

Agenda



Pwyllgor Gwasanaethau Democrataidd

Dyddiad: Dydd Mawrth, 18 Hydref 2022

Amser: 10.00 am

At: Cynghorwyr: D Fouweather (Cadeirydd), K Thomas, A Sterry, M Spencer, A Pimm, E Corten, T Watkins, P Hourahine and T Harvey, G. Price, E. Bryant, L. Rowlands, F. Collins

Eitem

Wardiau Dan Sylw

- 1 Ymddiheuriadau
- 2 Datganiadau o ddiddordeb
- 3 Cofnodion y cyfarfod a gynhaliwyd ar 23 Mehefin 2022 (*Tudalennau 3 - 6*)
- 4 Canllaw ar y Cyfansoddiad (*Tudalennau 7 - 62*)
- 5 Diwygio'r Cyfansoddiad - Rhannu swyddi'r Cabinet a Chynorthwywyr Gweithredol (*Tudalennau 63 - 76*)
- 6 Adroddiad Blynnyddol Drafft y Panel Taliadau Cydnabyddiaeth Annibynnol (*Tudalennau 77 - 84*)
- 7 Dyddiad y Cyfarfod Nesaf
Dydd Mawrth 21 Chwefror 10am yn Ystafell Pwyllgor 1

Mae'r dudalen hon yn wag yn

Minutes



Democratic Services Committee

Date: 23 June 2022

Time: 10.00 am

Venue: Council Chambers and Microsoft Teams (Hybrid Meeting)

Present: Councillors D Fouweather (Chair), T Watkins, K Thomas, A Sterry, P Hourahine, T Harvey, A Pimm, M Spencer and E Stowell-Corten, Gareth Price (Head of Law and Standards), Leanne Rowlands (Democratic and Electoral Services Manager), Elizabeth Bryant (Assistant Head of Legal Services), Anne Jenkins (Governance Team Leader), Taylor Strange (Governance Officer), Felicity Collins (Governance Officer)

1 Apologies

None.

2 Declarations of Interest

None.

3 Minutes of Meeting held on 30 March 2022

The minutes of the last meeting on 30 March 2022 were accepted and **approved** as an accurate record of the meeting.

4 Forward Work Programme 2022/23

Gareth Price – Head of Law and Standards
Leanne Rowlands – Democratic and Electoral Services Manager

The Head of Law and Standards summarised the terms of reference and purpose of the Democratic Services Committee; which is to mainly oversee the effective discharge of the Council's democratic functions and to ensure that there are sufficient resources to facilitate support for Members in discharging their roles. The Local Government Wales Measure made it a statutory requirement for all councils to have a Democratic Services Committee in place to discharge these statutory function. The Measure was subsequently amended by the Local Government Democracy (Wales) Act 2013, to provide for a wider range of functions. The Committee also have oversight over the council's written constitution and monitor and oversee Members training and development.

Committee Members were introduced to Leanne Rowlands, the Democratic and Electoral Services Manager, who is the designated statutory Head of Democratic Services, whose duty is to report annually on the resources of the Democratic Services team in supporting the Councillors.

Members were advised in previous annual reports, the Democratic Services Committee is a non-partisan board which looks into the council functions and is not generally a political meeting. It was mentioned that it is not a decision making committee, but however the Members can make recommendations to full council on the constitution and to improve the council's corporate governance structure.

The officers welcomed questions from the Committee.

Committee raised the following points:

- Councillor Spencer queried if there would be more ad-hoc meeting dates. The Head of Service confirmed that the committee is expected to meet quarterly but could schedule more meetings in if frequent work comes in for the committee to review. Committee was advised that they could also agree the frequency and timing of the meetings.

The Head of Law and Standards continued to give a brief overview of the rest of the report and covered what would be on the agenda in the forward work programme. The Lead Officer highlighted that the officers took a number of reports to full Council's AGM in May 2022 for adoption to reflect the requirements of the Local Government and Elections (Wales) Act 2021; this includes hybrid meetings, the participation strategy and also the new petition scheme for the council. It was explained that the Committee are required to monitor the effectiveness of these policies and keep all of these under review and they can choose when to receive these monitoring reports.

As the petition scheme and hybrid meetings had only just been introduced as policies, the Head of Law & Standards recommended that the Committee defer monitoring these policies until later on in the year, if they would like that. It was highlighted that the participation and engagement strategy has a number of objectives which could be brought forward in the agenda if the Members would like to discuss those in future meetings.

For the September meeting, Members were advised that there is a legal requirement in legislation to produce a guide in the constitution to the decision making process. The officers intend to make the procedure easier to understand and will look to present on that to the Members in the next meeting.

Further to the discussion, the Lead Officer noted with the Committee that the other agenda item for next meeting, in light of engagement strategy will be the arrangement for ward meetings. It was highlighted that these have been down to the discretion of the ward councillors; as certain areas have a high turnout whereas others would not. Even if that does not change, the council would like to look into how the meetings are supported and structured; the officer advised they would look to bring suggestions in on how to move those arrangements forward.

The Committee agreed the forward work programme, as set out in the report and agreed the next meeting of Monday 12 September at 10am and timing of the meetings.

5 Revised Scheme of Delegation to Officers

Gareth Price – Head of Law and Standards

The Head of Service explained that officers took a report to the Full Council AGM in May on the scheme of delegation but noted that since then there has been a few issues on the current operating scheme and advised Members that the report would look to address those anomalies. The officer gave Committee a brief overview on the review for recommended amendments.

The first change mentioned was the powers of the Chief Executive as Returning Officer for the elections, which are delegated to the Chief Executive under a different part of the constitution relating to the allocation of responsibilities. From the recent election, a Community Council was inquorate so they looked to use powers for temporary measures so they could co-opt. It occurred to officers that the powers delegated to the Chief Executive elsewhere in the constitution were not reflected in the scheme of delegation in the current constitution. Therefore as a point of clarity, it was necessary to update the scheme of delegation to include those election powers. There were also some other minor changes to reflect the re-alignment of services to different Heads of Service.

The one substantive change that the Officers asked the Members to recommend to Council was to make the change in scheme of delegation for planning decisions. At present, all planning applications in relation to council owned property and corporate assets go to planning committee; the former Head of Regeneration was conflicted as the corporate property manager was also in charge of development and control and felt it was inappropriate for an officer to determine a planning application and also be on the asset management side. Therefore, all planning applications in relation to corporate property and assets had to be referred to Planning Committee for determination, regardless of how minor the applications were.

The transfer of the corporate property function to another Head of Service, following the senior management restructure, provides an opportunity to give planning officers the power to deal with minor applications relating to council assets and property. The client role for assets and property has now been transferred to People, Policy and Transformation, and that service area is now responsible for any planning application in relation to corporate property and assets. The Head of Economic Regeneration has the responsibility for discharging the separate development control function. The separating of those functions would remove the need for minor applications to go to Planning Committee and could be dealt with by the officers under the scheme of delegation.

With more significant planning applications, which fall outside the officer scheme of delegation, they would still go to Planning Committee. Members were assured that the call in process would not change, where Members can refer any respective officer delegated decisions to the Planning Committee, providing valid planning reasons to do so.

The officers welcomed questions from the committee.

Committee raised the following points:

- The Chair mentioned that in the past, elected Members' planning applications on their own homes would go to Planning Committee; and queried if this would still apply following the change.

In response, the Head of Law and Standards confirmed that nothing would change in terms of the planning application process, where any elected member has a personal interest in the outcome, whether as applicant or objector. They would still have to be referred to Planning Committee for determination. For the sake of transparency, the same would apply for internal applications where an officer submits an application and has a close association with the planning department. Members were informed that those type of planning applications would still go to the Planning Committee regardless of being minor or significant.

- Councillor K. Thomas noted that she experienced difficulty hearing the discussion through Microsoft teams as did a few of the other Members who joined the meeting remotely, they reported fading in and out on the microphones.

The Chair referred Members that the minutes of the meeting would reflect the report provided and if any Members have questions on the same; the Head of Law and Standards would clarify any points for them.

Recommendations

The Democratic Services Committee considered the officer's recommendations and accepted the Revised Officer Scheme of Delegation with the requirement to update the Planning Scheme of Delegation and to reflect the Chief Executive's powers to discharge specific functions in relation to elections.

The Committee recommended to full Council meeting on Tuesday 19 July that the revised officer Scheme of Delegation be formally approved and adopted and the constitution be updated accordingly.

6 Date of Next Meeting

Monday 12 September 10am – 12pm

Meeting terminated at 10:24am

Report



Democratic Services Committee

Part 1

Date: September 2022

Subject **Guide to the Constitution**

Purpose To agree the Guide to the Constitution and recommend to Council that it be adopted and published on the website.

Author Head of Law & Standards

Ward City wide

Summary In accordance with section 37 of the Local Government Act 2000 (as amended by section 45 of the Local Government and Elections (Wales) Act 2021) the Council is required to publish electronically and keep up to date a guide which explains, in ordinary language, the content of the Constitution. The requirement for a separate guide to the Council's corporate governance arrangements forms part of the wider strategy of greater transparency and encouraging wider public engagement and participation in decision-making.

A draft guide to the constitution is attached at Appendix 1 to this report. It is based on the model guide produced by the Welsh Local Government Association and Lawyers in Local Government and, therefore, complies with the requirements of the legislation and the draft statutory guidance.

In accordance with the legislation, councils are required to adopt and publish the guide as soon as possible after May 2022. Therefore, it is proposed that Democratic Services Committee agree an initial guide and recommend it's adoption to full Council, but the effectiveness of the guide is then monitored and reviewed as part of the wider Participation and Engagement Strategy.

Proposal (1) **To agree the Guide to the Constitution and recommend to Council that it be adopted and published on the website.**

 (2) **To monitor and review the effectiveness of the Guide as part of the Participation and Engagement Strategy.**

Action by Head of Law & Standards

Timetable In line with legislative requirements

This report was prepared after consultation with:

- Chief Executive
- Strategic Directors
- Head of Finance
- Heads of People, Policy & Transformation

Background

1. In accordance with section 37 of the Local Government Act 2000 (as amended by section 45 of the Local Government and Elections (Wales) Act 2021) the Council is required to publish electronically and keep up to date a guide which explains, in ordinary language, the content of the Constitution.
2. In producing such a guide, the Council must have regard to statutory guidance issued by the Welsh Government under section 38 of the Local Government Act 2000. The Welsh Government has produced draft statutory guidance in relation to corporate governance arrangements generally as a result of the legislative changes introduced by the 2021 Act, but the final guidance has not yet been issued. However, the Welsh Local Government Association and Lawyers in Local Government have produced a model guide to the constitution which councils are able to use and adapt in order to meet the requirements of the legislation and the final guidance.
3. The requirement for a separate guide to the Council's corporate governance arrangements forms part of the wider strategy of greater transparency and encouraging wider public engagement and participation in decision-making. As such, the guide is an integral part of the Council's statutory duty to encourage public participation in decision-making in accordance with section 39 of the 2021 Act and is intended to complement and integrate with the Council's Participation and Engagement Strategy under section 40.
4. Therefore, the guide is intended to be distinct from the Constitution itself and is not simply an annotated index to the various sections within the Constitution. The guide is designed to help members of the public understand how the Council makes decisions and delivers services and how they can get involved. It is intended to provide an overview of the Council's Constitution, explaining key sections of the Constitution in clear and simple language, and includes links to other strategic plans and documents. It explains the functions of the Council, Cabinet, Committees, and officers and identifies who is responsible and accountable for particular policies and decisions.
5. In particular, the guide should focus on the different interactions that local people are likely to have with the Council, and with local democratic systems. Therefore, there is specific reference within the guide to:-
 - The rights of the public to access information about the council (including the right to inspect accounts, and other formal documents);
 - Rights of access to meetings, and public speaking rights;
 - Arrangements for petitions.
6. Ideally, the Council would undertake extensive consultation before finalising and publishing the guide, to ensure that it reflected the views of local people, that it was easy understood and provided an effective means by which the public could engage with the Council. However, in accordance with the legislation, councils are required to adopt and publish the guide as soon as possible after May 2022. Therefore, it is proposed that Democratic Services Committee agree an initial guide and recommend its adoption to full Council, but the effectiveness of the guide is then monitored and reviewed as part of the wider Participation and Engagement Strategy.

