

# Guide to the Constitution Of Cardiff Council

Produced pursuant to section 45 of the  
Local Government and Elections (Wales) Act 2021

Draft : xx

## **Introduction**

### **The constitution**

The Council is made up of different individuals and bodies, who work together to deliver the Council's functions. The Council's constitution 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**

This guide is designed to help you to understand how the Council works to deliver services in your area. 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.5
- *How can I get a copy of the constitution?* p.5
- *Who is responsible for keeping the constitution up to date?* p.5

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.9
- *What does the Council do?* p.11
- *What happens at Council meetings?* p.12
- *How does the Council make decisions?* p.12
- *How can I find out what the Council decided about an issue that affects me?* p.13
- *What does the Cabinet do?* p.15
- *How does the Cabinet make decisions?* p.15
- *What do the Council's committees do?* p.17
- *Who is responsible for governance, audit and risk management?* p.17
- *Who is responsible for upholding local democracy?* p.18
- *What does the licensing committee do?* p.19
- *What does the planning committee do?* p.19
- *How are decisions scrutinised?* p.20
- *Who is responsible for upholding standards and holding Councillors to account for their conduct?* 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 Lord Mayor and Chair of Council do?* p.**Error! Bookmark not defined.**

- *What does the Leader do?* p.24
- *What happens if the Leader is unable to perform their duties?* p.24
- *My Councillor is a member of the Cabinet, what does this mean?* p.25
- *How are members of the Cabinet supported?* p.25
- *What does the Chief Executive do?* p.25
- *What responsibilities does the Monitoring Officer have?* p.26
- *Who is responsible for ensuring that the Council's democratic policies and procedures are complied with?* p.26
- *How should Councillors behave?* p.28
- *How should Officers behave?* p.30
- *Are there any special requirements when Councillors or Officers decide planning applications?* p.30
- *How can I complain about the behaviour of a Councillor?* p.31
- *How do I report concerns about the conduct of a paid Officer of the Council?* p.32

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.33
- *How is the Council's policy framework decided?* p.33
- *How does the Council set its budget?* p.34
- *Can decisions be taken that do not comply with the budget or policy framework?* p.34
- *Can money be moved from one budget head to another once the budget has been adopted?* p.35
- *What other policies and procedures govern how the Council manages its budget?* p.35

- *Are there any restrictions on how the Council buys in goods and services?* p.35
- *How does the Council enter into contracts and agreements?* p.35

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 speak at meetings, and how you can use petitions to raise issues that are important to you with the Council.

It aims to answer questions such as: -

- *How can I find out when meetings of the Council and its committees and bodies are taking place?* p.37
- *How can I find out what will be discussed at a particular meeting?* p.37
- *How can I find out when an issue I am concerned about will be decided?* p.37
- *Can I ask a committee or body of the Council to look into a particular issue?* p.37
- *Can I attend meetings of the Full Council?* p.38
- *Can I attend other meetings?* p.38
- *Can I speak at a meeting?* p.39
- *Can I ask a question at a meeting?* p.39
- *How can I find out what the Council decided?* p.39
- *Can I view the Council's accounts to understand how my council tax is spent?* p.40

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 get in touch by [\[insert contact details\]](#).

## 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.

 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 [<insert hyperlink>](#).

 Article 15.3 of the constitution explains where, when and how the constitution must be published.

The 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. The Council has set up a Constitution Committee to review and recommend any changes to the Constitution. The Constitution Committee can make some constitution changes on behalf of the Council, but most changes to the constitution are recommended to the Full Council for approval.

The Monitoring Officer may also make minor 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.

Article 14 of the constitution explain how the constitution is agreed and how it can be changed.

 Appendix 2 to Part 3 of the constitution sets out the constitution changes which can be made by the Constitution Committee

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.



Key words and phrases are defined and explained in Article 15.2 of the constitution.

## **Part 2      The Council's democratic structures**

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

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



Article 2 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.

