Version 01/13 revised 26/02/13 Frameworks documents amended

Articles of the Constitution

This document constitutes Part 2 of the Council Constitution

Revised in December 2014 in line with (Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014)

Contents

Table of Contents

1.1 Powers of the Council 5
1.2 The Constitution 5
1.3 Purpose of the Constitution 5
1.4 Interpretation and Review of the Constitution 5
2.1 Composition and Eligibility 6
2.1.1 Composition 6
2.1.2 Eligibility 6
2.2 Election and Terms of Councillors 6
2.3 Roles and Functions of All Councillors 6
2.3.1 Key roles 6
2.3.2 Rights and duties 6
2.4 Conduct 7
2.5 Allowances 7
3.1 Citizens' Rights 8
3.1.1 Voting and petitions 8
3.1.2 Information 8
3.1.3 Participation 8
3.1.4 Complaints 8
3.2 Citizens' Responsibilities 9
4.1 Meanings 10
4.1.1 Budget 10
4.1.2 Housing stock transfer 10
4.2 Functions of the Full Council 11
4.3 Council Meetings 12
4.4 Responsibility for Functions 12
5.1 Role and function of the Mayor 13
5.1.1 Powers 13
5.1.2 Chairing the Council Meeting 13
5.1.3 Conduct of the Council Meeting 13
6.1 Terms of Reference 14
6.2 General Role 14
6.3 Specific Functions 14
6.3.1 Policy development and review 14
6.3.2 Scrutiny 15
6.3.3 Audit Committee 15
6.3.4 Annual report 15
6.4 Proceedings of Scrutiny Committees and the Audit Committee 15
7.1 Role 16
7.2 Form and Composition 16
7.3 Leader and cabinet members term of office 16
7.4 Proceedings of the Cabinet 17
7.5 Responsibility for Functions 17

7.6 Terms of Reference 17
8.1 Regulatory and Other Committees 18
8.2 Licensing Committee 18
8.2.1 Composition and Chair of the Committee 18
8.2.2 Procedures and Terms of Reference 18
8.3 Planning Committee 19
8.3.1 Composition and Chair of the Committee 19
8.3.2 Proceedings Terms of Reference 19
8.4 Democratic Services Committee 20
9.1 Standards Committee 20
9.2 Composition 20
9.2.1 Membership 20
9.2.2 Term of office 20
9.2.3 Quorum 21
9.2.4 Voting 21
9.2.5 Community committee members 21
9.2.6 Chairing the committee 21
9.3 Role and Function 21
9.4 Meetings 22
9.5 Additional Roles of Standards Committees 22
- Formal meetings similar to the current arrangements for Neighbourhood meetings 23
- Less formal meetings as discussed within the Report 23
- Members organising their own events in the ward with no need for support from elsewhere 23
11.1 Arrangements to Promote Well-being 24
11.2 Joint Arrangements 24
11.3 Access to Information 24
11.4 Delegation To and From Other Local Authorities 24
11.5 Contracting Out 25
12.1 Management Structure 26
12.1.1 General 26
12.1.2 Chief Officers 26
12.1.3 Head of Paid Service, Monitoring Officer and Chief Financial Officer 28
12.1.4 Structure 28
12.2 Functions of the Head of Paid Service 28
12.2.1 Discharge of functions by the Council 28
12.2.2 Restrictions on functions 28
12.3 Functions of the Monitoring Officer 28
12.3.1 Maintaining the Constitution 28
12.3.2 Ensuring lawfulness and fairness of decision making 28
12.3.3 Supporting the Standards Committee 29
12.3.4 Receiving reports 29
12.3.5 Conducting investigations 29
12.3.6 Proper Officer for access to information 29
12.3.7 Advising whether decisions of the Cabinet are within the Budget and Policy Framework 29
12.3.8 Providing advice 29
12.3.9 Restrictions on posts 29
12.4 Functions of the Chief Finance Officer 29