Public consultation can then be undertaken in due course to determine whether the guide could usefully be amended to make it more helpful and easier to understand. As part of this consultation, the Committee could also engage with a wide range of people and groups from diverse backgrounds to ensure compliance with statutory duties in respect of equalities, Welsh language and the Well-being of Future Generations (Wales) Act 2015. The guide should be seen as a dynamic document, which can be refined and updated periodically in the light of public consultation.

7. A draft guide to the constitution is attached at Appendix 1 to this report. It is based on the model guide produced by the Welsh Local Government Association and Lawyers in Local Government and, therefore, complies with the requirements of the legislation and the draft statutory guidance. The model guide has been amended and adapted, where necessary, to reflect the Council's specific corporate governance arrangements and there are cross-references to the relevant parts of the Constitution. The guide is set out in 5 parts:-

Part 1 - explains why the Council has a written Constitution and how it is reviewed and updated;

Part 2 - sets out the Council's governance structure, its Cabinet and various Committees and their terms of reference

Part 3 - explains the roles and responsibilities of specific Councillors and officers

Part 4 - provides a summary of key policies and procedures and contains links to the relevant documents

Part 5 - explains how the public can engage with the Council and individual members and officers and how people can get involved in decision-making.

Financial Summary

8. There are no financial implications

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)		What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Not agreeing and publishing the guide to the Constitution	H	M		Failure to agree and publish the guide would be contrary to the requirements of Section 37 of the Local Government Act 2000, would be	Head of Law & Standards Democratic and Electoral Services Manager

				contrary to the principles of transparent and accountable decision-making and public participation in decision-making. It could leave the Council open to legal challenge.	
Agreeing and publishing the guide to the Constitution, reviewing and consulting about the effectiveness of the guide	L	L		The Council will have complied with its statutory duty to agree and publish the guide and to keep it up to date. Public consultation as part of the wider participation strategy will assist in ensuring that the Council meets its duty to encourage greater involvement in decision-making	Head of Law & Standards Democratic and Electoral Services Manager

*Taking account of proposed mitigation measures.

Links to Council Policies and Priorities

The proposed guide to the constitution is consistent with the strategic objectives set out on the Corporate Plan and also the sustainability duty under the Well-Being of Future Generations (Wales) Act and the well-being goals of a more equal Wales and a Wales of cohesive communities. The guide will encourage the public to be more involved in decision-making, ensure that those decisions reflect their diverse needs and help people to feel connected to the place that they live. The guide will also evolve over time, meeting the short-term needs required to support participation now, but also looking towards the long-term development of better engagement and involvement of residents over time so that it continues to meet the changing needs of local people.

Options Available and Considered

- (a) Approve the guide to the Constitution and recommend to Council that it is adopted and published. To monitor and review the effectiveness of the guide as part of the Participation and Engagement Strategy.

- (b) Do not approve the guide and make further amendments at this stage. This would mean a delay in meeting the requirements of the legislation to publish the guide as soon as reasonably possible after 5th May 2022.

Preferred Option and Why

Option (a) - Approve the guide to the Constitution and recommend to Council that it is adopted and published. To monitor and review the effectiveness of the guide as part of the Participation and Engagement Strategy.

By agreeing and publishing the guide, the Council will have complied with its statutory duty. Public consultation as part of the wider participation strategy will assist in ensuring that the Council meets its duty to encourage greater involvement in decision-making

Comments of Chief Financial Officer

There are no financial implications.

Comments of Monitoring Officer

Set out in the report.

Comments of Head of People Policy & Transformation

The proposed amendments to the constitution are consistent with the principles of the Well-Being of Future Generations (Wales) Act.

There are no HR implications arising from the proposal.

Fairness and Equality Impact Assessment:

- **Wellbeing of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

An FEIA has not been completed as the Guide to the Constitution is a legislative requirement. However Welsh Government have undertaken extensive consultation and a regulatory impact assessment before they introduced the legislation.

- Welsh Government have engaged with relevant stakeholders as part of the consultation on the legislation. The guide will encourage the public to be more involved in decision-making, ensure that those decisions reflect their diverse needs and help people to feel connected to the place that they live.
- As such, there are no negative impacts associated with the legislation in terms of equalities or social disadvantage.
- In terms of the sustainable development principle and 5 ways of working

Long-term – The guide will also evolve over time, meeting the short-term needs required to support participation now, but also looking towards the long-term development of better engagement and involvement of residents over time so that it continues to meet the changing needs of local people

Prevention – The guide will help to ensure that decision-making reflects the views and needs of local people.

Integration – The provisions are consistent with the well-being goal of a More Equal Wales and a Wales of cohesive communities

Collaboration – The guide will enable people to understand how the Council operates and to engage and interact with the Council, in a more collaborative way.

Involvement – The guide will encourage public participation and involvement in decision-making

Background Papers

Dated: 31st August 2022

Mae'r dudalen hon yn wag yn

Guide to the Constitution of Newport City Council

Produced pursuant to section 37 of the Local Government Act 2000

Introduction

The Constitution

The Council is made up of different individuals and bodies, who work together to deliver the Council's functions. Section 37 of the Local Government Act 2000 requires the Council to prepare and publish its written Constitution, which describes the different people and bodies that make up the Council, their functions, and the procedure rules that govern how those bodies work together to deliver services.

It is intended to: -

- enable the Council to make decisions efficiently and effectively;
- support you to participate in decisions that affect you;
- help Councillors to represent their constituents more effectively; and
- enable you to hold the Council to account.

One of the main aims of the Constitution is to set out clearly what you can expect from the Council, and what you can do if your expectations are not met.

This Guide

Section 45 of the Local Government and Elections (Wales) Act 2021, amended section 37 of the 2000 Act to require all Welsh local authorities to prepare and publish a guide to their Constitution. This Guide is designed to help you to understand how the Council makes decisions and works to deliver services in the City of Newport and how you can get involved. It provides an overview of the Council's Constitution and explains key sections of the Constitution in clear and simple language.

It may also be of use to those organisations that work with the Council to deliver services in the Council's area.

The first part of this Guide explains why the Constitution is important and how it is reviewed and updated.

It aims to answer questions such as: -

- *Why does the Council have a Constitution?* p.6
- *How can I get a copy of the Constitution?* p.6
- *Who is responsible for keeping the Constitution up to date?* p.6

The second part of this Guide explains how the Council is structured. It describes the Council's democratic bodies as well as how decisions are made and by whom.

It explains the functions of the Council, its Cabinet and its Committees, and which body of the Council is responsible for particular policies and decisions.

It aims to answer questions such as: -

- *What does my local Councillor do?* p.10
- *What does the Council do?* p.12
- *What happens at Council meetings?* p.13
- *How does the Council make decisions?* p.13
- *How can I find out what the Council decided about an issue that affects me?* p.15
- *What does the Cabinet do?* p.16
- *How does the Cabinet make decisions?* p.16
- *How are decisions scrutinised?* p.18
- *Who is responsible for upholding standards and holding Councillors to account for their conduct?* p.18
- *What do the Council's Committees do?* p.18
- *What does the Planning Committee do?* p.20
- *Who is responsible for governance, audit and risk management?* p.20
- *Who is responsible for upholding local democracy?* p.21
- *What does the Licensing Committee do?* p.21

The third part of this Guide explains the roles and responsibilities of elected members and paid officers of the Council. It describes the jobs they do, and how they work together to deliver the Council's functions and priorities. It also explains the codes of conduct that govern councillors' and officers' conduct and the standards of behaviour that you can expect from them.

It aims to answer questions such as: -

- *What does the Presiding Member do?* p.25

- *What does the Mayor do?* p.26
- *What does the Leader do?* p.27
- *What happens if the Leader is unable to perform their duties?* p.27
- *My Councillor is a member of the Cabinet, what does this mean?* p.28
- *How are members of the Cabinet supported?* p.28
- *What does the Chief Executive do?* p.29
- *What responsibilities does the Monitoring Officer have?* p.29
- *Who is responsible for ensuring that the Council's democratic policies and procedures are complied with?* p.29
- *How should Councillors behave?* p.31
- *How should Officers behave?* p.33
- *Are there any special requirements when Councillors or Officers decide planning applications?* p.33
- *How can I complain about the behaviour of a Councillor?* p.34
- *How do I report concerns about the conduct of a paid Officer of the Council?* p.35

The fourth part of this Guide provides a summary of the key policies and procedures that govern how the Council carries out certain functions.

It aims to answer questions such as: -

- *Where can I find the Council's key plans and strategies?* p.36
- *How is the Council's policy framework decided?* p.36
- *How does the Council set its budget?* p.37
- *Can decisions be taken that do not comply with the budget or policy framework?* p.37
- *Can money be moved from one budget head to another once the budget has been adopted?* p.38
- *What other policies and procedures govern how the Council manages its budget?* p.38

- *Are there any restrictions on how the Council buys in goods and services?* p.38
- *How does the Council enter into contracts and agreements?* p.39

The final part of this Guide explains how you can engage with, and get involved in, your Council and local democracy. It explains how your councillors are elected, how you can contact your councillor, raise questions, and how you can use petitions to raise issues that are important to you with the Council.

It aims to answer questions such as: -

- *What is the Council doing to engage with local people?* p.40
- *Can I send a petition to the Council?* p.40
- *How can I find out when meetings of the Council and its committees and bodies are taking place?* p.40
- *How can I find out what will be discussed at a particular meeting?* p.41
- *How can I find out when an issue I am concerned about will be decided?* p.41
- *Can I ask a Committee or body of the Council to look into a particular issue?* p.42
- *Can I attend meetings of the Full Council?* p.42
- *Can I attend other meetings?* p.42
- *Can I speak at a meeting?* p.43
- *Can I ask a question at a meeting?* p.43
- *How can I find out what the Council decided?* p.43
- *Can I view the Council's accounts to understand how my council tax is spent?* p.44

Signposts to the most relevant sections of the constitution and to additional resources available on the Council's website are provided throughout this guide to enable you to read more on a particular topic if you wish.

There is also a detailed index on the last page of this guide to allow you to quickly look up specific topics and issues of interest to you.

If there is anything in this guide which is unclear, or anything is missing, please let us know so we can improve it.

You can contact us at:-

Democratic Services

Newport City Council

Civic Centre

Godfrey Road

Newport

NP20 4UR

E-Mail: democratic.services@newport.gov.uk

Telephone: 01633 656656

Part 1 The Constitution

The Constitution governs the way in which the Council, Councillors and officers working at the Council work together to deliver the Council's functions. It ensures that everyone at the Council acts lawfully, fairly and appropriately and that the Council's functions are performed properly and effectively.



Part 2 Article 1.3 of the Constitution explains the purpose of the Constitution.

You can obtain a copy of the Constitution from the Council's offices and view it on the Council's website. A copy of the constitution must also be provided to each Councillor when they are elected to the Council.



You can access the Council's constitution on the Council's website [Newport City Council](#) -.



Part 2 Article 16 of the constitution explains where, when and how the constitution must be published.

The Head of Law & Standards, as the Council's Monitoring Officer, is responsible for maintaining and reviewing the Constitution. The Monitoring Officer is also responsible for deciding how the constitution should be understood and applied. You can read more about the Monitoring Officer's role in Part 4 of this guide.

The Full Council is responsible for agreeing the Constitution. Once the Constitution has been agreed, it can only be changed by the Full Council. Usually, changes to the constitution are recommended to the Full Council by the Monitoring Officer.

