

PART 1
SUMMARY AND
EXPLANATION

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The Council's Constitution

Rhondda Cynon Taff County Borough Council has agreed this 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 is divided into 16 articles, which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in a series of separate rules and protocols at the end of the document.

What's in the Constitution?

Article 1 of the Constitution commits the Council to:-

1. provide clear leadership to the community it serves, in active partnership with citizens, local businesses, voluntary and community organisations, and other agencies, in order to improve the quality of life of all those who live in, work in, or visit Rhondda Cynon Taff;
2. support the active involvement of local citizens in the process of democratic decision making;
3. help all Councillors to represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. ensure that those responsible for decision making are clearly identifiable to local people and that the reasons for decisions are clearly explained;
6. create a powerful and effective means of holding decision makers to public account;
7. ensure that no one will review or scrutinise a decision in which they were directly involved; and
8. improve the delivery of services to the community, which are procured or provided by the Council, or by its strategic partners.

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

These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).

- The Council Meeting (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).
- Corporate Joint Committees (Article 10).
- Joint Arrangements (Article 11).
- Officers of the Council (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 75 Councillors normally elected every five years. Each Councillor is democratically accountable to the residents of their electoral division, as well as to all those who live in Rhondda Cynon Taff. Anyone over the age of 16 who qualifies to vote can do so in the Council elections. 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.

All Councillors have to agree to follow a code of conduct, to ensure high standards in the way they undertake their duties. The Standards Committee is responsible for training and advising them on the code of conduct.

All Councillors meet together regularly as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policy framework and set the budget each year. The Council appoints the Leader of the Council on a yearly basis. The Leader then decides the size and membership of the Executive, i.e. the role of individual members of the Executive and arrangements for the exercise and delegation of executive functions.

The Council appoints Overview and Scrutiny Committees responsible for being the principal means of holding the Executive to account, in terms of decision making and the Council's performance, in delivering effective and efficient services, which meet the needs of local people.

Various Non-Executive Committees are appointed by the Council as an efficient and accessible way of making decisions on those matters which cannot be the responsibility of the Executive, (such as planning matters and licensing).

Members of the Council may present petitions on behalf of their constituents, ask questions of Executive Councillors or submit motions for debate at a meeting. They may also contribute views during the course of a meeting on a matter being discussed.

How Decisions Are Made

The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of the Leader appointed by the Council and a Cabinet of up to 9 Councillors appointed by the Leader. Together, they form the Executive and, except where authority for a particular matter has been delegated, they take collective responsibility for decision making. When decisions are to be discussed or made, these are published in the Executive's forward work programme, in so far as they can be identified in advance. If these decisions are to be discussed with Council Officers and decided at a meeting of the Executive, this will generally be open for the public to attend, except where genuinely confidential or exempt matters are being discussed. 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 agreed budget or policy framework, this must be referred to the Council as a whole to decide.

Decisions can also be made by individual Executive Councillors on matters within their "portfolio" of responsibilities, within prescribed limits such as when matters need to be resolved urgently to protect the interest of the Council, subject to formal advice from appropriate Council officers being taken into account first.

Delegated powers are also given to Officers to make certain decisions in relation to the delivery of the services they manage for the Council.

Overview and Scrutiny

Overview and Scrutiny Committees support and challenge the work of the Executive and the Council as a whole. There are three standing thematic Scrutiny Committees which review all aspects of the Council's Service Areas in depth, namely Education & Inclusion, Community Services (which is the designated committee dealing with Crime and Disorder issues) and Climate Change, Frontline Services & Prosperity. There is an Overview and Scrutiny Committee which co-ordinates the work of the three standing Scrutiny Committees. They allow citizens to have a greater say in Council matters, by holding public inquiries into matters of local concern. These activities lead to reports and recommendations which advise the Executive, and the Council as a whole, on its policies, resource allocation and service delivery. The Overview and Scrutiny Committee also monitors the decisions of the Executive. All Non-Executive Members have the ability to 'call-in' a decision which has been made but not yet implemented by the Executive or a 'Key Decision' taken by a Chief Officer (under the Scheme of Delegation), to consider whether the

decision is appropriate to meeting the needs and aspirations of local people. The Overview and Scrutiny Committee may recommend that the Executive reconsider the decision. The Scrutiny Committees may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy before these are finalised. The Overview and Scrutiny Committee will review the forward work programmes of each of the three standing Scrutiny Committees which will ensure the work of these Committees are co-ordinated with one another, and with the Cabinet's forward work programme.

The Council's Staff

The Council directly employs a range of professionally qualified senior staff, (called 'Officers'), to give advice, 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 elected Members of the Council, to ensure that they work together effectively. Council officers may have certain powers to act delegated to them by the Council, by its committees, or by the Executive, as set out in the Council's Scheme of Delegation.

Citizens' Rights

Local 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 legal rights.

Where members of the public use specific Council services, for example as a parent of a pupil attending a local school they have additional rights. These are not covered in this Constitution, but information on them is available elsewhere.

Citizens have the right to:

- vote at local elections, if they are registered to do so;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Council's Constitution;
- attend meetings of the Executive, and of the Council and its Committees, except where confidential or exempt matters are being discussed;
- petition to request a referendum on a mayoral form of Executive;
- contribute to reviews and investigations by the Overview and Scrutiny Committees;

- find out, from the forward work programmes, what business is to be considered by the Executive, the Overview and Scrutiny Committees, or the Council as a whole;
- see reports and background papers considered by the Council and any of its Committees, and the record of any decisions made by the Council, by its Committees, and by the Executive, except where they contain confidential or exempt information;
- complain to the Council about the delivery of Council Services, (through use of the Council's complaints procedure);
- 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 only after using the Council's own complaints process);
- complain to the Ombudsman if they have evidence which they think shows that a Councillor or a co-opted Member of the Council has not followed the Members' Code of Conduct; and
- during a specified period inspect the Council's accounts and make their views known to the Council's external auditor.

The Council must encourage local people to participate in the making of decisions by the Council. See the Council's public participation strategy for more information.

The Council welcomes interest and participation by local citizens in its work. For further information on your rights as a citizen, please contact the Council Business Unit, Rhondda Cynon Taff County Borough Council, County Borough Council Offices, The Pavilions, Cambrian Park, Clydach Vale (Tel. No. 01443 424110).

A Constitution Guide is also available on the Council's website. This Guide explains in ordinary language the content of the Constitution and how local citizens can participate and exercise their rights in respect of Council business and meetings. A copy can also be made available for inspection at the main Council Offices in Clydach Vale (details set out above).