

## **PART 1 - SUMMARY AND EXPLANATION**

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### **The County Council's Constitution**

1. Cardiff Council's Constitution, sets out how the Authority 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.
2. The Constitution is divided into 15 Articles which set out the basic rules governing the Authority's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

### **What's in the Constitution?**

3. Article 1 of the Constitution commits the Council to provide accountable leadership to the community, in partnership with its citizens, to improve service delivery to all the people of Cardiff. Articles 2–15 explain the rights of citizens and how the key parts of the Authority operate. These are:
  - Members of the Council (Article 2)
  - Citizens and the Authority (Article 3)
  - The Council (Article 4)
  - Chairing the Council (Article 5)
  - Scrutiny Committees (Article 6)
  - The Executive (Article 7)
  - Regulatory and other committees (Article 8)
  - The Standards & Ethics Committee (Article 9)
  - Joint arrangements (Article 10)
  - Council Employees (Article 11)
  - Decision Making (Article 12)
  - Finance, Contracts and Legal Matters (Article 13)
  - Review and Revision of the Constitution (Article 14)
  - Suspension, interpretation and publication of the Constitution (Article 15)

### **How the Authority operates**

#### **Council Arrangements**

4. The Council is composed of 75 councillors elected every four years. Councillors are democratically accountable to residents of their ward. 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.
5. Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards & Ethics

Committee advises them on the Code of Conduct and on development needs linked with conduct.

6. All Councillors meet together as the Council. Meetings of the Council are normally open to the public. The Council decides the Authority's strategic policies, as set out in Article 4 and sets the budget each year.

### **Executive Arrangements (Leader and Cabinet)**

7. The Cabinet is the part of the Council which is responsible for most major decisions. The Cabinet is made up of the Leader elected by the Council, and up to nine other councillors whom he/she nominates for approval by the Council. Meetings of the Cabinet, Scrutiny Committees, the Council and other committees are open to the public to attend except where confidential information or exempt information is being discussed, as defined by the law. The Cabinet 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 to decide.

### **Scrutiny**

8. Scrutiny Committees support the work of the Cabinet and the Council as a whole. The number of Scrutiny Committees is determined by the Council. Scrutiny Committees monitor the decisions of the Cabinet. They allow backbench members, citizens and stakeholders to have a greater say in matters concerning the Authority. They produce reports and recommendations which advise the Cabinet and the Council on its policies, budget and service delivery. They can 'call-in' a decision which has been made but not yet implemented. This enables Scrutiny to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

### **The Authority's Employees**

9. The Authority has employees to give advice, implement decisions of the Cabinet and Council, and manage the day-to-day delivery of its services, including making decisions in accordance with a Scheme of Delegations. Employees are bound by a statutory Code of Conduct and a Protocol governs the relationships between employees and Councillors. The employees of the Authority serve the Authority as a whole and are required to advise impartially.

### **Citizens' Rights**

10. Citizens have a number of rights in their dealings with the Authority. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Authority's own processes.

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

Citizens may:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Cabinet, Council and its Committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- contribute to investigations by the Scrutiny Committees;
- see reports and background papers, and any record of decisions made by the Council and Cabinet except where they contain personal or confidential information;
- complain to the Authority with regard to a perceived dissatisfaction about the standard of service, action or lack of action by the Authority or its staff. All complaints will be dealt with in accordance with the Authority's Complaint Policy, which provides an effective framework for review should the complainant be dissatisfied with the initial response;
- complain to the Commission for Local Administration in Wales (Ombudsman) if they think the Authority has not followed its procedures properly. However, the Authority expects a complainant to allow it the opportunity to resolve the complaint using the Authority's own Complaint Policy before contacting the Ombudsman, and the Ombudsman normally expects this too;
- complain to the Ombudsman if they have evidence which they think shows that a Councillor or Co-Opted Member has not followed the Members' Code of Conduct; and
- inspect the Authority's accounts and make their views known to the external auditor.

The Authority welcomes participation by its citizens in its work.