORATE JOINT COMMITTEES**

The Mid Wales Corporate Joint Committee (also see Article 16) may make decisions in accordance with applicable relevant legislation.

## **ARTICLE 13 – FINANCE, CONTRACTS AND LEGAL MATTERS**

### **13.1 FINANCIAL MANAGEMENT**

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

### **13.2 CONTRACTS**

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

### **13.3 LEGAL PROCEEDINGS**

Corporate Lead Officer Legal & Governance Services is authorised to institute, defend 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 Corporate Lead Officer Legal & Governance Services considers that such action is necessary to protect the Council's interests.

### **13.4 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 Corporate Lead Officer Legal & Governance Services, and/or other person authorised by the Council unless any enactment otherwise authorises or requires.

All contracts shall be administered in accordance with the Contract Procedure Rules.

### **13.5 COMMON SEAL OF THE COUNCIL**

The Common Seal of the Council will be kept in a safe place in the custody of the Corporate Lead Officer Legal & Governance 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 Corporate Lead Officer Legal & Governance Services, the Corporate Lead Officer for Democratic Services, the Monitoring Officer or the Chief Executive should be sealed. The affixing of the Common Seal will be attested by the Corporate Lead Officer Legal & Governance Services, the Corporate Lead Officer Democratic Services, the Monitoring Officer or the Chief Executive or some other person authorised by the Council.

## **ARTICLE 14 – REVIEW AND REVISION OF THE CONSTITUTION**

### **14.1 DUTY TO MONITOR AND REVIEW THE CONSTITUTION**

The Monitoring Officer and the Corporate Lead Officer Democratic Services will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect and to make any minor amendments to the Constitution as required.

**14.2** A key role for the Monitoring Officer and the Corporate Lead Officer Democratic Services is to be aware of the strengths and weaknesses of the Constitution adopted by the Council. The Monitoring Officer will effect any minor changes 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:

- 14.2.1 observe meetings of different parts of the member and officer structure;
- 14.2.2 undertake an audit trail of a sample of decisions;
- 14.2.3 record and analyse issues raised with them by members, officers, the public and other relevant stakeholders;
- 14.2.4 compare practices in this Council with those in other comparable authorities, or national examples of good practice.

### **14.3 CHANGES TO THE CONSTITUTION**

#### **Changes to reflect legislative, structural and minor matters**

- 14.3.1 Changes (other than minor matters) to the constitution will be approved by the Council after consideration of the proposal by the Monitoring Officer, in consultation with the Council's Cross-Party Constitution Working Group, as necessary (see Section 2 Part 7).
- 14.3.2 Where change from a Leader and Cabinet form of Executive to a Mayoral Form of Executive or Vice Versa is proposed, the Council must take reasonable steps to consult with local electors and other interested persons in the area.

### **14.4 MAINTAINING THE CONSTITUTION**

The Monitoring Officer and Corporate Lead Officer Democratic Services will maintain an up-to-date version of the Constitution and will ensure that it is widely available for reference and inspection by Members, staff and the public. A copy of the Council Constitution will be published on the Council's Website.

## **ARTICLE 15 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION**

### **15.1 SUSPENSION OF THE CONSTITUTION**

This Article ensures that the articles of the Constitution may not be suspended. This provides certainty and stability to the fundamental aspects of the Council's governance.

It does however provide for Rules of Procedure to be suspended provided this is to achieve an effect consistent with the purposes of the Constitution set out in Article 1.

15.1.1 The Articles of this Constitution may not be suspended. The Council Procedure Rules specified below may be suspended in whole or in part by the full Council to the extent permitted within those Rules and the law.

15.1.2 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.

15.1.3 Any Council Procedure Rules save for those which are defined as mandatory in the Local Authorities (Standing Orders) Regulations 1993 may be suspended in accordance with Article 15.1.

### **15.2 INTERPRETATION**

15.2.1 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 purpose stated in Article 1.

15.2.2 The ruling of the Chairperson 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 and any guidance or advice of the Monitoring Officer.

15.2.3 The following words, phrases and terms shall have the meanings ascribed to them unless the context requires or it is otherwise provided at law.