In some circumstances, the Monitoring Officer may make changes to the Constitution. For example, where there is a change in the law that affects the Constitution, or where a minor change is needed to clarify a provision in the Constitution that is unclear.



Part 2 Article 15 of the Constitution explains how the Constitution is agreed and how it can be changed.

The Constitution also governs how meetings of the Council and its committees should be conducted. The person chairing a meeting will be responsible for ensuring that the constitution is followed during that meeting.

Part 2 The Council's democratic structures

The Council is made up of Councillors who are elected every five years to represent people living in different parts of the Council's area (referred to in the constitution as 'electoral wards').

Councillors are responsible for everyone living in the Council's area, but they have a specific duty to people living in their ward.



Part 1 of the Constitution provides an overview of how individual Councillors work together as the Council.

All Councillors meet together regularly as the Full Council. The Full Council is responsible for setting the Council's budget, policy priorities and overall policy framework.

In May, at the start of every municipal year, the Full Council will elect one Councillor as its Presiding Member. The Presiding Member is responsible for chairing meetings of the Full Council and ensuring that decisions are taken properly and in accordance with the rules. The Full Council will also elect a Mayor, based on seniority, who is responsible for carrying out certain ceremonial and civic functions.

You can read more about these roles in Part 3 of this Guide.

The Council appoints or elects a Leader (who may be the leader of the largest political group or coalition of political groups). Individual councillors will also be appointed to the Cabinet by the Leader. The Leader will generally appoint councillors from their own political group as Cabinet Members, although they may appoint councillors from any political group to the Cabinet. Cabinet Members are responsible for specific policy areas, commonly referred to as portfolios. Where responsibility for a particular work area or function is given to a Cabinet Member, it is described in the Constitution as being delegated to that person.

The Cabinet meets regularly to take collective decisions on those aspects of the Council's work which the Cabinet is responsible for.

Some of the Council's functions are carried out by Committees. Committees are small groups of Councillors that meet together to carry out certain of the Council's regulatory and scrutiny functions. Subject to some exceptions, Committees comprise councillors from each political group in the same proportion as they are represented on the Full Council.

Until recently, all council meetings (whether of the Full Council, the Cabinet or a Committee or sub-committee) had to take place in person and only those councillors who were physically present at the meeting could participate in discussions and vote. Councils are now able to meet using video conferencing software. Meetings may

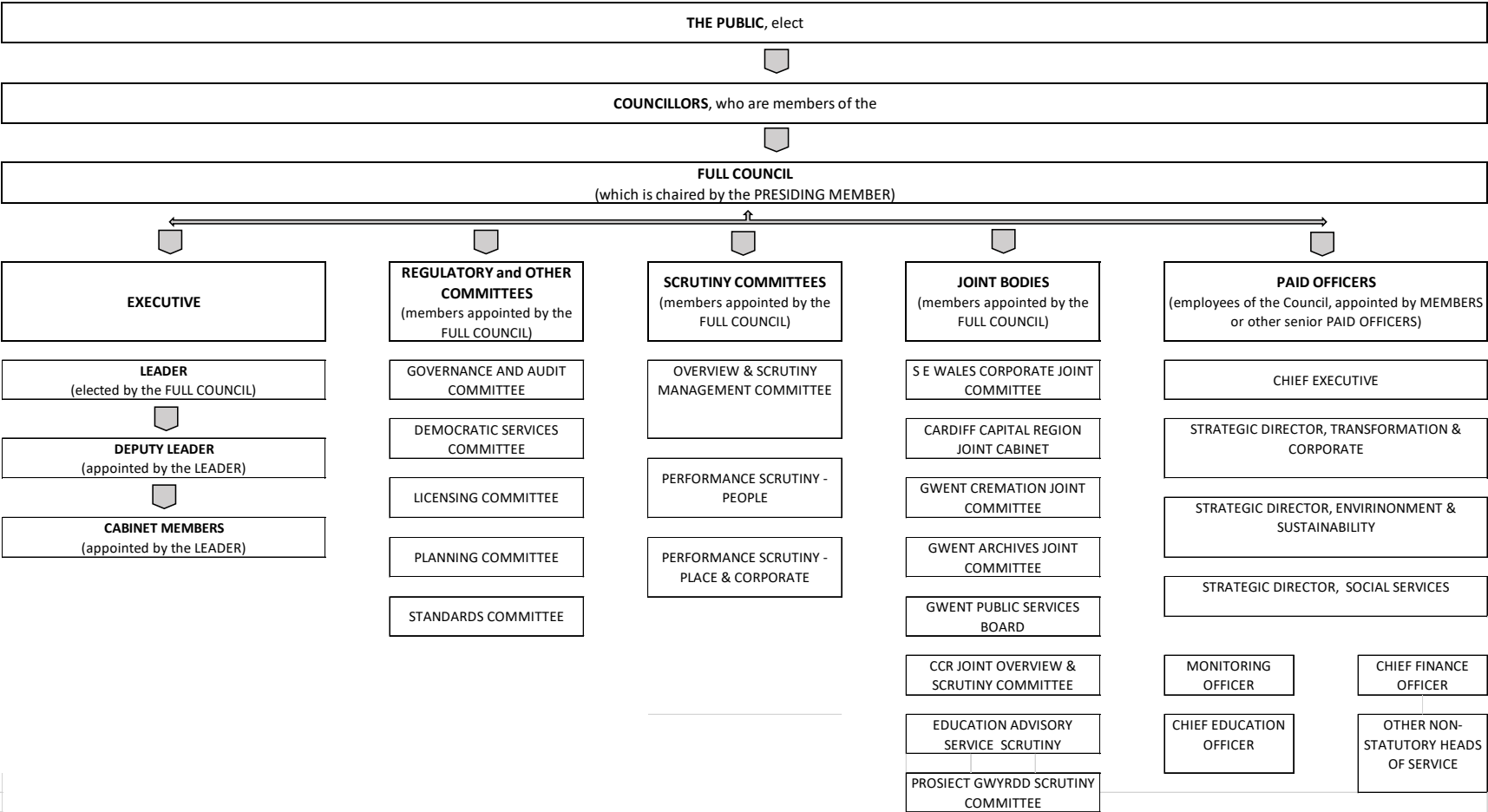
either be “remote” (where all councillors are in different places) or “hybrid” (where some people are present in one place, and others are in different places). Even if all the people who are participating in a meeting choose to be physically present, the Council must ensure that there is the option to join the meeting remotely.

The Full Council may engage such paid staff (referred to as officers) as it considers necessary. The Cabinet and Full Council may delegate functions to officers. Further information on delegations can be found in the officers’ scheme of delegation [3.3 Scheme of Delegation to Officers.pdf \(newport.gov.uk\)](#)

You can read more about these structures in the following sections of this Part of the guide.

Structure chart

Tudalen 24



Councillors

Councillors are elected by the people living in a particular ward to represent them on the Council. However, Councillors are also accountable to the wider community and must act in the best interests of everyone living in the Council's area.

If you want to raise an issue with the Council and are not sure who to contact, you may wish to contact your Councillor to ask for help.



You can find out who your local Councillor is and their contact details on the Council's website [Newport City Council - Councillors](#)

All Councillors are members of the Full Council, and they may also be members of one or more of the Council's bodies (such as the Cabinet or a committee). Where Councillors act as a member of a particular Council body, they are referred to in the constitution as 'Members'.



This is explained more fully in the list of definitions in the Introduction in Part 1 of the Constitution.

Councillors have certain rights that are set out in the Constitution, which enable them to raise issues and make representations on your behalf.

For example, Councillors may: -

- see any information which they need in order to fulfil their role as a member of the Council;
- attend and vote at any meeting of the Council;
- speak and vote at any meeting of any Council body which they are a member of;
- with the permission of the Chair, and where permitted by the Council's rules and procedures, speak at any meeting of a Council body (even if they are not a member of that body);
- talk to the Leader, Cabinet Members or Council officers about any aspect of Council business; and
- raise complaints.



Councillors' rights to information are set out in Part 4.1 of the Constitution.



Councillors' rights to participate in Council proceedings are set out Part 2 of the Constitution.

Councillors may also raise questions at meetings of the Full Council and the Council's committees and sub-committees, submit motions to the Full Council and call-in decisions.



The rules surrounding how these rights are exercised are set out in Part 4 of the Constitution.



You can read more about the role of elected Councillors and the qualities that make a good Councillor in the role descriptions (in Part 2, Article 2.2.1 of the Constitution).

Full Council



Part 2 Article 4 and the Council Standing Orders set out in Part 4.5 of the Constitution governs the Full Council.

What does the Full Council do?

The law requires that certain important decisions are taken by all Councillors meeting together as the Full Council. These are referred to in the Constitution as functions of the Full Council. The Council may decide that other non-executive functions should be carried out by the Full Council too. These are referred to in the constitution as local choice functions because the Council has a choice about which person or body should carry them out.



Part 3 of the Constitution explains the different types of functions that are carried out by the Council and which part of the Council is responsible for carrying them out.

The Full Council is responsible for, amongst other things: -

- agreeing the Constitution, and any changes to the Constitution;
- setting the Council's budget;
- agreeing the Council's Corporate Plan (which explains how the Council will deliver its well-being objectives and improve the economic, social, environmental, and cultural wellbeing of the citizens of Newport);
- agreeing key plans and strategies (referred to in the constitution as the 'policy framework');
- reviewing and reporting on the Council's performance;
- electing the Leader, the Presiding Member and the Mayor; and
- appointing the Chief Executive and other Chief Officers.




All of the functions of the Full Council are listed in Part 3 Appendix 1 of the Constitution.

Meetings of the Full Council are chaired by the Presiding Member. They are responsible for ensuring that meetings are conducted in accordance with the constitution and that decisions are made properly, fairly and lawfully.


You can read more about the role of the Presiding Member in Part 3 of this Guide.

What happens at meetings of the Full Council?


The Full Council will hold its Annual General Meeting in May each year to elect Councillors to particular positions on the Council, to appoint Councillors to outside bodies and to establish committees and working groups to carry out the Council's business during the year.

 The timing of the Annual General Meeting and the issues to be decided at that meeting are described in the Council Standing Orders set out in Part 4 Appendix 1 of the Constitution.

At the Annual General Meeting, the Council will also decide how often all Councillors should meet together as the Full Council. These regular meetings of the Full Council are known as ordinary meetings.

 Ordinary meetings are carried out in accordance with the Council procedure rules in Part 4 Appendix 1 of the constitution.


In some circumstances, it may be necessary for the Full Council to meet before its next scheduled meeting to discuss an issue that is particularly urgent or important. This is known as an extraordinary meeting of the Council.

 The process by which an extraordinary meeting may be called and the issues that may be discussed there are set out in Part 4 Appendix 1.3 of the constitution.

The Full Council is responsible for deciding when and where meetings of the Full Council will be held. The Head of Law & Standards must notify Councillors of this by issuing them with a summons.

The Head of Law & Standards is also responsible for ensuring that the public are told about meetings of the Full Council, by publishing a notice in advance of each meeting. The notice must include certain information such as the date and time of the meeting, where it will be held and how you can access the meeting remotely using video conferencing.

You can read more about participating in meetings of the Council in part 4 of this Guide.

 Part 4 Appendix 1 of the Constitution and the Council's published Arrangements for Multi-Location meetings govern meeting arrangements and notice requirements.

How does the Full Council make decisions?

Meetings of the Full Council are carried out in accordance with an agreed set of rules that are designed to ensure that debates are conducted fairly and efficiently, and that every Councillor has the ability to raise questions and to make comments on the public's behalf.



The rules of debate are set out in Part 4.5 of the Constitution.

Decisions are made by Councillors casting votes for or against a particular decision (referred to in the Constitution as a motion). Councillors may also propose amendments (changes) to a particular motion, which must then be voted on.