12.4.1 Ensuring lawfulness and financial prudence of decision-making 29
12.4.2 Administration of financial affairs 29
12.4.3 Contributing to corporate management 30
12.4.4 Providing advice 30
12.4.5 Give financial information 30
12.5 Duty to provide sufficient resources to the Monitoring Officer, Chief Finance Officer and Head of Democratic Services 30
12.6 Conduct 30
12.7 Employment 30
13.1 Responsibility for decision-making 31
13.2 Principles of decision-making 31
13.3 Decisions reserved to full Council 31
13.4 Decision-making by the full Council 31
13.5 Decision-making by the Cabinet 31
13.6 Scrutiny Committees 31
13.7 Decision-making by Council bodies acting as tribunals 31
14.1 Financial management 33
14.2 Contracts 33
14.3 Legal Proceedings 33
14.4 Authentication of Documents 33
14.5 Common Seal of the Council 33
15.1 Duty to Monitor and Review the Constitution 34
15.1.1 Protocol for monitoring and review of the Constitution 34
15.2 Changes to the Constitution 34
15.2.1 Approval 34
15.2.2 Change from a Leader and Cabinet form of Cabinet to alternative arrangements 35
16.1 Suspension of the Constitution 36
16.1.1 Limit to suspension 36
16.1.2 Procedure to suspend 36
16.1.3 Rules capable of suspension 36
16.2 Interpretation 36
16.3 Publication 36

1 Article 1 - The Constitution

1.1 Powers of the Council

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

1.2 The Constitution

This document and all the appendices referred to and URL's incorporated herein form the Constitution of Newport City Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

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

1.4 Interpretation and Review of the Constitution

The Monitoring Officer will provide advice and guidance on interpretation of any part of this constitution

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

2 Article 2 - Members of The Council

2.1 Composition and Eligibility

2.1.1 Composition

The Council will comprise 50 councillors, otherwise called elected members. All councillors will be elected by the voters of each electoral division in accordance with a scheme drawn up by the Boundary Commission in Wales and approved by the Welsh Government.

2.1.2 Eligibility

Only registered voters of the City Council or those living or working within the Newport City Council area will be eligible to hold the office of councillor.

2.2 Election and Terms of Councillors

The regular election of councillors will normally be held on the first Thursday in May every four years or at a time determined by the Welsh Government.

The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and Functions of All Councillors

2.3.1 Key roles

All councillors will:

- collectively be the ultimate policy-makers by agreeing a policy framework and budget;
- represent the interests of their electoral division and of individual constituents;
- respond to constituents' enquiries and representations, fairly and impartially;
- participate in the governance and management of the Council;
- maintain the highest standards of conduct and ethics.
- contribute to the continual improvement of Council services;
-

2.3.2 Rights and duties

- Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law and this constitution.
-
- Councillors will not make public information that is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a

councillor or officer entitled to know it. For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

-

2.4 Conduct

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

2.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution and as prescribed by the Independent Remuneration Panel.

3 Article 3 - Citizens and The Council

3.1 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.

3.1.1 Voting and petitions

Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution and to vote in any such referendum.

3.1.2 Information

Citizens have the right to:

- attend meetings of the full Cabinet, the Council, and its Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- see reports, papers and any records of decisions made by the Council, its Committees and Committees and the Cabinet or Cabinet Members by way of the Council's website or ,on request, by the inspection of or provision of a paper copy for which a reasonable charge may be made. (except where confidential or exempt information is likely to be disclosed, as defined by legislation);
- inspect the Council's accounts and make their views known to the external auditor.

3.1.3 Participation

Citizens have the opportunity to participate in meetings in accordance with any scheme adopted by the Council and to contribute to investigations by Scrutiny Committees, where considered appropriate by the Committee.

3.1.4 Complaints

Citizens have the right to complain:

- to the Council itself under its complaints procedures relating to officers or elected members ;
- to the Ombudsman about any injustice they have suffered as a result of maladministration, but they are encouraged to use the Council's own internal complaints procedure first;
- to the Ombudsman where they believe a member or co-opted member of the council has breached the Member's Code of Conduct.

3.2 Citizens' Responsibilities

Citizens must not be violent, abusing or threatening to councillors or employees and must not wilfully damage any property or items owned by the Council, councillors or employees.

4 Article 4 - The Full Council

4.1 Meanings

The Policy Framework means the following plans and strategies: -

- Single Integrated Plan
- Corporate Plan
- Improvement Plan
- Local Development Plan
- Welsh Language Scheme
- Changes to the Constitution or political structures
- Pay and Reward Policy
- Three year Licensing policy
- Revenue and Capital Budget
- Economic Development Strategy
- Cultural Strategy

4.1.1 Budget

The budget includes the allocation of financial resources to different services, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits. The Council will approve the final accounts.

4.1.2 Housing stock transfer

Housing Stock Transfer means the approval or adoption of applications (whether in draft form or not) to the National Assembly for Wales for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under Sections 32 or 43 of the Housing Act 1985.