<b>Word, phrase or term</b>	<b>Meaning</b>
Access to Information Procedure Rules	The rules so titled set out in Part 4 of the Constitution
Article	An Article of this Constitution
Budget and Policy Framework Procedure Rules	The rules so titled as set out in Part 4 of the Constitution
Call in	The referral of an executive decision in accordance with the Overview and Scrutiny Procedure Rules
Cabinet	The Council's Cabinet as defined in section 11 of the Local Government Act 2000
Cabinet Decision	A decision made for the purpose of discharging an Executive Function
Cabinet Members	The Leader and Deputy Leader of the Council and any Councillor appointed by the Leader of the Council pursuant to section 11 (3) (b) of the Local Government Act 2000 and notified by the Leader to the County Council
Cabinet Portfolio	An area of County Council activity allocated by the Leader of the Council to a Cabinet Member and notified by the Leader to the Council
Cabinet Procedure Rules	The rules so titled set out in Part 4 of the Constitution
Chairperson	The person elected as the Chair of a Committee or appointed as the Chair of a sub-committee or in his or her absence the Vice Chair/Deputy Chair of such committee or sub-committee where one has been elected or appointed or the person presiding at the meeting of a committee or sub-committee
Chief Executive	The person designated as such by the Council under Section 54 of the Local Government and Elections (Wales) Act 2021
Chief Officer	A person designated as such by the Council
Clear Days	The number of days between the day when the document is first made available for inspection or dispatched to Councillors and the date of the meeting to which it relates but includes any intervening date when the document is available for public inspection
Committee	A committee or sub-committee of the Council

<b>Word, phrase or term</b>	<b>Meaning</b>
Committee Meeting Procedure Rules	The rules so titled set out in Part 4 of the Constitution
Confidential information	Confidential information as defined by section 100A(3) of the Local Government Act 1972 as more particularly set out in Paragraph 10.4 of Document B in Part 4 of this Constitution (Access to Information Procedure Rules)
Constitution	This constitution, as amended
Constitution Guide	A document, which explains, in ordinary language, the content of this Constitution, published by the Council in accordance with Section 37 of the Local Government Act 2000.
Contract Procedure Rules	The Contract Standing Orders and Procurement Rules set out in Part 4 of the Constitution
Corporate Joint Committee	A corporate body, established via regulation, comprising specified principal councils in Wales, for the purpose of enabling strategic planning and delivery at a regional scale. See Article 16 for details of the Corporate Joint Committee that the Council is a member of.
Council	Ceredigion County Council acting by any means which they may lawfully adopt
Council Meeting	The Council meeting together in accordance with Schedule 12 of the Local Government Act 1972
Council Procedure Rules	The rules set out in Part 4 of the Constitution
Councillor	A member of the Council
County	County of Ceredigion
Data Protection Legislation	The Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR)
Employee	An employee of the Council
Employment Procedure Rules	The rules so titled set out in Part 4 of the Constitution
Executive Function	A function of the Council which is determined to be an executive function in accordance with section 13 of the Local Government Act 2000

<b>Word, phrase or term</b>	<b>Meaning</b>
Exempt information	Information of a nature described in Schedule 12A of the Local Government Act 1972 as amended more particularly set out in Article 10.4 of Document B in Part 4 of this Constitution (Access to Information Procedure Rules)
Financial Procedure Rules	The rules so titled set out in Part 4 of the Constitution
Forward Plan	The agreed plan of business for Cabinet, to be published on a quarterly basis, setting out all the business to be undertaken by Cabinet for a 12 month period
Leader	Cabinet leader as defined in section 48 of the Local Government Act 2000  Reference to 'Leader' in this Constitution includes reference to each Leader appointed as such in accordance with the Job Sharing provisions at Article 7.8 of this Constitution.
Majority Group	a political group to which belong either –  (a) more than half of the members of the Council; or  (b) exactly half of the number of members of the Council, including the Chair
Meeting	A meeting of the Council or a committee as the case may be, to include meetings held in person, fully remotely or in a hybrid arrangement (a 'multi-location meeting'), as per section 47 of the Local Government and Elections (Wales) Act 2021 and in accordance with the Council's Protocol for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings. Reference to attendance at such meetings may include remote attendance, as applicable.
Member	Unless otherwise stated means a member of the committee or body to which the rule or requirement applies
Members Code of Conduct	The Code of Conduct adopted by the Council in accordance with section 51 of the Local Government Act 2000
Monitoring Officer	The officer of the Council designated by the Council under section 5 of the Local Government and Housing Act 1989