Historically, votes were conducted by a show of hands, with Councillors asked to raise their hand to indicate whether they were voting for or against a particular motion, or whether they wished to abstain (i.e. to vote neither for nor against the motion). This show of hands is still the way in which Councillors vote when they are physically present in meetings of Full Council. However, with hybrid meetings, Councillors who attend remotely are able to use electronic voting functions on video conferencing platforms to cast their votes.

Decisions will usually require a simple majority of Councillors present (in person or remotely) voting for a particular motion. In other words, more Councillors must vote for a motion than against it. Where a vote is tied once all Councillors have voted, the Presiding Member will have a second, casting vote.

Councillors may request a recorded vote on a particular issue. In a recorded vote, the Councillors voting for and against a particular motion, and those abstaining, will be written down and recorded in the minutes of the meeting. Councillors may also request that their individual vote on a particular motion is recorded in the minutes.



The Council's voting arrangements are set out in Part 4.5 of the Constitution.

Does every Councillor need to be present before a decision can be taken?

Not every Councillor needs to vote on every decision. In fact, in some circumstances it may not be appropriate for a Councillor to vote on a particular issue (for example, where they have a personal interest in a decision). You can read more about this in part three of this Guide.

However, in order for the Council to make a lawful decision, a minimum number of Councillors must be present at a meeting. The minimum number of Councillors that

must be present at a meeting is referred to in the Constitution as the quorum for that meeting.



Part 4.5 (Standing Order 3) of the Constitution sets out the minimum number of Councillors that must be present so the Full Council can make a decision. The quorum for Full Council meetings is one-third of the total number of Councillors.

Are meetings recorded?

Meetings of the Full Council are broadcast live on the Council's website.

A record of each meeting will be kept in the form of minutes. The minutes will contain a record of the motions that were put to the meeting, and the decisions that were taken. They will also record who was present at the meeting.

The minutes of a meeting of the Full Council will be agreed by the next meeting of the Council and published on the Council's website in accordance with the Council's access to information procedure rules and statutory requirements.

The Council also publishes a record of the decisions taken at every meeting of the Full Council, the Cabinet and at committee and sub-committee meetings within seven days of the meeting taking place.

If you want to find out what the Council decided about an issue that affects you, you can read the minutes or the record of decisions for the meeting where that issue was discussed.



Information on the Council's broadcasting arrangements can be found in Part 4.5 of the Constitution and in the Council's Arrangements for Multi-Location meetings published on the Council's website [11i Arrangements for Multi-location meetings v1.pdf \(newport.gov.uk\)](#) .



Information on minutes can be found in Part 4.5 of the Constitution.



The access to information procedure rules can be found in Part 4.1 of the constitution.



Minutes of meetings and records of decisions are available on the Council's website [Newport City Council - Meetings, agendas, and minutes](#)

The Cabinet

The Cabinet is made up of the Leader and individual Cabinet Members appointed to the Cabinet by the Leader.



Part 2 Article 7 of the Constitution explain the composition of the Cabinet and how Councillors are appointed to the Cabinet.

The role of Leader and any role on the Cabinet may be carried out by two or more Councillors on a job-share basis.



Part 2.7 of the constitution explains the job-sharing arrangements for members of the Cabinet.

What does the Cabinet Executive do?

The Leader is responsible for carrying out the Council's executive functions. However, in practice the Leader cannot personally carry out every one of these functions, so the Leader delegates responsibility for certain functions to the Cabinet Members, to officers of the Council or to other bodies.

The Leader decides which executive functions to delegate to whom. This is known as the Council's scheme of delegation.



The Council's scheme of delegation to Cabinet Members and officers can be found in Parts 3.2 and 3.3 of the Constitution.

Meetings of the Cabinet

The Cabinet meets every month in accordance with their agreed annual work programme. The dates and times of the meetings are agreed with the Leader. The Leader also chairs meetings of the Cabinet.

The Constitution prescribes certain matters that must be considered at every meeting of the Cabinet. Additionally, the Leader, Cabinet Members and Strategic Directors or Heads of Service may require that an item of business is added to the meeting agenda.

Meetings of the Cabinet are carried out in accordance with the rules of procedure and debate set down in the Constitution.



The rules of procedure and debate of the Cabinet are set out in Part 4.5 Section 2 of the Constitution.

How does the Cabinet make decisions?

The Cabinet is obliged to consult with individual Councillors and with certain committees before it makes certain decision on matters that are not urgent.

The Cabinet is also required by law to consult with the public in advance of taking certain decisions. Even where legislation does not require public consultation, as a matter of good practice the Cabinet may also consult the public in advance of taking other significant decisions. Where the Cabinet undertakes public consultation, the Cabinet must have regard to the consultation responses received when taking their decision.

Decisions taken by individual Cabinet Members in accordance with their scheme of delegation are also subject to consultation with other Councillors and, where appropriate, the public. These delegated decisions require written reports, setting out the reasons for the proposed decision and any financial implications, and they are circulated to all Councillors for comment, prior to any decision being taken. Any consultation responses or comments from other Councillors are set out in the report, together with any replies from officers. Where Councillors have any objection to the proposed decision, they can request a personal meeting with the Cabinet Member to discuss their concerns, before any decision is taken. Copies of the reports (unless they contain confidential information) and the decisions taken by individual Cabinet Members are recorded published on the Council's website



These consultation requirements are explained in Part 4.1 of the Constitution.

The Cabinet must keep a record of every decision it makes, including every decision made by an individual Cabinet Member.



Part 4.1 of the Constitution sets down the requirements for the Cabinet's record of decisions.



You can read the minutes of meetings of the Cabinet and decisions taken by individual Cabinet Members on the Council's website [Newport City Council - Meetings, agendas, and minutes](#)

Why does the Council have committees and what do they do?

The law requires the Council to establish Committees for the purpose of carrying out certain legal functions of the Council.

The Council may also decide to establish other Committees and working groups for the purpose of assisting the Council to conduct its business efficiently and effectively.

What do the Council's Scrutiny Committees do?

Overview and Scrutiny Committee

The Overview and Scrutiny Committees are responsible for holding the Cabinet and other bodies of the Council to account.

The Overview and Scrutiny Committees can: -

- scrutinise decisions made by the Cabinet and other parts of the Council;
- make reports and recommendations to the Cabinet about performance and the delivery of services; and
- make proposals to the Cabinet and Cabinet Members regarding changes to the Council's policies.



The functions of the Overview and Scrutiny Committees are set out in Part 4.3 of the constitution.

The Overview and Scrutiny Management Committee is responsible for reviewing policies and procedures, while the three Performance Scrutiny Committees are responsible for scrutinising the performance and the delivery of services, by Council staff and external partners.

Members of the Overview and Scrutiny Committees must be told about meetings of other Council bodies. They have special rights to see Council documents.

The Overview and Scrutiny Committees may also require any member of the Cabinet or any senior paid officer of the Council to attend a meeting of the Committee to explain a decision that they have taken or their performance.



The Overview and Scrutiny Committee's rights and powers are described in Part 2 article 6 and Part 4.3 of the constitution.



The rules around membership of the Overview and Scrutiny Committee, the conduct of committee meetings and the carrying out of the functions are committee are set out in Part 2 Article 6 of the constitution.

Standards Committee

The Standards Committee is responsible for promoting high standards of conduct by Councillors, including by advising and training Councillors on the councillor code of conduct and advising the Council on changes to that code.



The functions of the Standards Committee are set out in Part 2 Article 9 of the constitution.

The Standards Committee is also responsible for investigating alleged breaches of the councillor code of conduct and imposing sanctions on Councillors who are found to have failed to comply with that code.



The procedure for dealing with allegations made against Councillors is set out in Part 5 of the constitution.

The Standards Committee comprises a mixture of Councillors and independent members (who cannot be members or paid officers of the Council or related to members or paid officers of the Council).

Councillors are appointed to the Committee in accordance with the political balance rules (which ensure that the political make-up of the committee reflects the political make-up of the Council).



You can read more about the Standards Committee in Part 2 Article 9 and Part 3 Appendix 1 of the constitution.

What do the Council's regulatory and other committees do?

Planning Committee

The Council is responsible for operating the planning system in its area. This involves preparing local development plans and local planning policies (which govern development in the Council's area) and managing development (by granting or refusing permission for new development).

The Council will appoint individual Councillors to the Planning Committee and agree terms of reference for, and the delegation of powers to, the Planning Committee to enable it to discharge those functions. Some smaller planning decisions are delegated by Council to officers under the officer scheme of delegation, although individual Councillors are consulted about the proposed officer decisions and can refer them to Planning Committee for determination, if there are valid planning reasons for doing so.



You can read more about the Council's Planning Committee in Part 2 Article 8 and Part 3.1 of the constitution.



You can also read more about the Council's planning functions on the Council's website [Planning | Newport City Council](#).

Licensing Committee

The Council is responsible for deciding whether to grant licences for a wide range of different businesses, services and activities in its area. The Council's licensing functions are delegated to the Council's Licensing Committee. Some licensing decisions are also delegated by Council to officers under the officer scheme of delegation.

The Council will appoint individual Councillors to the Licensing Committee and agree terms of reference for, and the delegation of powers to, the Licensing Committee to enable it to discharge those functions.



You can read more about the Council's Licensing Committee in Part 2 Article 8 and Part 3.1 of the constitution.



You can also read more about the Council's licensing functions on the Council's website [Licences and Permits | Newport City Council](#).

Governance and Audit Committee

The Governance and Audit Committee advises the Full Council and the Cabinet on matters relating to good governance, financial oversight, risk management and complaints.

The Governance and Audit Committee monitors the effectiveness of the Council's rules and procedures for ensuring that the Council acts lawfully, responsibly and that it is accountable to the public (referred to in the constitution as the Council's governance systems and internal controls). The committee is also responsible for ensuring that the Council's decisions and finances are audited in accordance with agreed procedures. Lastly, the Governance and Audit Committee must review and comment upon the Council's own corporate self-assessment reports.

The Governance and Audit Committee comprises a mixture of Councillors and lay members (who are not members of the Council). Councillors are appointed to the Committee in accordance with the political balance rules (which ensure that the political make-up of the committee reflects the political make-up of the Council).



Part 2 Article 6 of the constitution explains the Council's arrangements for the Governance and Audit Committee.



Article 3.1 of the constitution explains the functions of the Governance and Audit Committee.

Democratic Services Committee

The Democratic Services Committee is responsible for appointing the Head of Democratic Services, keeping under review the provision of resources to the Head of Democratic Services and supporting non-executive members of the Council.

The Democratic Services Committee is made up of Councillors who are not Cabinet Members. Councillors are appointed to the Committee in accordance with the political balance rules (which ensure that the political make-up of the committee reflects the political make-up of the Council).



Part 2 Article 8 of the constitution explains the Council's arrangements for the Democratic Services Committee.



Article 3.1 of the constitution explains the functions of the Democratic Services Committee.

What are joint committees?

The Council may carry out some of its functions jointly with one or more other local authorities in Wales, and with other public bodies. The Council may decide to do this where, for example, the Council considers that it could better promote the economic, social or environmental wellbeing of people living in its area by coordinating its activities with other local authorities, bodies or people.

The Council can establish a joint committee with other local authorities, bodies or people and delegate decisions and functions to that joint committee. By allowing decisions to be taken by a joint committee, the Council can ensure that decisions can be coordinated between all authorities and bodies represented on the committee.

The Cabinet may also establish joint arrangements with one or more local authorities in Wales for the purpose of jointly exercising executive functions together with those authorities.



Part 2 Article 11 of the constitution governs the circumstances in which the Council or Cabinet may enter into joint arrangements with other authorities and bodies.

The Council and the Cabinet may also delegate or contract out particular functions to another local authority or to another body or organisation.



Part 2 Article 11 Of the constitution explain the Council's delegations and contracting out arrangements.

The South East Wales Corporate Joint Committee

The South East Wales Corporate Joint Committee is made up of the Leaders of the 10 constituent councils in south-east Wales, who may decide to co-opt other executive members or partner representatives as appropriate.