4.2 Functions of the Full Council

Only the Council will exercise the following functions:

I. adopting and changing the Constitution;
II. approving or adopting the documents which constitute the Policy Framework, the Budget and any application to the Welsh Government in respect of any Housing Land Transfer;
III. subject to the urgency procedure contained in Standing Order 27 set out in the Council's Standing Orders in Part 4, Appendix 1 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget;
IV. appointing the Leader of the Cabinet;
V. agreeing and/or amending the Terms of Reference for Committees deciding on their composition and making appointments to them; **NB:** This does not relate to appointments to the Cabinet, or any Cabinet Committees , as the responsibility for the composition and appointments rest with the Leader, subject to maxima imposed by the Welsh Government.
VI. appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
VII. adopting an allowances scheme for Councillors
VIII. conferring the title of Honorary Alderman or Freedom of the City
IX. changing the name of the area,
X. The appointment of the Head of Paid Service will be made by the Council. A special committee of the Council which will include at least one Member of the Cabinet may be appointed to make a recommendation to the Council but the final decision will rest with the council.
XI. The appointment of Directors and the Heads of Service will be made by the Council or a special committee of the Council acting with delegated powers which will include at least one Member of the Cabinet. The decision of the special committee will be reported to the Council.
XII. All decisions on Chief Officers' remuneration
XIII. making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
XIV. making an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption;
XV. Power to dissolve community councils.
XVI. Power to make orders for grouping communities
XVII. Power to make orders for dissolving groups and separating community councils from groups
XVIII. Duty to divide constituency into polling districts.
XIX. Power to divide electoral divisions into polling districts at local government elections.
XX. Powers in respect of holding of elections
XXI. Power to fill vacancies in the event of insufficient nominations.

XXII. Functions relating to sea fisheries.
XXIII. all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive; and
XXIV. all other matters which, by law, must be reserved to Council.

The Council and not the Cabinet will remain responsible for planning, licensing and registration functions. These matters may be delegated to Committees or officers

The full Terms of Reference of full Council is set out in Part 3, Appendix 1 of the Constitution.

4.3 Council Meetings

There are three types of Council meeting
:

- the Annual General Meeting;
- Ordinary Meetings;
- Extraordinary Meetings;

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

4.4 Responsibility for Functions

The Council will maintain the tables in Part 3 of this Constitution and the Terms of Reference in Part 3, Appendix 1, setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

5 Article 5 - Chairing The Council

5.1 Role and function of the Mayor

The Mayor and in his or her absence, the Deputy Mayor, will have the following roles and functions:

5.1.1 Powers

The Mayor has no Executive powers. He or she will sign and abide by the provisions of the Mayoral protocol.

5.1.2 Chairing the Council Meeting

The Council will elect the Mayor annually. The Mayor will be chairperson of the Council and, as such, will have the following responsibilities:

- to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- to ensure that the Council meeting is a Committee for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet, individual Cabinet Members and the chairpersons of Scrutiny Committees and other Committees to account;

5.1.3 Conduct of the Council Meeting

Standing Orders provide that the Mayor or person presiding at the meeting shall conduct the meeting so as to secure a proper, full and effective debate of business items where a decision is required

The steps the Mayor may take include:

- Calling for more time to allow the speaker to properly explain the matter;
- Permitting a Councillor to speak more than once;
- Allowing employees of the Council to advise the meeting as appropriate;
- Allowing a full discussion of reports and matters for decision.

6 Article 6 - Scrutiny Committees

6.1 Terms of Reference

The Council will appoint Scrutiny Committees to discharge the functions conferred by Section 21 of the Local Government Act 2000. The allocation of specific areas of work and the Cabinet Portfolios overseen will be determined by the Council. The detailed Terms of Reference of the Scrutiny Committees is set out in Part 3, Appendix 1 of the Constitution

6.2 General Role

Within their Terms of Reference, Scrutiny Committees will:

- review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- make reports and/or recommendations to the Cabinet, individual Cabinet Member or the Council
- consider any matter affecting the area or its inhabitants; and
- exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet or the individual Cabinet Members in accordance with Standing Order 25.
- Act in accordance with the rules of procedure.
-

6.3 Specific Functions

6.3.1 Policy development and review

Scrutiny Committees may:

- Assist the Council and the Cabinet in the development of its budget and policy framework;
- Assist the Cabinet or Cabinet Members by way of consultation prior to the taking of decisions, as deemed appropriate by the Cabinet or Cabinet Member.
- conduct research, community and other consultation as considered appropriate by the Committees in the analysis of policy issues and possible options;
- consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- question members of the Cabinet, and/or Committees and Corporate Directors and Heads of Service about their views on issues and proposals affecting the area;
- liaise with other external organisations operating in the area, whether national, regional or local, to ensure that collaborative working enhances the interests of local people;
-
-
-

6.3.2 Scrutiny

Scrutiny Committees may:

- review and scrutinise the decisions made by and performance of the Cabinet and its individual members and/ Council officers both in relation to individual decisions and generally over a period of time;
- review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- question members of the Executive and/or committees and Heads of Service about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- make recommendations to the Cabinet or individual Cabinet Members and/or appropriate committees and/or Council arising from the outcome of the scrutiny process;
- review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny Committee and local people about their activities and performance; and
- question and gather evidence from any person (with their consent).

