

# Summary and Explanation

## THE COUNCIL'S CONSTITUTION

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

The Constitution was **first** adopted in May 2002, ~~and has been revised regularly since.~~ ~~revised in May 2003.~~

The Constitution is divided into a number of **Articles** which set out the basic rules governing the Council's business (Part 1). **More detailed procedures and codes of practice** are provided in separate rules and protocols (Parts 2 - 7).

## WHAT'S IN THE ARTICLES?

Article 1 of the Constitution commits the Council to:-

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision-making;
3. help councillors represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a decision in which they were directly involved;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the delivery of services to the community.

Articles 2 –16 explain the rights of citizens and how the key parts of the Council operate.

These are:

- [The Constitution \(Article 1\)](#).
- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The full Council (Article 4).
- Chairing the Council (Article 5).
- Overview and scrutiny of decisions (Article 6).
- The Executive (Article 7).
- Regulatory committees (Article 8).
- The Standards Committee (Article 9).
- [Joint Arrangement Area Committees and Forums](#) (Article 10)
- [Corporate](#) Joint arrangements (Article 11).
- Officers (Article 12).
- Decision making (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review and revision of the Constitution (Article 15).
- Suspension, interpretation and publication of the Constitution (Article 16).

## HOW THE COUNCIL OPERATES

The Council is composed of ~~73~~ [69](#) councillors elected every ~~four~~ [five](#) years. ~~The National Assembly has extended the first period of office by one year (to May 2004), but after that it will revert to every four years.~~ Councillors are democratically accountable to residents of their electoral division. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors and co-opted members who have voting rights have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council appoints a Leader who in turn appoints Cabinet members, each in the specific area of responsibility. The Leader and Cabinet members who are known as "the Executive" take most of the major decisions. The Executive is overseen by a number of scrutiny committees whose main role is the holding to account of the Executive. The scrutiny committees also have other roles, which are described in more detail in Article 6 of this Constitution.

## HOW DECISIONS ARE MADE

The executive is the part of the Council which is responsible for taking most of the major decisions. The executive is made up of the Leader (appointed by the Council) and nine Cabinet members (appointed by the Leader). The business to be considered by the executive, overview and scrutiny committees and the council as a whole is published in the forward work programme. Meetings of the executive, overview and scrutiny committees, the council and other committees are open for the public to attend except where personal or confidential matters are being discussed, as defined by the law. The executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole.

## **OVERVIEW AND SCRUTINY**

There are four overview and scrutiny committees who support the work of the executive and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the executive and the Council as a whole on its policies, budget and service delivery. Overview and scrutiny committees also monitor the decisions of the executive. They can 'call-in' a decision which has been made by the executive but not yet implemented. Unless the matter is marked as "urgent", the decision is not implemented until it has been reviewed by the Scrutiny Committee. This enables them to consider whether the decision is appropriate. They may recommend that the executive reconsider the decision. They may also be consulted by the executive or the Council on forthcoming decisions and the development of policy.

## **THE COUNCIL'S STAFF**

The Council has people working for it (called 'officers') to give advice, take and implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and members of the council.

## **CITIZENS' RIGHTS**

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

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

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain or inspect a copy of the Constitution on payment of reasonable photocopying fees;
- attend meetings of the executive, the Council and its committees except where personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- find out, from the forward work programme, what business is to be considered by the executive, overview and scrutiny committees or the council as a whole;
- see reports and background papers considered by the executive, the Council and any of its committees and the record of any decisions made by the Council, its committees and the executive except where they contain personal or confidential information;
- complain to the Council about the quality of any of its services using the Corporate Complaints procedure (leaflets are available describing this);
- complain to the Ombudsman if they think they have suffered injustice because the Council has not followed its procedures properly. However, they are encouraged only to do this after using the Council's own complaints process;
- complain to the Ombudsman if they have evidence which they think shows that a councillor or co-opted member of the council has not followed the Members' Code of Conduct;
- inspect the Council's accounts in accordance with provisions made in Acts of Parliament and make their views known to the external auditor; and
- deal with the Council in either English or Welsh

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Council's Communications Manager.

The Council publishes details of meetings each week. You can see the agenda papers and reports (except for confidential items) and minutes of meetings at the Council's offices at Penallta House, Tredomen Park, Ystrad Mynach and on the Council's website [www.caerphilly.gov.uk](http://www.caerphilly.gov.uk) or make arrangements to have copies by contacting the Democratic Services Manager.

All the officers mentioned above can be contacted by telephone:

(01443) 815588