The South East Wales Corporate Joint Committee is responsible for the following functions: -

- transport;
- strategic planning; and
- economic development

The Council must work together with other members of the South East Wales Corporate Joint Committee when it performs these functions.

The South East Wales Corporate Joint Committee was established under regulations made by the Welsh Ministers. Consequently, many of the rules and standards that apply to the South East Wales Corporate Joint Committee are set down in regulations, rather than in the constitution.



You can read the regulations that govern the South East Wales [Corporate Joint Committee online [The South East Wales Corporate Joint Committee Regulations 2021 \(legislation.gov.uk\)](https://legislation.gov.uk/uksi/2021/1251/contents/make)



You can read more about statutory joint committees generally in guidance published by the Welsh Government [WG44355 \(gov.wales\)](https://gov.wales/wg44355) .

Part 3 Roles and responsibilities

What roles do Councillors perform?

In Part 2 Article 2 of the constitution you can find information about the roles that Councillors may perform on the Council.

These include: -

- Leader and Deputy Leader;
- Presiding Member and Deputy Presiding Member;
- Mayor and Deputy Mayor;
- Cabinet Member;
- Elected Member (Councillor);
- Chair and / or member of the Democratic Services Committee;
- Chair and/or member of the Governance and Audit Committee;
- Chair and / or member of the Overview and Scrutiny Committee;
- Member of the Standards Committee;
- Chair and / or member of a Regulatory Committee;
- Leader of the Opposition and Deputy Leader of the Opposition; and
- Member Champions.

In Part 2 Article 12 and Part 7 of the constitution you will find information about the roles played by senior paid officials of the Council, including the Chief Executive, the Monitoring Officer, the Chief Finance Officer and the Head of Democratic Services.

This part of the Guide provides more information about these important roles.

Presiding Member and Deputy Presiding Member

The Presiding Member and Deputy Presiding Member are elected by the Full Council every year.



The procedures that govern the election of the Presiding Member and the Deputy Presiding Member and their resignation or dismissal are set out in Part 4 Appendix 1 of the constitution.

The Presiding Member is responsible for: -

- promoting and upholding the constitution;
- presiding over meetings of the Full Council;
- ensuring that meetings of the Full Council are quorate and conducted in accordance with the Council's procedure rules; and
- ensuring that decisions are taken in accordance with the constitution.
- Chairing all-member training and development sessions.

The Deputy Presiding Member fulfils the functions of the Presiding Member in his/her absence.



You can read more about the role and functions of the Presiding Member and the Deputy Presiding member in In Part 4 Appendix 1 of the constitution.



The role descriptions for the Presiding Member can be found in Part 2 Article 2 of the constitution.



The role description for the Deputy Presiding Member can be found in Part 2 Article 2 of the constitution.

Mayor and Deputy Mayor

The Mayor is the civic and ceremonial head of the Council. The Mayor is elected annually by the Council at its Annual General Meeting based on the seniority of Councillors and how long they have served on the Council.

The Mayor represents the Council at civic, community and ceremonial events and is responsible for fostering community identity and pride. The Mayor also raises money for their nominated charities.

The Deputy Mayor is nominated by the Mayor to assist with mayoral duties during the mayoral year. The Deputy Mayor performs the mayor's functions in his/her absence.



You can read more about the role and functions of the Mayor and the Deputy Mayor in Part 2 Article 2 of the constitution.

Leader and Deputy Leader

The Leader is elected by the Full Council every year.

The Deputy Leader is appointed by the Leader to exercise the Leader's functions in their absence.



The arrangements governing the election of the Leader and the appointment of the Deputy Leader are set out in Part 2 Article 2 and Part 4.5 of the constitution.

The Leader is responsible for appointing Councillors to the Cabinet and for allocating specific policy areas and responsibilities (portfolios) to Cabinet Members.

The Leader is also responsible for preparing a scheme describing which functions are to be carried out by which Cabinet Members (this is referred to in the constitution as the scheme of delegation to Cabinet Members).



See Part 3.2 of the constitution for more information.

The Leader also chairs meetings of the Cabinet.

The Leader will act as the Council member of the South East Wales Corporate Joint Committee and the Council's representative on the Gwent Public Services Board.



See Part 2 Article 7 of the constitution for more information.



The role description for the Leader can be found in Part 2 Article 2 of the constitution.



The role description for the Deputy Leader can be found in Part 2 Article 2 of the constitution.



The person specification for the Leader can be found in Part 2 Article 2 of the constitution.

Cabinet Member

Cabinet Members are responsible for: -

- taking decisions regarding issues that fall within their area of responsibility;
- playing an active role in Cabinet meetings and decision making;
- contributing to the development of the Council's forward work programme and to policies and procedures in their area of responsibility;
- providing political leadership to the Council's paid officers on matters they are responsible for;
- reporting to the Leader, the Cabinet and others on the performance of services which they are responsible for; and
- participating in the Council's scrutiny processes and procedures, including the performance of functions within their area to the Overview and Scrutiny Committee.



You can read more about Cabinet Members in Part 2 Article 7 of the constitution.



The role description for Cabinet Members can be found in Part 2 Article 2 of the constitution.



The person specification for Cabinet Members can be found in Part 2 Article 2 of the constitution.

Assistants to the Executive

Assistants to the Executive (where appointed) support Cabinet Members by taking on certain tasks and responsibilities on their behalf. They may attend meetings, prepare reports, review papers and draft comments for the member they support.

Assistants to the Executive are not members of the Cabinet and cannot vote at Cabinet Meetings. However, they are entitled to attend and to speak at meetings of the Cabinet.



You can read more about Assistants to the Executive in Part 2 Article 7 of the constitution.

What roles do paid officers of the Council perform?

The elected members of the Council are supported by paid officers of the Council, who are accountable to the Council and responsible for delivering services to the public in accordance with the policies and procedures agreed by the Full Council, the Cabinet and their committees and bodies.

The **Chief Executive** has overall corporate and operational responsibility for the work of the Council and for all paid officers of the Council.



The Chief Executive's role and responsibilities are described in Part 2 Article 12 of the constitution.

The **Monitoring Officer** is responsible for ensuring lawfulness and fairness in the Council's decision making, maintaining and upholding the constitution, receiving reports of alleged breaches of the Council's duties and obligations and conducting investigations into such allegations.



The Monitoring Officer's role and responsibilities are described in Part 2 Article 12 of the constitution.

The **Head of Democratic Services** is responsible for advising the Council, its committees and individual Councillors, on the proper discharge of the Council's democratic functions and responsibilities.



The Head of Democratic Services' role and responsibilities are described in Part 2 Article 12 of the constitution.

The **Chief Finance Officer** is responsible for ensuring that the Council makes lawful and financially prudent decisions. They are also responsible for the administration of the Council's financial affairs and providing advice to Councillors on the Council's budgetary and other financial procedures.



The Chief Finance Officer's role and responsibilities are described in sections Part 2 Article 12 of the constitution.

The Council also employs a number of other Chief Officers: -

- Strategic Director -Transformation and Corporate
- Strategic Director - Social Services
- Strategic Director – Environment & Sustainability
- Chief Education Officer
- Head of People, Policy and Transformation

- Head of Regeneration & Economic Development
- Head of Housing & Communities
- Head of Environment & Public Protection
- Head of City Services
- Head of Children Services
- Head of Adult Services
- Head of Prevention & Inclusion

Chief Officers are each accountable to the Council for the financial management and administration of those services and activities allocated to them in accordance with the Council's policies.



The roles and responsibilities of Chief Officers are described in Part 2 Article 12 and Part 3.3 of the constitution.



The processes by which officers are recruited, appointed, disciplined and dismissed are set out in Part 4.4 of the constitution.

How should Councillors and Officers behave?

Councillors should comply with the Members' Code of Conduct

Councillors are expected to uphold the highest standards of personal and professional conduct. Those standards are described in the Code of Conduct for Members.

The Code of Conduct for Members is intended to help and guide Councillors in maintaining appropriate standards of conduct when serving their community. In turn, it provides reassurance to the public and helps build their trust in, and respect for, their local representatives.

The Code of Conduct for Members is based upon the 7 Principles of Public Life, which were first set out in the 1995 Nolan Report on Standards in Public Life. Three additional principles were added in the local government principles in Wales.

The Code of Conduct for Members is consistent with, and provides for the practical application of, these principles.

➤ **Selflessness**

Members must act solely in the public interest. They must never use their position as members to improperly confer an advantage on themselves or to improperly confer an advantage or disadvantage on others.

➤ **Honesty**

Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

➤ **Integrity and propriety**

Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

➤ **Duty to uphold the law**

Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

➤ **Stewardship**

In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.

➤ **Objectivity in decision-making**

In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

➤ **Equality and respect**

Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sex, sexual orientation, marital status, age or religion, and show respect and consideration for others.

➤ **Openness**

Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

➤ **Accountability**

Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

➤ **Leadership**

Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.



You can read the Code of Conduct for Members in full in Part 5.1 of the constitution.

Councillors are expected to ensure that they understand their obligations under the Code and act in a way which shows that they are committed to meeting the high standards of conduct that are expected of them. However, Councillors are provided with training when they are first appointed, and on a regular basis, to support them to comply with the Code of Conduct for Members.

Special requirements for Councillors who are members of the Council's planning committee

Planning affects people's private and financial interests in land and property and the environment in which communities live, work and play.

The Council's Planning Committee is responsible for balancing the needs and interests of individuals and the community to make decisions that are open, fair and transparent and decided using sound judgment and for justifiable reasons.

For these reasons, members of the Council's planning committee are expected to abide by an additional Planning Code of Practice.

The Planning Code of Practice explains, amongst other things: -

- the role of officers in providing impartial and professional advice to members of the committee;
- the factors that should be taken into account when deciding an application for planning permission and the factors that should not be taken into account;
- the legal duties which members of the committee must have regard to, such as the duty to have regard to the need to ensure that development contributes to the economic, social, environmental and cultural well-being of Wales and the duty to have regard to the impact of development on the extent to which the Welsh language is used in the Council's area
- the action members should take if they have a personal interest in a matter being determined by the committee (e.g. where an application relates to a property which they own); and
- how applications for development proposed by, or to be carried out by, the Council should be decided.



You can read the Planning Code of Practice on the Council's website [Planning Code of Practice \(newport.gov.uk\)](https://newport.gov.uk/planning-code-of-practice) .

Officers should comply with the Officers' Code of Conduct

Paid officers of the Council are responsible for serving the Council by providing advice to Councillors, implementing the Council's policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

The public is entitled to expect the highest standards of conduct from all those who work for the Council. The Code of Conduct for Officers outlines the rules and conditions of service which apply to the Council's employees. It is designed to provide clear guidance to assist them in their day to day work and to allow the public to understand what they can expect when they interact with a Council employee.



You can read the Code of Conduct for Officers in full in Part 5.2 of the constitution.

Officers who support the Council's Planning Committee are also expected to abide by the Planning Code of Practice.

How should Councillors and Officers work together?

Councillors and Officers have different roles, responsibilities and accountabilities, but it is imperative that they work effectively together to perform the Council's functions and to deliver services to residents living in the Council's area.

The Protocol on Member and Officer Relations is designed to clarify the respective roles and responsibilities of Councillors and Officers and to guide them in their dealings with one another. It explains what Councillors and Officers can reasonably expect from one another and how they should work together to achieve their common purpose.

Councillors are entitled to express political views and to support the policies of the party or group to which they belong. Conversely, officers are expected to carry out the Council's business in a politically impartial way and many are restricted from engaging in political activity. The protocol therefore explains how officers can support the policy deliberations by political groupings, while remaining politically neutral.



You can read the Protocol on Member and Officer Relations in full in Part 5.3 of the constitution.

How can I complain about a Councillor?

Part 2 Article 3 of the constitution explains how you can submit comments or complaints about the Council's services.