6.3.3 Audit Committee

The Council will appoint an Audit Committee and appoint Councillors and lay member(s) in accordance with the requirements of the Local Government (Wales) Measure 2011.

The terms of reference of the Audit Committee are set out in Part 3, Appendix 1 of the Constitution

6.3.4 Annual report

Scrutiny Committees must report annually to full Council on their work.

6.4 Proceedings of Scrutiny Committees and the Audit Committee

Scrutiny Committees and the Audit Committee will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

7 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.

7.2 Form and Composition

I. The Cabinet will consist of the Leader appointed by the Council, together with a maximum of 9 other Councillors appointed to the Cabinet by the Leader.

II. Cabinet Members may be allocated specific portfolios and may take executive decisions in accordance with the Scheme of Delegation set out in this Constitution.

III. If any Cabinet Member is appointed exclusively as Council Business Manager and without portfolio, the Council Business Manager will be allowed to speak on any item as a full member of the Cabinet but will not vote in Cabinet meetings

IV. 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 will rest solely with the Leader of the Cabinet.

V. There may be no co-optees and no deputies or substitutes for members of the Executive, other in the case of family absence

VI. The Leader may, in his or her absence, nominate a member of the executive to deputise in his or her role as Leader or Chair of the Cabinet.

7.3 Leader and cabinet members term of office

The Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office subject to annual election by the Council, or until:

- he/she resigns from the office; or
- 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
- he/she is no longer a councillor; or
- he/she is removed from office by resolution of the Council

-

Other Cabinet Members shall hold office until:

- they resign from office; or
- 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
- they are no longer councillors; or
- they are removed from office, either individually or collectively, by the Leader.
-
- NB: During any period when there is no Executive, any functions which are the responsibility of the Executive shall be allocated to and discharged by the Head of Paid Service
-

7.4 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.

7.5 Responsibility for Functions

The Leader will maintain a list in Part 3 of this Constitution setting out which individual members of the Executive, Committees of the Executive, officers or joint arrangements are responsible for the exercise of particular Cabinet functions.

7.6 Terms of Reference

The Terms of Reference of the Cabinet are set out in Part 3, Appendix 1 of the Constitution.

8 Article 8 - Regulatory and Other Committees

8.1 Regulatory and Other Committees

I. The Council will appoint the Regulatory Committees set out in the left hand column of Table 2: Responsibility for Council Functions in Part 3 of this Constitution to discharge the functions described in column 3 of that table.

II. The Regulatory Committees will be the Licensing Committee and the Planning Committee.

III. Members should not normally serve on more than one Regulatory Committee.

IV. The Council will appoint a Democratic Services Committee and appoint Councillors in accordance with the requirements of the Local Government (Wales) Measure 2011.

V. The terms of reference of the Democratic Services Committee are set out in Part 3, Appendix 1 of the Constitution

8.2 Licensing Committee

8.2.1 Composition and Chair of the Committee

- The Council will appoint a Licensing Committee to discharge the functions described in Column 3 of Table 2 in Part 3 of the Constitution.
-
- The Licensing Committee shall comprise not more than 12 members of the Council, one of whom may be a Member of the Cabinet.
-
- Proportionality shall apply to the constitution of the Committee;
-
- The Council shall appoint the Chair and, if considered appropriate a Deputy Chair. In the absence of the Chair and any appointed Deputy, the Chair shall be taken by a Member of the Committee as elected by the Committee by a simple majority ballot
-

8.2.2 Procedures and Terms of Reference

- The Committee will conduct its proceedings in accordance with the Rules of Procedure set out in Part 4 of this Constitution
-
- Any procedures for the conduct of business by the Committee as adopted by the Council will be adhered to.
-

- The detailed Terms of Reference of Licensing Committee are set out in Part 3, Appendix 1 of the Constitution.
-
- The decisions of the Licensing Committee will be published on the Council's website as soon as possible after the decisions have been made, normally within 5 working days.
-
- Licensing Committee may make recommendations to the Council on matters relating to its functions
-
-
-