At the start of every year, the Full Council will elect one Councillor as Lord Mayor. The Lord Mayor is responsible for chairing meetings of the Full Council and ensuring that decisions are taken properly and in accordance with the rules. The Lord Mayor is also a civic position and is responsible for carrying out certain ceremonial functions.

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

The Council appoints a small number of individual councillors, usually from the majority political party, to the Cabinet. Members of the Cabinet are responsible for specific policy areas, commonly referred to as portfolios. Cabinet members' portfolios are not included in the constitution because they may change from time to time, but portfolios are shown on the Council's website [insert hyperlink]

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. Committees have a number of members from each political group, in the same proportion as the number of councillors from each political group on the Council overall (referred to as 'political balance' or 'political proportionality'), unless everyone agrees otherwise.

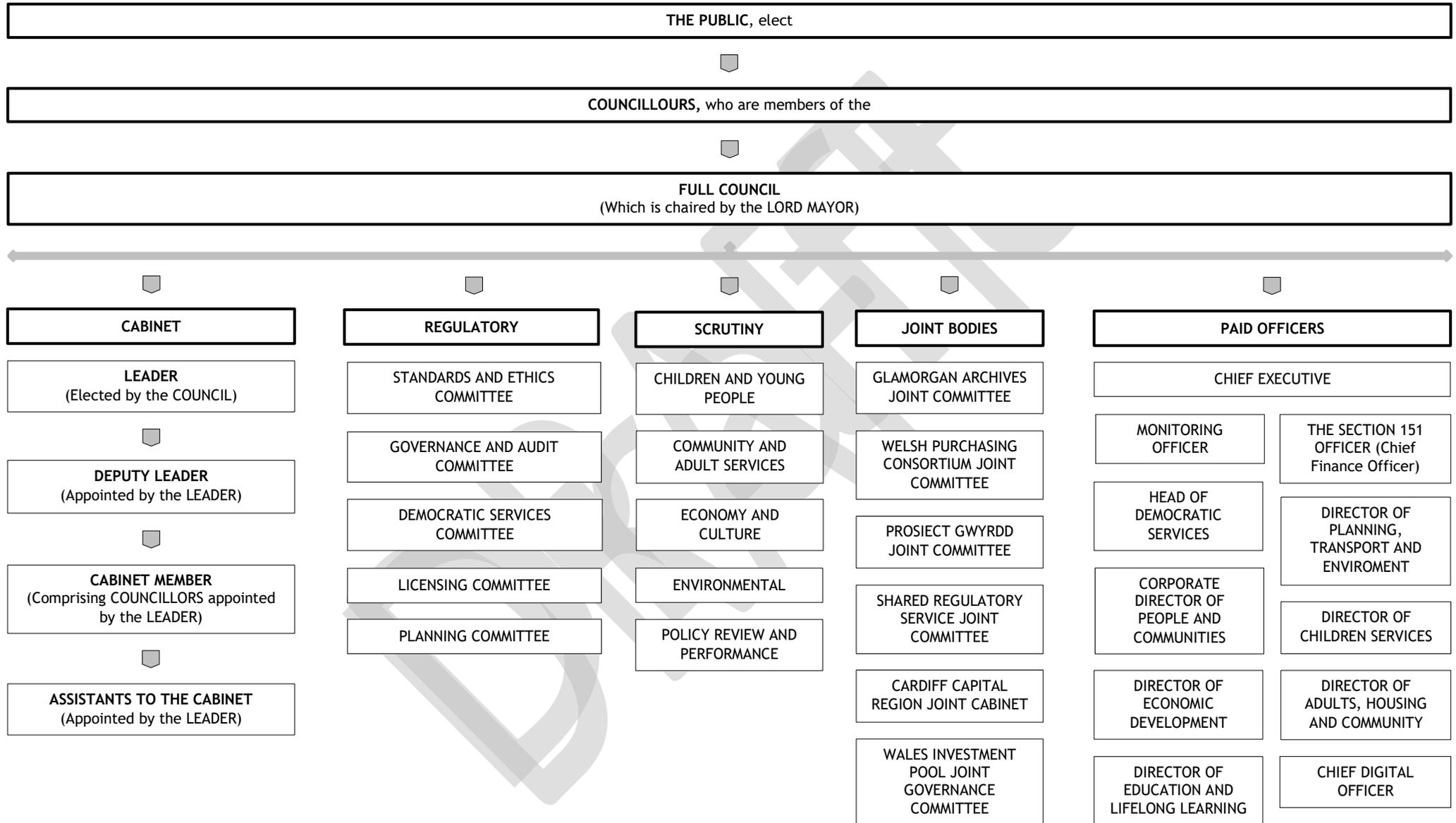
The Council may engage such paid staff (referred to as officers) as it considers necessary. The Cabinet, Full Council and committees may delegate functions to