If you wish to complain about a Councillor, then you should contact either the Council's Monitoring Officer or the Public Services Ombudsman for Wales.



The Council's complaints process provides more information about how to complain. It is available on the Council's website [Compliments, Comments and Complaints | Newport City Council](#).



You can contact the Monitoring Officer's via the Council's Contact Centre, by telephoning 01633 656656 or e-mailing ccc@newport.gov.uk .



You can find out more about how to complain to the Public Services Ombudsman for Wales on their website
<<https://www.ombudsman.wales/how-to-complain/>>

How can I complain about a service provided by the Council?

If you have a complaint about the Council, its employees or the services it provides you make a complaint via the Council's complaints process which can be found on the Council's website at [Compliments, Comments and Complaints | Newport City Council](#) or by telephone 01633 656656 or email ccc@newport.gov.uk

Part 4 Policies and procedures

The Council's key plans and strategies (the policy framework)

Where can I find the Council's key plans and strategies?

The Full Council is responsible for setting the Council's key plans and strategies, which together form the Council's policy framework.



The plans and strategies which form the Council's policy framework are listed in Part 2 Article 4.1 of the constitution.



Individual plans and strategies are published on the Council's website [Corporate plans and policies | Newport City Council](#).

How is the Council's policy framework decided?

The Cabinet is responsible for consulting with relevant stakeholders, considering any reports or recommendations made by the Council's Overview and Scrutiny Committee[s] and working with the Council's Chief Officers to develop a draft policy framework.

Once the Cabinet has developed a draft policy framework, it will be considered by a meeting of the Full Council. The Full Council may decide to adopt the policy framework, make changes to it, refer it back to the Cabinet so that further work can be done on it, or substitute its own policy framework for the draft prepared by the Cabinet.

If the Full Council decides to adopt the policy framework then it takes effect immediately.

Once adopted, the Cabinet, individual Cabinet Members and the Council's paid officers are bound to act in accordance with the policy framework.



The process by which the Full Council adopts a policy framework is described in Part 2 Article 4 of the constitution.

Budget setting and financial management

How does the Council set its budget?

The Full Council is responsible for agreeing the Council's budget, and for agreeing changes to the Council's budget once it has been formally adopted.

The Council's budget is in two parts: -

- the revenue budget provides for day to day operating costs and expenditure like staff salaries, rent, and the ongoing costs of providing services.
- the capital budget provides for one-off costs, such as building a new school or a major regeneration scheme.

The Cabinet, in consultation with the Chief Finance Officer, is responsible for developing initial proposals for the Council's budget and consulting over these.

Once this consultation has been completed, the Cabinet is responsible for preparing a final budget proposal for consideration by the Full Council, including setting the Council Tax rate.

The Full Council may adopt the budget and the proposed Council Tax rate without making any changes, amend the budget, or ask the Cabinet to reconsider it before adopting it.



The process by which the Full Council adopts its budget is described in Part 4.2 of the constitution.


Decisions outside the budget or policy framework


Can decisions be taken that do not comply with the budget or policy framework?

The Full Council may decide to make changes to the policy framework.

Other bodies and individuals may only take decisions that do not comply with the policy framework in a limited number of exceptional circumstances, which are set out in the constitution. For example, where an urgent decision must be taken to safeguard the Council's interests and it is not possible to arrange a meeting of the Full Council in time.

However, the reasons for the urgency need to be reported to Governance & Audit Committee and a full explanation for the urgent decision needs to be presented to the next Full Council meeting.

 The Council's arrangements for urgent decisions which do not comply with the policy framework are set out in Part 4.2 of the constitution.

 Part 4.2 of the constitution describes the limited circumstances in which bodies or individuals other than the Full Council may make changes to the policy framework.


Can money be moved from one budget head to another once the budget has been adopted?

During the year the Cabinet and Chief Officers may need to transfer budgets from one service area to another to reflect changes in service needs or priorities in order to deliver the Council's policy framework within the financial limits set by the Council.

 The mechanism by which the Cabinet and Chief Officers may move money between budget heads is set out in Part 4.2 of the constitution.

What other policies and procedures govern how the Council manages its budget?

The Council is bound by a number of different financial rules and procedures that govern how the Council's spending is planned, committed, reviewed and audited.


 The Council's detailed financial procedure rules are set out in Part 4.6 of the constitution.

Are there any restrictions on how the Council buys in goods and services?

The Council can enter into contracts to purchase goods and services in much the same way as any other person or organisation. However, the Council must comply with the contract procedure rules in the constitution when it does so.

The purpose of the contract procedure rules is to ensure that the Council complies with relevant legal requirements and secures the most economically advantageous (best value) goods and services for taxpayers.

If you regularly sell goods or services to the Council then you may wish to familiarise with these rules and procedures.

 The Council's contract procedure rules are set out in Part 4.7 of the constitution.

How does the Council enter into contracts and agreements?

The rules and procedures that govern how agreements, contracts and deeds are authorised and executed on behalf of the Council are set out in Part 2.14 and Part 4.7 of the constitution.

Part 5 How can I get involved?

How is the Council engaging with local people to encourage them to participate in local democracy?

The Council has published a public participation strategy which explains how it will encourage local people to participate in the Council's decision-making processes. The Council's public participation strategy describes how the Council will:

- promote awareness of the Council's functions;
- promote awareness of how people can become a Councillor and what the role entails;
- facilitate access to information about decisions made, or to be made, by the Council;
- promoting arrangements by which people may make representations to the Council about decisions it has made or will make in the future;
- ensure that the public's views are brought to the attention of its Overview and Scrutiny Committee[s]; and
- promote awareness amongst Councillors of the benefits of using social media to communicate with local people.

The Council also engages with local people through citizen panels and surveys and consultations around specific policies and services. These may be initiated by the Council, service departments within the Council or through the work of the Council's committees or sub-committees.



The Council's public participation strategy is published on the Council's website [Participation Strategy Final Format \(newport.gov.uk\)](https://www.newport.gov.uk/participation-strategy)

Can I send a petition to the Council?

Yes, you can submit petitions to the Council using the Council's petition scheme. The Council is obliged by law to operate a petition scheme, which sets out: -

- how a petition can 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; 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.



You can read more about submitting a petition to the Council on the democracy homepage of the website [Newport City Council - Meetings, agendas, and minutes](#).



The Council publishes details of its petition scheme on its website [<insert hyperlink>](#).

How can I find out when meetings of the Council and its committees and bodies are taking place?

The Council publishes notices of meetings of the Full Council and its committees.



You can find out more about notice requirements in Parts 4.1 and 4.5 of the constitution.



The Council publishes notices of meetings, and a programme of upcoming meetings, on its website [Newport City Council - Meetings, agendas, and minutes](#)

How can I find out what will be discussed at a particular meeting?

The Council will publish agendas for meetings, together with any background papers and reports in advance of the meeting taking place.

Hard copies of agendas and background papers and reports will also be available at the meeting for those members of the public who wish to attend in person.



You can find out more the information that is made publicly available in advance of a Council meeting in Parts 4.1 and 4.5 of the constitution.



The Council publishes meetings agendas and supporting documents and reports on its website [Newport City Council - Meetings, agendas, and minutes](#)

How can I find out when an issue I am interested in will be decided?

The Council publishes a forward work programme, which sets out what decisions will be taken by the Full Council, the Cabinet and what issues the Overview and Scrutiny Committee will be considering, and when these matters will be discussed.



You can find out more about the Council's forward work programme in Part 4.1 of the constitution.



The Council publishes its forward work programme on its website [Newport City Council - Browse plans - Cabinet, 2022](#) .

Can I ask a committee or body of the Council to look into a particular issue?

Yes, you can contact your Councillor about matters of interest, and they may be able to raise them, if relevant, during an Overview and Scrutiny Committee meeting; this is called a Councillor Call for Action.

You can also ask the chair of a particular Overview and Scrutiny Committee to add an item to the agenda for a future meeting, or ask that body to look at an issue when it is considering items of future business.

Can I observe meetings of the Full Council?

Yes, members of the public can come to observe meetings of the Full Council so long as they are being held in public.

Meetings of the Full Council are also broadcast live on the Council's website so you can watch them in real time remotely if you wish to do so.

The public will only be excluded from meetings whenever it is likely that confidential information would be disclosed to them if they were able to attend. The Council may also exclude the public from a meeting, or part of a meeting, where exempt information would be disclosed. Exempt information includes information that relates to a particular individual or their financial or business affairs, information that is legally privileged or information relating to the prevention, investigation or prosecution of a crime, or other information specified in the constitution.

If you interrupt a meeting of the Council, then you are likely to be warned by Presiding Member about causing a disturbance. If you continue to disturb the meeting, then you may be removed.



The rules around excluding the public from meetings are set out in Part 4.5 of the constitution.



The Council's obligations to broadcast meetings of the Council are set out in Part 4.5 of the constitution and the published Arrangements for Multi-location meetings.



The rules around disturbance by members of the public are set out in part 4.5 of the constitution.

Can I observe other meetings?

Yes, members of the public can come to observe any meeting which the Council has resolved should be held in public.



Your right to attend meetings of the Council's Cabinet, the council's committees and other bodies are described in Parts 4.1 and 4.5 of the constitution.

Can I speak at a meeting?

Members of the public can speak at any meeting which the Council has resolved should include participation by members of the public.

Can I ask a question at a meeting?

Public questions are not allowed at Cabinet meetings or at meetings of Full Council.

However, if you are allowed to participate and speak at a particular Committee meeting, such as Planning or Overview & Scrutiny, then you may be allowed to ask relevant questions, with the agreement of the chair of the Committee

How can I find out what the Council decided?

The Council publishes the agenda, reports and the minutes of meetings once they have been agreed. These papers are available for inspection by the public for a minimum of six years from the date of the meeting. The background papers are available to the public for at least four years. You may also be able to view webcast recordings of many meetings.

The Council also has arrangements in place for publishing written records of decisions taken by the Cabinet and the Council's committees and other bodies.



You can read about the Council's arrangements for publishing minutes of meetings in Parts 4.1 and 4.5 of the constitution.



You can read about the Council's arrangements for publishing a written record of decisions taken by the Cabinet, the Council's committees and individual members of the Cabinet in Part 4.5 of the constitution.



You can read meeting minutes, reports and agendas on the Council's website [Newport City Council - Meetings, agendas, and minutes](#)

Can I view the Council's accounts to understand how my council tax is spent?

Yes. The Council is required to publish its accounts and to make them available for inspection by the public. You may raise questions of concerns about the Council's accounts with the Council or with the Council's external auditor.



You can find out more about how to view and comment on the Council's accounts in Part 4.6 of the constitution.

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Mae'r dudalen hon yn wag yn

Report



Democratic Services Committee

Part 1

Date: September 2022

Subject **Amendment to the Constitution - Cabinet Job-sharing and Executive Assistants**

Purpose To consider proposed amendments to Part 2 Article 7 of the Constitution to reflect legislative changes in relation to Cabinet Job-sharing and Executive Assistants

Author Head of Law & Standards

Ward City wide

Summary Section 58 of the Local Government & Elections (Wales) Act 2021 ("the 2021 Act") amends the Local Government Act 2000 to require councils in Wales operating executive arrangements to make provision enabling two or more Councillors to share office on the Cabinet, including the office of Leader. Section 57 of the 2021 Act provides for the appointment of Assistants to the Executive.