8.3 Planning Committee

8.3.1 Composition and Chair of the Committee

- The Council will appoint a Planning Committee to discharge the functions described in Column 3 of Table 2 in Part 3 of the Constitution.
-
- The Licensing Committee shall comprise not more than 12 members of the Council, one of whom may be a Member of the Cabinet.
-
- Proportionality shall apply to the constitution of the Committee;
-
- The Council shall appoint the Chair and, if considered appropriate a Deputy Chair. In the absence of the Chair and any appointed Deputy, the Chair shall be taken by a Member of the Committee as elected by the Committee by a simple majority ballot

8.3.2 Proceedings Terms of Reference

- The Committee will conduct its proceedings in accordance with the Rules of Procedure set out in Part 4 of this Constitution
-
- Any procedures for the conduct of business by the Committee as adopted by the Council will be adhered to.
-
- The detailed Terms of Reference of Planning Committee are set out in Part 3, Appendix 1 of the Constitution
-
- The decisions of the Planning Committee will be reported to full Council for information.

•

8.4: Democratic Services Committee

The Council will appoint a Democratic Services Committee and appoint Councillors and lay member(s) in accordance with the requirements of the Local Government (Wales) Measure 2011.

The terms of reference of the Democratic Services Committee are set out in Part 3, Appendix 1 of the Constitution

9 Article 9 - The Standards Committee

9.1 Standards Committee

The Council will establish a Standards Committee.

9.2 Composition

9.2.1 Membership

The Standards Committee will be composed of a maximum of nine members. Its membership will include:

- five 'independent' members, who are not either a councillor or an officer or the spouse of a councillor or an officer of this Council or any other relevant authority as defined by the Local Government Act 2000, appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001;
- Three Councillors other than the Leader and not more than one member of the Cabinet. The political balance provisions as set out in paragraph 15 of the Local Government & Housing Act 1989 shall not apply.
- One member of a Community Council wholly or mainly in the Council's area (a ‘community committee member') nominated by the Community Councils in the area (who is not a member of the local authority).

9.2.2 Term of office

- Independent members are appointed for a period of four years. In accordance with the Standards Committees (Wales) (Amendment) Regulations 2006 independent Members of Standards Committee can be re-elected for a second term of office. They can be re-elected as Chair during this period.

- Members of the local authority who are members of the Standards Committee will have a term of office of not more than four years or until the next local government election following their appointment, whichever is the shorter. Such a member shall cease to be a member of the Standards Committee if that member ceases to be a member of the Council. They may be reappointed for a further consecutive term.

9.2.3 Quorum

A meeting of the Standards Committee shall only be quorate when:

- at least three members including the Chairperson are present, and
- At least half the members present, including the Chairperson, are independent members. The community committee member is not independent for these purposes.

9.2.4 Voting

Independent members and community committee members will be entitled to vote at the meetings. Any question shall be decided by a majority of votes cast and, in the case of an equality of votes, the person presiding at the meeting shall have a second and casting vote.

9.2.5 Community committee members

A community committee member shall not take part in the proceedings of the Standards Committee when any matter relating to their community council is being considered.

9.2.6 Chairing the committee

- Only an independent member of the Standards Committee may be the chairperson or vice-chairperson. The community committee member is not independent for this purposes.
- The members of the Standards Committee will elect the chairperson and vice-chairperson for a period not exceeding one year. The chairperson and vice-chairperson are eligible for re-election.
- The election of a chairperson and vice-chairperson will be the first item of business for the first meeting of Standards Committee.
- The chairperson shall preside at meetings of the Standards Committee and if that person is absent, the vice-chairperson shall preside. If both the chairperson and vice-chairperson are absent, the members present shall elect an independent member to preside at that meeting.

9.3 Role and Function

The Standards Committee will have the following roles and functions:

I. promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;
II. assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
III. advising the Council on the adoption or revision of the Members' Code of Conduct;
IV. monitoring the operation of the Members' Code of Conduct;
V. advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
VI. granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;

VII. dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Local Commissioner in Wales and determining any appropriate action

VIII. The exercise of all of the above in relation to the community councils wholly or mainly in its area and the members of those community councils.

9.4 Meetings

a) The Standards Committee shall hold at least one meeting during every period of twelve months. The Monitoring Officer or a representative of the Monitoring Officer shall attend every meeting of the Standards Committee

b) The Access to Information Procedure Rules set out in Part 4 of the Constitution will apply to meetings and Minutes of the Standards Committee.

