

Mae'r ddogfen hon ar gael yn Gymraeg hefyd



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SECTION 1 - INTRODUCTION

1.1 Purpose and Content of the Constitution

- 1.1.1 The Constitution describes the various bodies that make up the Council, their functions, Membership and procedural rules.
- 1.1.2 In Section 3 (Getting Information and Getting Involved) we have provided information for members of the public and councillors on how you can get information about the Council, and how you can get involved. We hope that this will help people who have an interest in the Council's work, or a particular matter it is dealing with, understand where they can get more information, and how they can contribute to Council activities.
- 1.1.3 You can get a better understanding of what each of the Council's bodies do in Sections 4 to 10 of this Constitution, including Full Council, Cabinet, Overview and Scrutiny Committees, Standards Committee and Regulatory Committees. Section 12 provides information on the management and Officer structures of the Council. Some Officers have a specific duty to ensure that the Council operates within the law and uses resources wisely. Responsibility for functions at Sections 14 say which Council bodies, and which Officers, have authority to make which decisions.
- 1.1.4 The procedural rules that apply to the different Council bodies are contained in the sections relating to those bodies, eg Full Council (Section 4), the Cabinet (Section 5) and Overview and Scrutiny (Section 7). You may find these useful if you want to attend a meeting, particularly if you want to be able to ask questions, have a matter discussed, or put your point of view.
- 1.1.5 Sections 19 to 21 have the Codes of Conduct and Protocols, which Officers and Members have agreed to comply with. They set the standards of behaviour.
- 1.1.6 The Contents pages at the beginning of this Constitution provide a guide on what is in the Constitution and where you can find it.

1.2 How the Council Operates

- 1.2.1 The Council is comprised of 55 Councillors elected usually every five years. Each Councillor is democratically accountable to the residents of their electoral division as well as all of those who live in Conwy. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those that did not vote for them.
- 1.2.2 All Councillors have agreed to follow a Code of Conduct, to ensure high standards in the way they undertake their duties. The Standards Committee is responsible for training and advising on the Code of Conduct.
- 1.2.3 All Councillors meet together regularly as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall Policy Framework and set the budget each year. The Council appoints the Leader of the Council for the full term of the Council.

The Leader then decides the size and Membership of the Cabinet i.e. the role of individual Members of the Cabinet and arrangements for the exercise and delegation of Cabinet Functions. The Cabinet is appointed to 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, together with making decisions within the Budget and Policy Framework set by the Council.

If you need any further help please do not hesitate to contact the Head of Law and Governance, Conwy County Borough Council, Conwy County Borough Council, PO Box 1, Conwy, LL30 9GN

Whilst the Constitution is very long we hope that you will find it easy to use. We have spent a lot of time trying to make it as easy to follow as is possible with such a long and complex legal document. You may find it helpful to read this Constitution in conjunction with the Constitution Guide.

SECTION 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 0 to 24).
- 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 (Section 4);
“Chief Executive”	an Officer who must be appointed by law to carry out certain functions. See Section 12 for more details.
“Chief Officer”	any Officer (other than a person whose duties are solely secretarial or administrative or whose duties are otherwise in the nature of support services) who: reports directly to the Chief Executive in respect of all or most of his/her duties; or the Chief Executive is directly responsible for;

“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.
“Conwy and Denbighshire Local Wellbeing Plan”	This document outlines the Conwy and Denbighshire Public Services Board’s Well-being Plan under the Well-being of Future Generations (Wales) Act 2015, which seeks to make Conwy and Denbighshire a more equal place with less deprivation.
“Corporate Joint Committee”	corporate bodies, established via regulation, comprising specified principal councils in Wales, for the purpose of enabling strategic planning and delivery at a regional scale. See Section 11 for details of the Corporate Joint Committee that the Council is a member of ,and the functions that the Corporate Joint Committee will perform.
“Councillor”	a person elected to the Council to represent an area (called an electoral division) within Conwy County Borough Council;
“Data Protection Legislation”	the Data Protection Act 2018, the UK General Data Protection Regulation (UK GDPR) and all other laws relating to the use, protection and privacy of personal data
“Deputy Chief Officer”	any Officer (other than a person whose duties are solely secretarial or administrative or whose duties are otherwise in the nature of support services) who reports directly to a Chief Officer in respect of all or most of his/her duties;
“Executive”	the Cabinet or a Member or Members of the Cabinet when exercising Executive Functions;
“Executive Decision”	any decision taken by the Cabinet to exercise or refrain from exercising an Executive Function. It also includes decisions made by persons or Member bodies to whom the Cabinet has delegated Executive Functions to exercise or refrain exercising those functions;