Therefore, the Council's Constitution requires amendment to specifically make provision for the job-sharing of Cabinet posts and the appointment of Executive Assistants, in accordance with the requirements of the legislation. The proposed amendments to Part 2 Article 7 of the Constitution, relating to Cabinet arrangements, are set out in the Appendix and Committee are asked to agree to the proposed changes and recommend their adoption by full Council

Proposal **To recommend to Council proposed amendments to Part 2 Article 7 of the Constitution, as set out in the appendix to the report, to reflect legislative changes in relation to Cabinet Job-sharing and Executive Assistants**

Action by Head of Law & Standards

Timetable In line with legislative requirements

This report was prepared after consultation with:

- Chief Executive
- Strategic Directors
- Head of Finance
- Heads of People, Policy & Transformation

Background

1. Section 58 of the Local Government & Elections (Wales) Act 2021 (“the 2021 Act”) amends the Local Government Act 2000 to require councils in Wales operating executive arrangements to make provision enabling two or more Councillors to share office on the Cabinet, including the office of Leader.
2. Section 57 of the 2021 Act provides for the appointment of Assistants to the Executive.
3. These legislative changes are intended to provide councils with an opportunity to increase the diversity in their Cabinet through the use of job sharing arrangements and/or the appointment of assistants to the executive. This is also consistent with the Council's equalities and socio-economic duties and the need to ensure that decision-making reflects and supports the diversity of local communities and is informed by a wide range of perspectives and experiences.
4. Therefore, the Council's Constitution requires amendment to specifically make provision for the job-sharing of Cabinet posts and the appointment of Executive Assistants, in accordance with the requirements of the legislation. The proposed amendments to Part 2 Article 7 of the Constitution, relating to Cabinet arrangements, are set out in the Appendix and Committee are asked to agree to the proposed changes and recommend their adoption by full Council.
5. Job-sharing

The legislation requires the Council to provide for the role of Leader and individual Cabinet Member posts to be job-shared by two (or more) Councillors. The Leader is appointed by full Council and, therefore, the election of the Leader on a job-share basis is a matter for full Council. The Council cannot require the post to be job-shared and two or more members would have to put themselves forward for election as Leader on the basis of an agreed job-sharing arrangement.
6. Cabinet Members are appointed by the Leader and, therefore, it is for the Leader to determine any job-sharing arrangements, in accordance with the legislation and the provisions in the Constitution. The Leader has already appointed the Cabinet Member for Social Services on a job-sharing basis. The total number of Cabinet Member posts (including that of Leader) that can be filled on a job-sharing basis is limited to 3 by the 2021 Act. The maximum number of members on the Cabinet can be increased from 10 to 13 to accommodate job-sharing as this is still treated as a single post on the Cabinet.
7. The draft statutory Guidance issued by the Welsh Government provides that, when making Cabinet Member appointments on a job-sharing basis the Leader should consider a number of factors, including:-
 - (a) how this could increase the diversity in the Cabinet to best reflect the diversity in the council's area;
 - (b) how job-sharing cabinet Members will be supported to ensure they can maintain a reasonable work life balance;
 - (c) how job-share arrangements may offer opportunities for succession planning in the Cabinet

Therefore, these considerations are set out in the amendments to Part 2 Article 7 in relation to the job-sharing provisions.

8. The draft guidance also provides that terms of the job-sharing arrangements should be clear and agreed in advance. Job-sharing arrangements should not be used solely as a means of increasing the number of Cabinet Members or to create roles for job-sharing members which equate to workloads greater than if the cabinet position was held by an individual member.
9. In the case of both job-sharing Leaders and job-sharing Cabinet Members, the two or more members in the job-sharing arrangement are to be treated as one member when attending a Cabinet meetings for voting purposes and for the purposes of determining whether a meeting is quorate. If both job-sharers attend a meeting in their capacity as Cabinet Members they are both be recorded as having attended the meeting and they may both speak at the meeting. However, they are only entitled to a single, shared vote. If they both attend a meeting, then they must decide between them in advance who will cast their shared vote and inform the chair of the meeting. If only one job-sharer attends a meeting, then the attending member must cast their vote in the manner agreed with their job-sharing partner. If the job-sharing partners cannot agree on how their shared vote should be cast at any meeting, then that vote shall be treated as invalid and disregarded for the purposes of decision-making.
10. The draft Guidance provides that councils and job-sharing members should recognise that the successful operation of job-sharing arrangements will require the establishment of effective working arrangements from the outset and high levels of trust between the job-sharing members. The working arrangements should include how disputes between job-sharers will be resolved. Therefore, provision has been made in Part 2 Article 7.9.7 that, if job-sharing Cabinet Members are unable to agree on any individual decision delegated to them jointly under the members scheme of delegation within their portfolio, then that decision shall be referred to and determined by the Leader.
11. The treatment of job-sharing partners as if they were one member for the purposes of voting and the quorum requirements for Cabinet meetings does not extend to other meetings that they attend in their roles as Councillors. Therefore, they will continue to have separate votes at meetings of full Council and other non-executive meetings.
12. Assistants to the Executive

The draft guidance explains that the appointment of Executive Assistants is to support diversity by enabling members who might not be in a position to take up a full time executive role because of personal or other circumstances to have the opportunity to learn and develop. Although they are not full members of the Cabinet, Executive Assistants can attend and speak at Cabinet meetings or at committees of the executive and can bring valuable diversity and insight into discussions. Executive Assistants are, again, appointed by the Leader and can be removed or replaced at any time. The guidance provides that there should be a clear purpose to the appointment of assistants to the executive, and these appointments should not be used solely as a means of increasing the number of members able to make a contribution to the Cabinet functions.

13. The legislation provides that neither Presiding Member, Deputy Presiding Member, Mayor nor Deputy Mayor can be appointed as assistants to the executive, because of the need for political neutrality.
14. Although assistants to the executive are not full members of the Cabinet, they are treated as if they are members of the executive for the purposes of the allocation of seats on scrutiny committees where neither members of the executive nor assistants to the executive can be members. Similarly, where legislation and the Constitution allow a set number of Cabinet Members to sit on other Committees, such as Chief Officer Appointment panels, they can only have a member of the executive or an assistant to the executive as part of their allocation of seats.
15. The opportunity has also been taken to make a number of other drafting amendments to Part 2 Article 7 to update and clarify the existing provisions, but there are no other substantive changes apart from the job-sharing and executive assistant provisions.

Financial Summary

16. There are no financial implications. Where the roles of Leader or Cabinet Members are job shared, then the senior salary attached to the post in accordance with the members scheme of allowances, is apportioned between them in accordance with the job-sharing arrangements. Executive Assistants do not receive any senior salary or responsibility allowance.

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)		What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Not agreeing and updating the Constitution to make provision for Cabinet job-sharing and executive assistants	H	M		Failure to update the Constitution to make provision for Cabinet job-sharing and executive assistants would be contrary to the requirements of the 2021 Act and principles of equality. It could leave the Council open to legal challenge.	Head of Law & Standards Democratic and Electoral Services Manager
Agreeing and updating the Constitution	L	L		The Council will have complied with its statutory duty to make provision for	Head of Law & Standards Democratic and Electoral

to make provision for Cabinet job-sharing and executive assistants				Cabinet job-sharing and executive assistants and its equality and diversity duties	Services Manager
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*Taking account of proposed mitigation measures.

Links to Council Policies and Priorities

The proposed amendments to the constitution are consistent with the strategic objectives set out in the Corporate Plan, the Equalities Plan and also the well-being objectives under the Well-Being of Future Generations (Wales) Act. These legislative changes are intended to provide councils with an opportunity to increase the diversity in their Cabinet through the use of job sharing arrangements and/or the appointment of assistants to the executive. This is also consistent with the Council's equalities and socio-economic duties and the need to ensure that decision-making reflects and supports the diversity of local communities and is informed by a wide range of perspectives and experiences.

Proposed Action

To recommend to Council the proposed amendments to Part 2 Article 7 of the Constitution, as set out in the Appendix to the report, to reflect legislative changes in relation to Cabinet Job-sharing and Executive Assistants

Comments of Chief Financial Officer

There are no financial implications.

Comments of Monitoring Officer

Set out in the report.

Comments of Head of People Policy & Transformation

As outlined in the report the proposed amendments to the constitution are consistent with the strategic objectives set out in the Corporate Plan, the Equalities Plan and also the well-being objectives under the Well-Being of Future Generations (Wales) Act.

The opportunity to ensure that decision-making reflects and supports the diversity of local communities and is informed by a wide range of perspectives and experiences is supported.

Fairness and Equality Impact Assessment:

- **Wellbeing of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

An FEIA has not been completed as the amendment to the Constitution to make provision for Cabinet job-sharing and appointment of executive assistants is a legislative requirement. However Welsh Government have undertaken extensive consultation and a regulatory impact assessment before they introduced the legislation.

- Welsh Government have engaged with relevant stakeholders as part of the consultation on the legislation. Job-sharing and the appointment of assistants to the executive will provide an opportunity for greater diversity within the executive decision-making process, enhance opportunities for people with protected characteristics and those suffering from socio-economic disadvantage and will allow more opportunity for the use of the Welsh language.
- As such, there are no negative impacts associated with the legislation in terms of equalities or social disadvantage.
- In terms of the sustainable development principle and 5 ways of working

Long-term – Improved work-life balance will encourage longer-term improvements in the numbers and diversity of people standing in elections and serving as executive members and will also assist longer-term succession planning within the Cabinet.

Prevention – The flexible working arrangements for Cabinet Members will help to avoid any breach of the Council's equalities and socio-economic duties.

Integration – The provisions are consistent with the well-being goal of a More Equal Wales

Collaboration – Job-sharing and executive assistants will facilitate a more collaborative approach to executive decision-making,

Involvement – Improved diversity on the Cabinet will ensure that decision-making reflects and supports the diversity of local communities and is informed by a wide range of perspectives and experiences.

Background Papers

Dated: September 2022

Mae'r dudalen hon yn wag yn

Constitution

Part 2: Articles of the Constitution

Article 7: The Cabinet

7.1 Role

The 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 ("Executive Functions").

7.2 Form and Composition

7.2.1 The Cabinet will consist of:-

- (a) the Leader of the Council ("the Leader") appointed by the Council; and
- (b) at least two but not more than nine other Councillors appointed to the Cabinet by the Leader (subject to section 7.9 and job-sharing arrangements).

7.2.2 There may be no co-optees and no deputies or substitutes for members of the Cabinet, other in the case of family absence. Where a Councillor is appointed to the Cabinet on a temporary basis to cover the absence of a Cabinet Member exercising a right to family absence, then that appointment shall not count towards the numbers of members set out in section 7.2.1

7.3 Leader

7.3.1 Election

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

7.3.2 Term of office

The Leader is appointed on an annual basis at the Annual General Meeting of the Council. However, where the post of Leader becomes vacant between Annual General Meetings, then the Leader will be elected at the next Ordinary Meeting of the Full Council.

The Leader will hold office subject to annual election by the Council, or until:

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a Councillor; or
- (d) he/she is removed from office by resolution of the Council

7.3.3 Role of the Leader

The Leader will chair meetings of the Cabinet and will determine the appointment of individuals to the Cabinet and the number of, naming of, allocation of duties to and the allocation of individual portfolios within the Cabinet. Cabinet Members may be allocated specific portfolios and may take decisions in relation to Executive Functions within their portfolios in accordance with the Scheme of Delegation set out in this Constitution, as determined by the Leader of the Cabinet

7.4 **Deputy Leader**

- 7.4.1 The Leader will appoint a Deputy Leader to act as Leader in the Leader's absence and may also if he/she thinks fit remove the Deputy Leader from Office at any time.
- 7.4.2 The Deputy Leader will chair meetings of the Cabinet in the Leader's absence and may exercise all of the functions of the Leader where the Leader is absent or otherwise unable to act.

7.5 **Other Cabinet Members**

- 7.5.1 Other Cabinet Members will be Councillors elected to the position of Cabinet Member by the Leader.
- 7.5.2 Each Cabinet Member shall hold office until:
 - (a) they resign from office; or
 - (b) they are removed from office, either individually or collectively, by the Leader upon such notice (if any) as the Leader considers appropriate; or
 - (c) 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
 - (d) they cease to be a Councillor.
- 7.5.3 The Leader may at any time appoint a Cabinet Member to fill any vacancies.