9.5 Additional Roles of Standards Committees

The Council may arrange for the Standards Committee to exercise such other functions as the Council considers appropriate.

The detailed Terms of Reference of the Standards Committee is set out in Part 3, Appendix 1 of the Constitution.

10 Article 10 – Engaging with the Public - Ward Meetings

A review in 2011 by the Overview and Scrutiny Committee considered that that where members wish to continue with meetings within the wards, these are to be organised in line with the wishes of the individual wards, recognising “one size does not fit all”.

- To facilitate the wishes for each ward, Lead Officers appointed for each ward will meet local members to ascertain the preferred method for each ward. This should be by agreement with all ward members, whether the ward is represented by members from a single party or multiple parties. The types of meetings could be :
    - Formal meetings similar to the current arrangements for Neighbourhood meetings
    - Less formal meetings as discussed within the Report
    - Members organising their own events in the ward with no need for support from elsewhere
- Whatever types of meetings are employed in the wards, a maximum of three formal meetings per year are held, recognising that in special circumstances, a special ward meeting may be required to discuss a specific matter.
- Wherever possible, meetings are publicised by way of ‘Newport Matters’, which is delivered to all households in Newport

11 Article 11- Joint Arrangements

11.1 Arrangements to Promote Well-being

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

- enter into arrangements or agreements with any person or body;
- co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- Exercise on behalf of that person or body any functions of that person or body.
-

11.2 Joint Arrangements

- The Council may establish joint arrangements with one or more local authorities and/or their Cabinets / Executives to exercise functions which are not executive in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities
- The Cabinet may establish joint arrangements with one or more local authorities to exercise functions that are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- The Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- Details of any joint arrangements including any delegations to joint committees will be found in the Council's Scheme of Delegation in Part 3 of this Constitution.
-

11.3 Access to Information

- The Access to Information Rules in Part 4 of this Constitution apply.
-
- If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet
- If the joint committee contains members who are not on the Cabinet of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.4 Delegation To and From Other Local Authorities

- The Council may delegate non-executive functions to another local authority or to the Cabinet/Executive of another local authority (where the delegated functions are executive functions in that other authority)
- The Cabinet may delegate executive functions to the Cabinet/Executive of another local authority or to another local authority (were the delegated functions are non-executive functions in that other authority).
- The decision to accept such a delegation from another local authority shall be reserved to the Council meeting.

•
•

11.5 Contracting Out

The Council and the Cabinet may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contacting principles, provided there is no delegation of the Council's discretionary decision making.

12 Article 12- Officers

- All officers will be subject to the Code of Conduct set out in Part 5 of the Constitution and forming part of their conditions of service.
- The use of the word "officers" in the Constitution means all employees and staff engaged by the Council to carry out its functions, including those engaged under short term, agency or other non employed situations.
- Contracts of employment and service contracts will continue to be with the Authority rather than with the Executive.

12.1 Management Structure

12.1.1 General

The full Council may engage such staff (referred to in this Constitution as officers), as it considers necessary to carry out its functions.

12.1.2 Chief Officers

The full Council will engage persons for the following posts, who will be designated chief officers, as defined in Section 2 of the Local Government and Housing Act 1989. The Council may appoint a special sub-committee to make appointments of Corporate Directors or Heads of Service. Proportionality shall apply to any such sub-committee. The Managing Director shall be appointed by the full Council.

Post	Primary responsibility
Chief Executive and Head of Paid Service	• To be the Council's Head of Paid Service and act as the primary policy advisor to the Council • To work with elected members and lead the Council's strategic management team, to ensure that direct services to the public and support services to the Council are managed effectively and economically and provide best value • To take a lead role in ensuring support for all aspects of the Council's political management process • To have responsibility for the corporate direction and management of the Council and its overall objectives and ensure that there is forward planning of objectives and services • To allocate responsibility for service groupings to Strategic directors to ensure corporate work is effectively prioritised and efficiently conducted • To provide overall leadership for service groupings • To ensure optimum performance of the organisation as a whole and the primacy of corporate objectives over service interests