officers. Further information on delegations can be found in the officers' scheme of delegations [\[insert hyperlink\]](#).

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

Draft

# Structure Chart



## 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 <insert hyperlink>.

All Councillors are members of the Full Council, and they may also be members of one or more of the Council's members 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 Article 15.2 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 any meeting of the Council, its committees or the Cabinet;
- speak at any meeting of any Council body which they are a member of;
- with the permission of the chair, speak at any meeting of any Council body (even if they are not a member of that body);
- talk to the Leader, or members of the Cabinet or Council officers about any aspect of Council business; and
- raise complaints.



Councillors' rights and duties are set out in Article 2 of the constitution.



Councillors' rights to information are set out in Rule 18 of the Access to Information Procedure Rules and the Protocol on Members' Rights of Access to Information and Documents.

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 the procedure rules for each type of meeting: Council Meeting Procedure Rules; Committee Meeting Procedure Rules; Planning Committee Procedure Rules; and Scrutiny Procedure Rules.

Draft

## Full Council



Article 4 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 legal duties in areas such as health and social care, children and young people and community safety);
- agreeing key plans and strategies (referred to in the constitution as the 'policy framework');
- electing the Leader and the Lord Mayor; and
- appointing the Chief Executive and other Chief Officers.



The functions of the Full Council are listed in Article 4.1 of the constitution.

Meetings of the Full Council are chaired by the Lord Mayor, who is 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 Lord Mayor in Part 3 of this guide.

### **What happens at meetings of the Full Council?**

 The different types of full Council meetings, how they are called, the issues they decide and the rules for how meetings are run are set out in the Council Meeting Procedure Rules found in Part 4 of the constitution.

The Full Council will meet at the start of each financial 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. This is known as the annual meeting.

 The timing of the annual meeting and the issues to be decided at that meeting are described in Rule 2 of the Council Meeting Procedure Rules in the constitution.

At the annual 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 will deal with the business set out in Rule 3 of the Council Meeting Procedure Rules in 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 Rule 4 of the Council Meeting Procedure Rules of the constitution.

The full Council decides the dates for its programme of meetings for each year at the annual council meeting.

The Director of Governance and Legal Services is responsible for issuing a summons for each Councillor to attend each Council meeting. He/She 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.

 Rules 5 and 6 of the Council Meeting Procedure Rules 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 and procedures for the conduct of meetings and debate are set out in Parts 2 – 4 of the Council Meeting Procedure Rules.

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.

Usually, voting will be carried out electronically and the names of those voting for, against or abstaining from voting will be recorded electronically and entered into the minutes.

Decisions will usually require a simple majority of those present 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 Chair (the Lord Mayor) will have a second, casting vote.

If a matter is uncontroversial and no Councillor raises any objection, the Chair may declare the motion or recommendation to be carried (agreed). However, if there are any objections, the Chair will initiate a vote. 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 Rule 29 of the Council Meeting Procedure Rules.

