

## **SECTION 2**

### **2. PURPOSE, DEFINITION, INTERPRETATION AND AMENDMENT OF THE CONSTITUTION**

#### **2.1 Purpose of the Constitution**

The purpose of the Constitution is to:

- 2.1.1 enable the Council to provide clear leadership to the Community in partnership with citizens, businesses and other organisations;
- 2.1.2 support the active involvement of citizens in the process of local authority decision-making;
- 2.1.3 help Councillors represent their constituents more effectively;
- 2.1.4 enable decisions to be taken efficiently and effectively;
- 2.1.5 create a powerful and effective means of holding decision-makers to public account;
- 2.1.6 ensure that no one will scrutinise a decision in which they are directly involved;
- 2.1.7 ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
- 2.1.8 provide a means of improving the delivery of services to the community.

#### **2.2 Definitions in the Constitution**

2.2.1 The Constitution of the Council is this document (**Sections 1 to 26**).

2.2.2 Within the Constitution the following words and phrases have the meaning set out below:

“Budget”	the overall revenue and capital budget approved by Full Council;
“Cabinet”	also known as the Executive (see definition of “Executive” below);
“Chief Officer”	“Chief Officer” means the Managing Director, Directors, Heads of Service and Operational Managers employed by the Council, unless the context provides otherwise;
“Corporate Management	the senior management body for Officers ( <b>Section 11</b> ). It includes those Officers designated by the

Team”	Head of Paid Service from time to time as members of the Corporate Management Team;
“Councillor”	a person elected to the Council to represent an area (called an electoral division) within the Vale of Glamorgan. Also referred to as a “Member”;
“Executive”	the Executive or a Member or Members of the Executive when exercising Executive Functions;
“Executive Decision”	any decision taken by the Executive to exercise or refrain from exercising an Executive Function. It also includes decisions made by persons or Member bodies to whom the Executive has delegated Executive Functions to exercise or refrain from exercising those functions;
“Executive Function”	<p>(a) Executive Functions are defined by the Local Government Act 2000, subsidiary legislation and associated guidance. Any function that is not exercisable only by Full Council or delegated by Council is an Executive Function.</p> <p>(b) Contractual matters, the acquisition and disposal of land and financial support to organisations and individuals are also Executive Functions.</p> <p>It should be noted that Regulatory functions such as planning, licensing and building control, are not Executive Functions;</p>
“Forward Work Programme”	Forward Work Programmes are a series of documents which list the subject matters of decisions that (a) the Council and (b) the Executive intend to take and (c) what business the Scrutiny Committees will be considering and when those matters will be discussed. This does not prevent urgent or unforeseen matters being considered. Each of those bodies will be responsible for their own Work Programmes. Annual Forward Work Programmes will be prepared by the Proper Officer from the beginning of the Municipal Year. They will be supplemented by quarterly updated Work Programmes.

“Full Council”	the body where all Councillors act to exercise functions of the Council;
“Head of Democratic Services”	an Officer who must be appointed by law to carry out certain functions. See <b>Section 11</b> for a description of those functions. The Officer will usually have other duties and a different job title. See <b>Section 11</b> for which Officer is the Head of Democratic Services;
“Head of Paid Service”	an Officer who must be appointed by law to carry out certain functions. See <b>Section 11</b> for a description of those functions. The Officer will usually have other duties and a different job title. See <b>Section 11</b> for which Officer is the Head of Paid Service;
“Local Choice Functions”	These are functions which the Council may treat as being the responsibility of the Executive (in whole or in part) or as being Non-Executive, at its discretion;
“the Measure”	The Local Government (Wales) Measure. Legislation introduced, inter alia, to strengthen local democracy, deal with changes to executive arrangements, overview and scrutiny, County Councils and Member payments;
“Member”	either a Councillor or a person chosen by the Council to serve on one of its Member Bodies (called “a Co-Opted Member”);
“Monitoring Officer”	an Officer who must be appointed by law to carry out certain functions. See <b>Section 11</b> for a description of those functions. The Officer will usually have other duties and a different job title. See <b>Section 11</b> for which Officer is the Monitoring Officer;
“Non-Executive Functions”	any function which may only be exercised by Full Council (whether by local choice or as a matter of law) or which is delegated to a Member body other than the Executive;
“Planning Application”	any of the following: <ul style="list-style-type: none"> <li>• application for planning permission (including renewal);</li> </ul>

- application for approval of reserved matters;
- application for listed building consent;
- application relating to trees;
- proposal to serve an urgent works notice or acquire a listed building in need of repair;
- application for conservation area consent;
- application for advertisement consent;
- application to vary or remove conditions on a planning condition;

“Policy Framework”

As set out in **Section 4.2**;

“Proper Officer”

an Officer designated to carry out a specific function provided for within the Constitution. Unless stated otherwise, the “Proper Officer” is the Managing Director.