“Executive Function”	<p>(a) Executive Functions are defined by the Local Government Act 2000, subsidiary legislation and associated guidance.</p> <p>Any function that is not exercisable only by Full Council or delegated to another Member body 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”	<p>the Forward Work Programme is a document which lists all of the decisions that the Council and the Cabinet intend to take and what business they will be considering and when those matters will be discussed. This does not prevent urgent or unforeseen matters being considered;</p>
“Full Council”	<p>the body where all Councillors act to exercise functions of the Council;</p>
“Local Choice Functions”	<p>there are some functions which the Council may treat as being the responsibility of the Cabinet (in whole or in part) or as being non-executive, at its discretion;</p>
“Local Government (Wales) Measure 2011”	<p>referred to as “The Measure”. Legislation introduced, inter alia, to strengthen local democracy, deal with changes to executive arrangements, overview and scrutiny, county councils and Member payments;</p>
“Member”	<p>either a Councillor or a person chosen by the Council to serve on one of its Member Bodies (called “a Co-Opted Member”);</p>
“Member Body”	<p>any of the following:</p> <p>Full Council;</p> <p>Cabinet;</p> <p>an Overview and Scrutiny Committee ;</p> <p>Licensing Committee;</p> <p>Standards Committee (or one of its sub-committees);</p>

	<p>Planning Committee;</p> <p>Appeals</p> <p>Governance and Audit Committee;</p> <p>Democratic Services Committee;</p> <p>Note - references to Committee also includes Sub-Committee;</p>
“Monitoring Officer”	an Officer who must be appointed by law to carry out certain functions. See Section 12 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 12 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 Cabinet;
“Petition Scheme”	<p>a scheme prepared and published pursuant to section 42 of the Local Government and Elections (Wales) Act 2021 (and reviewed from time to time) for the purpose of setting out: -</p> <ul style="list-style-type: none"> • how a petition may be submitted to the Council; • how and when the Council will acknowledge receipt of a petition; • the steps the Council will take in response to a petition received by it; • the circumstances (in any) in which the Council may take no further action in response to a petition; and • how any by when the Council will make available its response to a petition to the person who submitted the petition and to the public.
“Planning Application”	<p>any of the following:</p> <p>application for planning permission (including renewal);</p> <p>application for approval of reserved matters;</p> <p>application for listed building consent;</p> <p>application relating to trees;</p> <p>proposal to serve an urgent works notice or acquire a listed building in need of repair;</p>

		<p>application for conservation area consent;</p> <p>application for advertisement consent;</p> <p>application to vary or remove conditions on a planning permission;</p>
“Policy Framework”		See Section 4.2;
“Public Board”	Services	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;
“Report Group”	Review	<p>The role of the Report Review Group will be to review Cabinet and Council reports as a quality assurance mechanism prior to reports being submitted to the political process. The Group comprises: -</p> <ul style="list-style-type: none"> • Chief Executive • The Strategic Directors • Head of Law & Governance • The Leader • Such other Heads of Service as the Chief Executive shall determine.
“Section Officer”	151	an Officer who must be appointed by law to carry out certain functions in relation to financial administration. See Section 12 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 12 for which Officer is the Section 151 Officer;
“Senior Management Team”		The SMT comprises the Chief Executive, the Strategic Directors, all Heads of Service and Senior Managers as required by the Chief Executive and is the primary management team of the Authority.
“Strategic Leadership Team”		<p>The Strategic Leadership Team is responsible for day to day corporate management comprising of:-</p> <ul style="list-style-type: none"> • Chief Executive • The Strategic Directors • Monitoring Officer

- Head of People and Performance
- Head of Environment, Roads and Facilities
- Head of Education Services
- Such other Heads of Service as the Chief Executive shall determine

“Service”

one of the services provided by the Council;

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.
- 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 Regulations set out in Section 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 Section 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 or the Democratic Services Committee.

2.6.2 Minor Changes

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

- a minor variation; or
- required to be made to remove any inconsistency, ambiguity or typographical correction; or
- required to be made so as to put into effect any decision of the Council or its committees or the Cabinet,
- in which case the Monitoring Officer may make such a change in consultation with the Chair of the Council and the Cabinet Member with responsibility for Governance (see Section 5, Appendix 1). Such changes shall be reported to the next Full Council meeting for information.

2.6.3 Legislative Change

Any part of the Constitution may be amended by the Monitoring Officer, in consultation with the Chair of the Council and the Cabinet Member with responsibility for Governance (see Section 5, Appendix 1) where such amendment is required to be made so as to comply with any legislative provision. Such changes shall be reported to the next Full Council meeting for information.

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 councillors is present and at least two thirds of whom vote for the suspension. 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 ensure that copies of the Constitution Guide are available for inspection at Council offices and on the Council's website.
- 2.8.3 The Monitoring Officer will provide a link to a 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.
- 2.8.4 The Monitoring Officer will ensure that the Constitution is updated as necessary in accordance with paragraph 0