### **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.



Rule 8 of the Council Meeting Procedure Rules sets out the minimum number of Councillors that must be present so the Full Council can make a decision.

### **Are meetings recorded?**

Full Council meetings are webcast as they take place so that members of the public not in attendance at the meeting can see and hear the proceedings. The live webcast can be viewed on the Council's website at the time of the meeting; and remains available for a period of 12 months after the meeting.

Within 7 working days after a meeting, the Council will publish on its website a note recording the names of the Councillors who attended the meeting and the decisions taken at the meeting.

A full record of each meeting is also made in the form of minutes. The minutes 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, for a period of 6 years after the meeting.

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

-  Information on the note of decisions taken and minutes of Council meetings can be found in Rule 8 of the Access to Information Procedure Rules.
-  The Access to Information Procedure Rules can be found in Part 4 of the constitution.
-  Minutes of meetings are available on the Council's website <insert hyperlink>.

## **The Cabinet**

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

-  Article 7.2 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.

### **What does the Cabinet do?**

The law classifies the functions of the Council as 'executive functions' or 'non-executive functions'. The Cabinet is responsible for carrying out the Council's executive functions. However, in practice the Cabinet cannot carry out every one of these functions, so the Council reserves responsibility for certain functions to the Cabinet and delegates responsibility for other functions to officers of the Council or to other bodies like joint committees.

The Council decides which functions to delegate to whom. This is known as the Council's Scheme of Delegations.

-  Article 7.7 of the constitution explains how the responsibility for executive functions is allocated by the Council.
-  The Council's Scheme of Delegation can be found in Part 3 of the constitution.

### **Meetings of the Cabinet**

The Cabinet will decide when the Cabinet will meet, and for how long. The Leader will chair meetings of the Cabinet.

The constitution prescribes certain matters that must be considered at every meeting of the Cabinet. Additionally, any member of the Cabinet and certain Chief Officers may require that an item of business is added to the meeting agenda.

Meetings of the Cabinet are carried out in accordance with the Cabinet Procedure Rules in the constitution.

-  The Cabinet Procedure Rules, found in Part 4 of the constitution govern how meetings of the Cabinet are conducted.

## How does the Cabinet make decisions?

The Cabinet is obliged to consult with stakeholders, including individual Councillors, members of the public and certain committees, before it makes certain decisions on matters that are not urgent. The type and level of consultation will depend on the matter being decided. The outcomes of the consultation will be carefully considered to inform the Cabinet decision.



These consultation requirements are explained in Rule 2.4 of the Cabinet Procedure Rules.

All Cabinet decisions are published in the Cabinet Decision Register on the Council's website.



Rule 13 of the Access to Information Procedure Rules sets out the requirements for the Cabinet's record of decisions.

You can view the Cabinet's Decision Register on the Council's website here [insert hyperlink]



You can read the minutes of meetings of the Cabinet on the Council's website here <insert hyperlink>.

## **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 establishes its Committees and appoints Committee members and Chairs for the year at the annual council meeting.

A list of the regulatory and other committees established by the Council is set out in Article 8 of the Constitution.



The functions of each committee are set out in the committees' approved terms of reference in Appendix 2 to Part 3 of the constitution.

The rules and procedures for the conduct of committee meetings are set out in the Committee Meeting Procedure Rules [\[insert hyperlink\]](#)

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 regulatory committees do?**

#### **Standards and Ethics Committee**

The Standards and Ethics Committee is responsible for promoting high standards of conduct by Councillors of Cardiff Council and Community Councils in Cardiff, including by advising and training Councillors on the Members' Code of Conduct and advising the Council on changes to that Code.

The Monitoring Officer is the senior officer responsible for advising and supporting the Standards and Ethics Committee.



The functions of the Standards and Ethics Committee are set out in the committee's approved terms of reference in Appendix 2 to Part 3 of the constitution.