Post	Primary responsibility
Corporate Directors	• To provide strategic development and oversight in the achievement of corporate aims and performance • To work with elected members, as part of the Council's Strategic Management Team, to ensure that direct services to the public and support services to the Council provide best value • To ensure support for all aspects of the Council's performance management arrangements • To have a strong corporate focus in order to facilitate the development of a single corporate culture throughout the authority • To be the lead officer for the Council in key areas of activity, including service groupings as allocated and to have responsibility for the corporate direction and service performance of the Council in conjunction with members and as part of the Strategic Management Team. • To deliver key results as part of the Strategic Directors' team
Heads of Service (see Management Structure Part 7 of the Constitution)	• Responsibility for a specific service area covering the strategy, management and resource allocation. • To advise the Strategic Management Team on all matters relating to the service areas. • To contribute towards the management team of service groupings on strategic and corporate issues • To ensure that statutory obligations are met and complied with and that performance targets are continually monitored and reviewed with agreed targets being met. • To contribute towards the delivery of the Council's vision, goals and core values. • To be responsible for developing monitoring and reviewing a strategy for Best Value/Wales Improvement Programme. • To develop effective working relationships with other officers, employees, trade unions and external organisations to maximise the efficiency of the service. • To develop and implement service plans in line with the overall strategic objectives. • To be accountable for the budget allocated to the service area. • To exercise the delegated powers in relation to specific service areas as set out in Part 3 Appendix 3 of the Constitution.

12.1.3 Head of Paid Service, Monitoring Officer, Chief Financial Officer and Head of Democratic Services

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Head of Law and Regulation	Monitoring Officer
Head of Finance	Chief Finance Officer/Section 151 Officer
Chief Democratic Services Officer	Head of Democratic Services

12.1.4 Structure

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

12.2 Functions of the Head of Paid Service

12.2.1 Discharge of functions by the Council

The Head of Paid Service will report to full Council, where he considers it appropriate to do so, on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

12.2.2 Restrictions on functions

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.3 Functions of the Monitoring Officer

12.3.1 Maintaining the Constitution

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by members, staff and the public.

12.3.2 Ensuring lawfulness and fairness of decision making

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to a Cabinet function if he or she considers that any proposal, decision or omission would give rise to unlawfulness. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

12.3.3 Supporting the Standards Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support and advice to the Standards Committee.

12.3.4 Receiving reports

The Monitoring Officer will receive and act on reports made by the Ombudsman and decisions of the case tribunals.

12.3.5 Conducting investigations

The Monitoring Officer will conduct investigations into matters referred by the Ombudsman and make reports or recommendations in respect of them to the Standards Committee.

12.3.6 Proper Officer for access to information

The Monitoring Officer will ensure that Cabinet and individual Cabinet Member decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

12.3.7 Advising whether decisions of the Cabinet are within the Budget and Policy Framework

The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.

12.3.8 Providing advice

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, and financial impropriety, probity and Budget and Policy Framework issues to all councillors

12.3.9 Restrictions on posts

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.4 Functions of the Chief Finance Officer

12.4.1 Ensuring lawfulness and financial prudence of decision-making

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Cabinet in relation to an Cabinet function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

12.4.2 Administration of financial affairs

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

12.4.3 Contributing to corporate management

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

12.4.4 Providing advice

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

12.4.5 Give financial information

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

12.5 Duty to provide sufficient resources to the Monitoring Officer, Chief Finance Officer and Head of Democratic Services

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

12.6 Conduct

Officers will comply with the Employee Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

12.7 Employment

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

13 Article 13- Decision-Making

13.1 Responsibility for decision-making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.2 Principles of decision-making

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

I. compliance with all legal and procedural requirements;
II. proportionality (ie the action must be proportionate to the desired outcome);
III. proper consultation and the taking of professional advice, particularly legal and financial advice, from officers;
IV. compliance with the Human Rights Act and respect for human rights;
V. a presumption in favour of openness;
VI. clarity of aims and desired outcomes;
VII. explaining reasons for the decisions;
VIII. proper recording of declarations of interest and any dispensations granted.

13.3 Decisions reserved to full Council

Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.

13.4 Decision-making by the full Council

Subject to Article 13.7, the Council meeting will follow the Council Procedure Rules (Standing Orders) set out in Part 4, Appendix 1 of this Constitution when considering any matter.

13.5 Decision-making by the Cabinet

Subject to Article 13.7, the Cabinet will follow the Cabinet Procedure Rules (Standing Orders) set out in Part 4, Appendix 1 of this Constitution when considering any matter.

13.6 Scrutiny Committees

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

13.7 Decision-making by Council bodies acting as tribunals

Many of the licensing and enforcement functions of ordinary committees will entail them acting in a quasi-judicial capacity. Standards Committees may also need to be particularly aware of issues relating to Article 6 of the European Convention on Human Rights.