<b>Word, phrase or term</b>	<b>Meaning</b>
Number of members	In relation to the Council, the number of persons who may act at the time in question as members of the Council, and in relation to a committee, the number of persons who may act at the time in question as voting members of that body
Ombudsman	Public Service Ombudsman for Wales
Overview and Committees	Those committees of the Council appointed in accordance with Article 6
Policy Framework	The plans and strategies referred to in Article 4 paragraph 4.1 of the Constitution
Political Group	a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990 as amended by the (Amendment) Regulations of 1991 and 1993
Proper Officer	For all purposes (excluding Civil Registration and where otherwise specified) the Head of Democratic Services and in absence  the Monitoring Officer will be deemed to be the Proper Officer
Public Services Board	The public services board established for the Council's local authority area under Part 4 of the Well-being of Future Generations (Wales) Act 2015
Regulatory committee	Any committee with statutory recognised regulatory functions, for example, Governance and Audit Committee, Licensing Committee, Development Management Committee.
Schedule of Member Remuneration	The scheme referred to in Part 6 of the Constitution
Scrutiny Procedure Rules	The rules so titled set out in Part 4 of the Constitution
Statutory Officer	(For the purpose of this Constitution, the Chief Executive, the Monitoring Officer / Proper Officer, the Chief Finance Officer (Section 151), the Head of Democratic Services.
Corporate Director	A person designated as such by the Council
The Cabinet	The Council's Cabinet as defined in section 11 of the Local Government Act 2000

<b>Word, phrase or term</b>	<b>Meaning</b>
The Deputy Leader	a member selected to deputise for the Leader of the Council
The Local Councillor(s)	means the Councillor(s) for any electoral area(s) to which a Council matter under consideration relates
The 1972 Act	The Local Government Act 1972
The 1989 Act	The Local Government and Housing Act 1989
The 2000 Act	The Local Government Act 2000
Working Day	Means any day on which the main offices of the Council are open for usual business and for the avoidance of doubt the phrase 'clear working days' shall exclude the day when notice is given or documents are made available for inspection or is dispatched to Councillors as the case may be and the date of the meeting or event to which it relates
Writing	A requirement that something shall be submitted in writing will be satisfied by the submission by email to an address designated by the Proper Officer for that purpose provided that it is transmitted by the Councillor concerned from the Councillor's email address and in such circumstances will be deemed to have been signed by the Councillor concerned
Any reference in any Council Procedure Rule to a numbered paragraph is, unless the context otherwise requires, a reference to the paragraph of that Council Procedure Rule bearing that number.	

15.2.4 Reference to any statute or statutory provision includes a reference to:

15.2.4.1 that statute or statutory provision as from time to time amended, extended, re-enacted or consolidated; and

15.2.4.2 all statutory instruments or orders made pursuant to it.

15.2.5 Words denoting the singular number only shall include the plural and vice versa.

15.2.6 Words denoting any gender include all genders.

15.2.7 The headings in this document are inserted for convenience only and shall not affect the construction or interpretation of this Constitution.

- 15.2.8 References to a designated employee of the Council includes (except where the law prescribes that the function, action or the like must be taken by that person alone) a person duly authorised to act for or on behalf of that person provided that the employee designated for the purposes of the Constitution shall remain responsible to the Council.
- 15.2.9 References to a post or designation shall be deemed to include a reference to the employee for the time-being performing those functions where the post or designation name is altered or the functions are reallocated and where there is a reference to a generic title (e.g. Corporate Director, Corporate Lead Officer) such reference will be deemed to include other posts whatever their designation or name but being within the same tier of management or responsibility.

### **15.3 PUBLICATION OF CONSTITUTION**

- 15.3.1 The Monitoring Officer ensure that each member of the Council will have access to an electronic or printed copy of this Constitution upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- 15.3.2 The Monitoring Officer will ensure that copies are available for inspection at Council offices, and other appropriate locations and is published on the Council's website, and can be purchased by members of the local press and the public on payment of a charge representing no more than the cost of providing the copy.

## ARTICLE 16 – CORPORATE JOINT COMMITTEES

16.1 The Council is a member of the following Corporate Joint Committees:

- (a) The Mid Wales Corporate Joint Committee ('the Mid Wales CJC') pursuant to
  - (i) The Mid Wales Corporate Joint Committee Regulations 2021
  - (ii) The Corporate Joint Committee (General) (Wales) Regulations 2021; and
  - (iii) The Corporate Joint Committees (General) (Wales) Regulations 2022.
- (b) The Mid Wales Corporate Joint Committee has established the following Sub-Committees:
  - (i) The Joint Overview and Scrutiny Committee;
  - (ii) The Joint Governance and Audit Committee; and
  - (iii) The Joint Standards Committee