The Standards and Ethics Committee is also responsible for considering complaints of alleged breaches of the Members' Code of Conduct. Complaints may be referred to the Committee by the Public Services Ombudsman for Wales or by the Monitoring Officer under the Local Resolution Protocol adopted by Cardiff Council for dealing with lower level complaints made by Cardiff Councillors about the behaviour of other Councillors. A Hearings Panel may be established, made up from members of the Standards and Ethics Committee, to determine conduct complaints referred to the Committee. The Committee has adopted procedures for dealing with any matters referred to the Hearings Panel.

The Standards and Ethics 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) and includes one community councillor.

The Committee includes one Councillor from each of the 3 largest political groups represented on the Council and seeks to operate in a politically neutral manner, guided by shared ethical principles.

You can read more about the Standards Committee in Article 9 of the constitution.



Meeting agendas, reports and minutes of the Standards and Ethics Committee are published on the Council's website here [insert hyperlink]

### Governance and Audit Committee

The Governance and Audit Committee advises the Full Council, the Cabinet and their respective committees and members 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.

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).



The functions of the Governance and Audit Committee are set out in the committee's approved terms of reference in Appendix 2 to Part 3 of the constitution.



Meeting agendas, reports and minutes of the Governance and Audit Committee are published on the Council's website here [insert hyperlink]

### Democratic Services Committee

The Democratic Services Committee is responsible for designating an officer of the Council as the Head of Democratic Services, keeping under review the provision of resources to the Head of Democratic Services for discharging the democratic services functions of the Council and reporting annually to the Council on these matters.

The Democratic Services Committee is made up of Councillors 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), and includes no more than one Cabinet member or Assistant to the Cabinet, who cannot be the Leader of the Council.

	The functions of the Democratic Services Committee are set out in the committee's approved terms of reference in Appendix 2 to Part 3 of the constitution.
	Meeting agendas, reports and minutes of the Democratic Services Committee are published on the Council's website here [insert hyperlink]

### 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.

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.

	The functions of the Licensing Committee are set out in the committee's approved terms of reference in Appendix 2 to Part 3 of the constitution.
	Meeting agendas, reports and minutes of the Licensing Committee are published on the Council's website here [insert hyperlink]

### 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.

 The functions of the Planning Committee are set out in the committee's approved terms of reference in Appendix 2 to Part 3 of the constitution.

The planning committee has a separate set of procedure rules governing the proceedings at planning committee meetings, set out in the Planning Committee Procedure Rules.

The Members' Planning Code of Good Practice provides information and guidance for Councillors, officers and members of the public about the Council's planning processes [insert hyperlink]

 Meeting agendas, reports and minutes of the Governance and Audit Committee are published on the Council's website here [insert hyperlink]

### **What do the Council's scrutiny committees do?**

The Council has 5 different Scrutiny Committees responsible for holding the Cabinet and other bodies of the Council to account in relation to different aspects of the Council's work:

- (i) Children and Young People
- (ii) Community and Adult Services
- (iii) Economy and Culture
- (iv) Environmental
- (v) Policy Review and Performance

Each Scrutiny Committee is comprised of 9 Councillors. Membership of Scrutiny Committees is restricted to those Councillors who are not members of the Cabinet or Assistants to the Cabinet.

The Scrutiny Committees can: -

- review and scrutinise decisions made by the Cabinet and other parts of the Council;
- make reports and recommendations to the Council or to the Cabinet; and
- make proposals regarding changes to the Council's policies and procedures.

The size, membership and general role of the Scrutiny Committees is set out in Article 6 of the Constitution.



The approved terms of reference for each Scrutiny Committee is set out in Appendix 2 to Part 3 of the constitution.

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

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 rules around membership of Scrutiny Committees, the conduct of committee meetings and the carrying out of the functions of the committee are set out in the Scrutiny Procedure Rules, found in Part 4 of the Constitution.

## **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.

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



Article 10 of the constitution governs the circumstances in which the Council or Cabinet may enter into joint arrangements with other authorities and bodies, delegate functions and contracting out arrangements.