The Council, a councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which

accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

14 Article 14- Finance, Contracts and Legal Matters

14.1 Financial management

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

14.2 Contracts

Every contract made by the Council will comply with the Financial Regulations and Contract Standing Orders set out in Part 4, Appendices 2 and 3 respectively, of this Constitution.

14.3 Legal Proceedings

The Head of Law and Regulation is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Law and Standards considers that such action is necessary to protect the Council's interests.

14.4 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Law and Regulation, the Chief Legal Officer or other person authorised by the Head of Law and Regulation, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £4000 entered into on behalf of the local authority in the course of the discharge of a Cabinet function shall be made in writing in a form approved by the Head of Law and Standards. Every contract where the amount or value exceeds £35,000 but does not exceed £75,000 shall be made in writing and signed by the Head of Law and Standards. Every contract where the amount or value exceeds £75,000 shall be made under the seal of the Council and attested by the Head of Law and Standards or the Chief Legal Officer or some other person authorised by the Head of Law and Standards.

14.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Law and Regulation. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents, which in the opinion of the Head of Law and Standards should be sealed. The Head of Law and Regulation or Chief legal Officer will attest the affixing of the Common Seal or some other person authorised by the Head of Law and Regulation.

15 Article 15 - Review and Revision of the Constitution

15.1 Duty to Monitor and Review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. This may be undertaken in conjunction with a group of councillors established to assist in the monitoring and review of the Constitution for recommendation on amendments to Council.

15.1.1 Protocol for monitoring and review of the Constitution

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

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

15.2 Changes to the Constitution

Any proposals to change from one form of Cabinet to another require proper consultation, and change from leader/cabinet or alternative arrangements to an elected mayor form, or vice versa, requires a referendum. However, other changes may require limited or no consultation.

15.2.1 Approval

Changes to the Constitution will only be approved by the full Council after consideration of the proposal by The Monitoring Officer.

The Council might appoint the Democratic Services Committee or others to assist in the monitoring and review of the Constitution.

An individual member may propose additions, amendments, suspensions or withdrawals to the Council's Constitution provided that this complies with the Council's Standing Orders regarding notice of motions at full Council meetings (but in doing so would have to declare any interest in obtaining a decision of the full Council). Normally initial consideration of proposals will be by the Democratic Services Committee

Any proposed changes, whether recommended by the Democratic Services Committee or not, will have to be debated by full Council and require a majority vote of those members present and voting to be accepted. At least one half of the whole number of Councillors must be present at the meeting. Any changes would come into immediate effect unless the decision

specified otherwise. The Constitution document should be updated regularly to ensure that the most up to date version is always available.

15.2.2 Change from a Leader and Cabinet form of Cabinet to alternative arrangements

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

16 Article 16 - Suspension, Interpretation and Publication of the Constitution

16.1 Suspension of the Constitution

16.1.1 Limit to suspension

The Articles of this Constitution may not be suspended. The Standing Orders specified within the Constitution may be suspended by the full Council and/or the Cabinet and Cabinet Members to the extent permitted within those rules and the law.

16.1.2 Procedure to suspend

A motion to suspend any rules will not be moved without notice and unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

16.1.3 Rules capable of suspension

The following Standing Orders may be suspended in accordance with Article 16.1:

- all Council Standing Orders (except Standing Orders 10 (1.10.2), 16 (1.16), and 17 (1.17) may be suspended so far as any item of business at a meting of full Council in accordance with Standing Order 17.
-
- Cabinet Standing Orders may be suspended if agreed by the Cabinet or by individual cabinet Members in matters of urgency in accordance with Standing Order 28 (2.9). Any suspension must be reported to the relevant Overview and Scrutiny Committee to ensure safeguards against any possible misuse.
-

16.2 Interpretation

The ruling of the Mayor, as advised by the Monitoring Officer where necessary, as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.3 Publication

- The Monitoring Officer will make available a copy of this Constitution to each member of the authority, normally via the Council's internet or intranet.
- The Monitoring Officer will ensure that the Constitution is available electronically on the Council's Website and that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- The Head of Law and Standards will ensure that the Constitution is made available for inspection and is updated as necessary.

17 Schedule 1: Description of Cabinet Arrangements

The following parts of this Constitution constitute the Cabinet arrangements:

- Article 6 (Scrutiny Committees) and the Overview and Scrutiny Procedure Rules;
- Article 7 (The Executive) and the Cabinet Procedure Rules;
- Article 11 (Joint arrangements) if joint committees have functions delegated to them by the Executive;
- Article 13 (Decision-making) and the Access to Information Procedure Rules;
- Part 3 (Responsibility for Functions).