“Section 151 Officer”

an Officer who must be appointed by law to carry out certain functions in relation to financial administration. See **Section 11** for a description of those functions. The Officer will usually have other duties and a different job title. See **Section 11** for which Officer is the Section 151 Officer;

“Service”

one of the services provided by the Council;

“Single Integrated Plan (SIP)”

this is the single plan for the area that reflects the needs of the local population. The SIP builds on and brings together in one document the joint work previously developed through the Community Plan, as well as the Community Safety, Children and Young People and the Health Social Care and Wellbeing Partnership Plan.

## 2.3 **Interpretation of the Constitution**

2.3.1 We have tried to make the Constitution as clear and as easy to understand as possible. Inevitably, people will have different views about what certain passages mean.

2.3.2 During meetings, the person chairing or presiding at the meeting may interpret the relevant Procedure Rules. Such interpretation may not be challenged at any meeting of the Council.

2.3.3 In all other situations, the Monitoring Officer will determine the interpretation and application of the Constitution.

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

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The Section 151 Officer shall be responsible for keeping under review the Financial and Contracts Procedure Rules set out in **Sections 16 and 17** of the Constitution and shall make any necessary amendments and revisions as are required from time to time. He/she shall report any amendments made to **Sections 16 or 17** to the next available Council meeting for noting.

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

A key role for the Monitoring Officer is to make recommendations for ways in which the Constitution could be amended in order to better achieve the purposes set out in this Section. In undertaking this task, the Monitoring Officer may:

- 2.5.1 observe meetings of different parts of the Member and Officer structure;
- 2.5.2 undertake an audit trail of a sample of decisions;
- 2.5.3 record and analyse issues raised with him / her by Members, Officers, the public and other relevant stakeholders; and,
- 2.5.4 compare practices in this Council with those in comparable authorities, or national examples of best practice.

#### 2.6 **Changes to the Constitution**

##### 2.6.1 Approval

Subject to paragraphs 2.6.2 and 2.6.3 below, changes to the Constitution will only be approved by the Full Council after consideration of a proposal by the Monitoring Officer.

##### 2.6.2 Minor Changes

If, in the reasonable opinion of the Monitoring Officer, a change is:

- (a) a minor variation; or
- (b) required to be made to remove any inconsistency, ambiguity or typographical correction; or
- (c) required to be made so as to put into effect any decision of the Council or its Committees or the Executive,

in which case the Monitoring Officer may make such a change. Any such change made by the Monitoring Officer shall come into force with immediate effect. Such changes shall be reported to the next Full Council meeting for information.

### 2.6.3 Legislative Change

- (a) Any part of the Constitution may be amended by the Monitoring Officer where such amendment is required to be made so as to comply with any legislative provision. Such amendments shall take effect when the Monitoring Officer so decides or the legislation (where relevant) so provides. Such changes shall be reported to the next Full Council meeting for information.
- (b) Any reference in the Constitution to legislation or a statutory instrument shall be construed as a reference to any legislation or statutory instrument as amended, replaced, consolidated or re-enacted

## 2.7 **Suspension of the Constitution**

### 2.7.1 Limit to Suspension

Any of the Procedure Rules contained in the Constitution may be suspended to the extent permitted within these rules and the law.

### 2.7.2 Procedure to Suspend

A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of the Council or Committee 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 this Section.

## 2.8 **Publication**

- 2.8.1 The Monitoring Officer will ensure that copies of this Constitution are available for inspection at Council offices and on the Council's website.
- 2.8.2 The Monitoring Officer will give a printed copy of this Constitution to each Member of the Council upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council and thereafter ensure that an up-to-date version is available for inspection and published on the Council's website.
- 2.8.3 The Monitoring Officer will ensure that the Constitution is updated as necessary in accordance with paragraph 2.6.