7.6 **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 and the Council's Standing Orders

7.7 **Responsibility for Functions**

- 7.7.1 The Leader may exercise Executive Functions himself/herself or may otherwise make arrangements to delegate responsibility for their discharge. The Leader may delegate Executive Functions to:
 - (a) the Cabinet as a whole;

- (b) a sub-Committee of the Cabinet (comprising Cabinet Members only);
- (c) an individual Cabinet Member;
- (d) a joint committee;
- (e) another local authority or the executive of another local authority;
- (f) a Chief Officer.

7.7.2 In addition, the Leader has powers under section 15(4) of the Local Government Act 2000 to discharge personally or to arrange for discharge under others' delegated powers any Executive Functions not covered by the scheme of Delegation for the time being.

7.7.3 The Leader will maintain the scheme of delegation in Part 3 of this Constitution setting out which individual Cabinet Members, Committees of the Executive, officers or joint arrangements are responsible for the exercise of particular Executive Functions.

7.7.4 The Monitoring Officer and Head of Democratic Services will, at the direction of the Leader, draw up a written record of executive delegations made by the Leader for inclusion in the Council's scheme of delegation at Part 3 to this Constitution

7.7.5 The Leader may amend the scheme of delegation relating to Executive Functions at any time. In doing so, the Leader will give written notice of the amendments to the Monitoring Officer and Head of Democratic Services, who will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader

7.7.6 During any period when there is no Leader in post and no Cabinet Members, such as the period between the ordinary Council elections and the next Annual General Meeting, any Executive Functions which are too urgent to await the appointment of a new Leader and Cabinet shall be allocated to and discharged by the Chief Executive

7.8 Terms of Reference

The Terms of Reference of the Cabinet are set out in Part 3 of the Constitution.

7.9 Job-Sharing

7.9.1 Two or more Councillors may be elected by the Council to share the office of Leader, where they have mutually agreed to stand for election as Leader on the basis of a job-sharing arrangement. Any reference within legislation or the Constitution to the Leader shall include "Leaders", where they have been elected under this provision.

7.9.2 Two or more Councillors may be appointed by the Leader to share the office of Cabinet Member. Any reference within legislation or the Constitution to an individual Cabinet Member shall include "Cabinet Members", where they have been appointed under this provision.

7.9.3 The appointment of Cabinet Members on a job-sharing basis and the arrangements for sharing the role is a matter for the Leader to determine, provided that the number of Cabinet Member posts that can be filled on a job-sharing basis cannot exceed three.

7.9.4 When making appointments on a job-sharing basis the Leader should consider matters including how:-

- (a) this could increase the diversity in the Cabinet to best reflect the diversity in the Council's area;
- (b) job-sharing members will be supported to ensure they can maintain a reasonable work life balance;
- (c) those arrangements may offer opportunities for succession planning in the Cabinet.

Job-sharing arrangements should not be used solely as a means of increasing the number of Cabinet Members or to create roles for job-sharing members which equate to workloads greater than if the Cabinet position was held by an individual member

- 7.9.5 If two or more Councillors are elected to share office as Leader or are appointed by the Leader to share the office of Cabinet Member the number of members of the Cabinet may exceed 10 but not 13; where the number of members of the Cabinet is 11 or 12, at least two of the members must have been elected or appointed to share office; and where the number of members of the Cabinet is 13, at least three of the members must have been elected or appointed to share office.
- 7.9.6 The members of the Cabinet who share the same office have between them one vote in respect of any matter on which they have a right to vote because they are a member of the Cabinet. Where both members are in attendance at any meeting and a vote is cast they must decide between them in advance who will cast their vote and inform the chair of the meeting. If one member of a job-sharing arrangement attends a meeting in their capacity as a Cabinet Member and the meeting requires a vote, then the attending member must cast their vote in the manner agreed with their job-sharing partners. If the job-sharing partners cannot agree on how their shared vote should be cast at any meeting, then that vote shall be treated as invalid and disregarded for the purposes of decision-making.
- 7.9.7 In the event that job-sharing Cabinet Members are unable to agree on any individual decision delegated to them under the scheme of delegation in relation to an Executive Function within their joint portfolio, then that decision shall be referred to and determined by the Leader.
- 7.9.8 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. However, they will both be recorded as having attended the meeting and they both may speak at the meeting.
- 7.9.9 The treatment of job-sharing partners as if they were one member for the purposes of voting and the quorum requirements for meetings they attend as Cabinet Members does not apply to any meetings they attend in their roles as Councillors

7.10 Executive Support Members

- 7.10.1 Other Councillors may, from time to time, be designated by the Leader as Executive Support Members. Such Councillors will not be a Member of the Cabinet [and will not participate in Executive decision-making, but may work closely with a Cabinet Member. He/she will not be a Member of the Overview and Scrutiny Committee relating to the specific responsibilities of the Cabinet Member he/she is assisting or any other areas to which they are assigned.
- 7.10.2 An Executive Support Member may support the Cabinet Member through the delegation of tasks as agreed for his/her 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 and representing the Council on appropriate groups. An Executive Support Member will not, however, have delegated powers and will not be entitled to speak or vote at Cabinet or any Cabinet sub-Committee meetings nor deputise for the

Cabinet Member when the Cabinet Member is called to appear at Overview and Scrutiny Committee.

- 7.10.3 Neither the Presiding Member nor the Deputy Presiding Member can be appointed as Executive Assistants. Also, the Mayor and Deputy Mayor may not be appointed as Executive Assistants.

Mae'r dudalen hon yn wag yn

Consultation on Draft – Questions

We welcome feedback on this draft Report and have included some additional questions where we would appreciate your views. The consultation period will end on the **1 December 2022** and you can either email us your comments or complete the form on our website [HERE](#).

Question 1

The Panel has continued to use the Annual Survey of Hours and Earnings (ASHE) published by the Office for National Statistics as the benchmark for setting the basic salary of elected members of principal councils. There is a corresponding proportionate increase proposed for the members of National Park and Fire and Rescue Authorities. The Panel has continued to refer to the last published ASHE which was 2021. Do you agree that the basic salary element should be referenced to the [ASHE 2021](#) data.

Yes

No

No Opinion

Any additional comments

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Question 2

The Panel has made changes to the payment of costs and expenses of members of community and town councils. Do you agree with the addition of the “consumables” element?

Yes

No

No Opinion

Any additional comments

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Question 3

The Panel will gather evidence from principal councils to explore whether and how the workload of elected members has changed to inform future Determinations. Are you content that the Panel should build this review into its future work plan and build the evidence base to support decisions?

Yes

No

No Opinion

Any additional comments

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Question 4

We have significantly reduced the size of the report this year to concentrate on key decisions made and intend to make more use of the website to provide easy to use guidance to users. This approach is also in line with our efforts to respect the challenges facing us in protecting our planet.

How would you would like to access information and guidance from the Panel?
(choose all that apply)

Summary report with links to detailed guidance

Easy to use guidance notes

Frequently asked questions

Website

Social media

Information events

Other

If other, please specify:

--

Have you experienced any challenges accessing or understanding our guidance and information through our website? Please let us know how we can make it easier for you?

Question 5

The Panel intend to undertake a series of engagements with all relevant stakeholders over the next year as part of the development of its forward planning and building of its evidence and research strategy.

Have you any comments that would help the Panel shape this engagement?

For example, a preference for online polls, the holding of engagement events, virtual or face to face, which groups should be involved, how do we engage with prospective candidates etc.

Would you like to be involved in any future engagement events?

Yes

No

Contact details

Mae'r dudalen hon yn wag yn

Ymgynghori ar Ddrafft – Cwestiynau

Rydym yn croesawu adborth ar yr Adroddiad drafft hwn, ac wedi cynnwys rhai cwestiynau ychwanegol lle byddem yn gwerthfawrogi eich barn. Daw'r cyfnod ymgynghori i ben ar 1 Rhagfyr 2022 a gallwch naill ai anfon e-bost atom gyda'ch sylwadau neu lenwi ffurflen ar ein gwefan [YMA](#).

Cwestiwn 1

Mae'r Panel wedi parhau i ddefnyddio'r Arolwg Blynyddol o Oriau ac Enillion (ASHE) a gyhoeddir gan y Swyddfa Ystadegau Cenedlaethol fel y meincnod ar gyfer pennu cyflog sylfaenol aelodau etholedig prif gynghorau. Mae cynnydd cymesur cyfatebol wedi'i gynnig i aelodau'r Awdurdodau Parciau Cenedlaethol a'r Awdurdodau Tân ac Achub. Mae'r Panel wedi parhau i gyfeirio at yr Arolwg ASHE diweddaraf a gyhoeddwyd yn 2021. Ydych chi'n cytuno y dylai'r elfen cyflog sylfaenol fod yn gysylltiedig â data [ASHE 2021](#)?

Ydw

Nac ydw

Dim barn

Unrhyw sylwadau ychwanegol

--

Cwestiwn 2

Mae'r Panel wedi gwneud newidiadau i sut y caiff costau a threuliau eu talu i aelodau cynghorau cymuned a thref. Ydych chi'n cytuno ag ychwanegu'r elfen "nwyddau traul"?

Ydw

Nac ydw

Dim barn

Unrhyw sylwadau ychwanegol

--

Cwestiwn 3

Bydd y Panel yn casglu tystiolaeth gan brif gynghorau i edrych ar p'un a yw llwyth gwaith aelodau etholedig wedi newid, a sut y mae wedi newid, i lywio Penderfyniadau'n y dyfodol. Ydych chi'n fodlon y dylai'r Panel gynnwys yr adolygiad hwn yn ei gynllun gwaith ar gyfer y dyfodol ac adeiladu sylfaen dystiolaeth i gefnogi penderfyniadau?

Ydw

Nac ydw

Dim barn

Unrhyw sylwadau ychwanegol

--

Cwestiwn 4

Rydym wedi lleihau maint yr adroddiad yn sylweddol eleni er mwyn canolbwyntio ar benderfyniadau allweddol a wnaed, ac yn bwriadu gwneud mwy o ddefnydd o'r wefan i roi arweiniad hawdd i ddefnyddwyr. Mae'r dull hwn hefyd yn cyd-fynd â'n hymdrechion i barchu'r heriau sy'n ein hwynebu wrth ddiogelu ein planed.

Sut y byddech chi'n dymuno cael gafael ar wybodaeth ac arweiniad gan y Panel? (dewiswch bob un sy'n berthnasol)

Adroddiad cryno gyda dolenni at ganllawiau manwl

Canllawiau hawdd eu defnyddio

Cwestiynau Cyffredin

Gwefan

Y Cyfryngau Cymdeithasol

Digwyddiadau gwybodaeth

Arall

Os arall, rhowch fanylion:

--

Ydych chi wedi profi unrhyw heriau wrth gael gafael ar ein canllawiau a'n gwybodaeth neu wrth geisio eu deall drwy ein gwefan? Rhowch wybod i ni sut y gallwn wneud pethau'n haws i chi.

--

Cwestiwn 5

Mae'r panel yn bwriadu cynnal cyfres o ddigwyddiadau ymgysylltu â'r holl randdeiliaid perthnasol dros y flwyddyn nesaf fel rhan o'r gwaith o ddatblygu ei gynlluniau ar gyfer y dyfodol ac adeiladu ei dystiolaeth a'i strategaeth ymchwil.

Oes gennych chi unrhyw sylwadau a fyddai'n helpu'r Panel i gynnal y digwyddiadau ymgysylltu hyn?

Er enghraifft, a ydych chi'n ffafrio polau ar-lein, cynnal digwyddiadau ymgysylltu, yn rhithiol neu wyneb yn wyneb, pa grwpiau ddylai gymryd rhan, sut allwn ni ymgysylltu ag ymgeiswyr posibl ac ati.

--

A hoffech gymryd rhan mewn unrhyw ddigwyddiadau ymgysylltu yn y dyfodol?

Hoffwn

Na hoffwn

Manylion cyswllt

--

Mae'r dudalen hon yn wag yn