Section 5 of the Scheme of Delegations (in Part 3 of the Constitution) lists the joint committees established by Cardiff Council with other local authorities: [insert hyperlink].

## **Part 3 Roles and responsibilities**

### **What roles do Councillors perform?**

**The key roles of all Councillors are to:**

- (i) collectively set the Policy Framework and carry out a number of strategic functions;
- (ii) represent their communities and bring their views into the Authority's decision-making process, i.e. become the advocate of and for their communities;
- (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (iv) seek to balance different interests identified within the ward and represent the ward as a whole;
- (v) promote and ensure efficiency and effectiveness in the provision of Council services;
- (vi) be involved in decision-making;
- (vii) be available to represent the Authority on other bodies; and
- (viii) maintain the highest standards of conduct and ethics.

Councillors may also be elected or appointed to other specific roles, such as:

- Leader and Deputy Leader;
- Lord Mayor and Deputy Lord Mayor
- Cabinet Member or Assistant to the Cabinet
- Chair or Member of a Regulatory or Other Committee
- Chair or Member of a Scrutiny Committee
- Leader of the Opposition and Deputy Leader of the Opposition; and

- Member Champion.

## **What roles do Officers perform?**

The Council may engage such employees as necessary to carry out its functions. Officers are politically neutral and serve the whole Council and its Councillors by providing advice, implementing the Council's policies, and delivering services to the local community.

The Council has designated senior staff with specific statutory roles, including:

- the Chief Executive,
- the Monitoring Officer,
- the Chief Finance Officer (referred to as the 'Section 151 Officer'), and
- the Head of Democratic Services.

Article 11 of the constitution sets out information about the roles played by these senior paid officials of the Council

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

## **Lord Mayor and Deputy Lord Mayor**

The Lord Mayor and Deputy Mayor are elected by the Full Council at the annual council meeting every year.

The Lord Mayor 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.

The Lord Mayor is also the civil leader of the Council. They are responsible for promoting the interests and reputation of the Council and for carrying out civic, community and ceremonial activities.

The Deputy Lord Mayor performs the Lord Mayor's functions in their absence.



You can read more about the role and functions of the Lord Mayor and the Deputy Mayor in Article 5 of the constitution.

## **Leader and Deputy Leader**

The Leader is elected by the Full Council

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

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

The Leader chairs meetings of the Cabinet; and is also chair of Cardiff's Public Services Board (a body which brings together the city's public service leadership and decision-makers to strengthen joint working, improving Cardiff's economic, social, environmental and cultural well-being).



Please see Article 7 of the constitution for more information.

## **Member of the Cabinet**

Members of the Cabinet are responsible for: -

- 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 Full Council, 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 by explaining decisions they have made and the performance of functions within their area to relevant Scrutiny Committees.



You can read more about members of the Cabinet in Article 7 of the constitution.

## **Assistant to the Cabinet**

Assistants to the Cabinet support members of the Cabinet 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 Cabinet are not members of the Cabinet and cannot vote at Cabinet Meetings or Cabinet Committee Meetings. However, they are entitled to attend and to speak at meetings of the Cabinet and its committees.



You can read more about Assistants to the Cabinet in Article 7.5 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 Article 11.2 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 Article 11.3 of the constitution.

The Section 151 Officer (**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 Section 151 Officer's role and responsibilities are described in Article 11.4 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 Article 11.5 of the constitution.

The Council also employs a number of other Directors / Chief Officers, including: -

- Corporate Director of People and Communities
- Director of Economic Development
- Director of Education and Lifelong Learning
- Director of Planning, Transport and Environment
- Director of Childrens Services
- Director of Adults, Housing and Communities
- Chief Digital Officer

Directors / 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 senior management structure of the Council is set out in Part 7 of the constitution.
  
-  The processes by which officers are recruited, appointed, disciplined and dismissed are set out the Employment Procedure Rules, found in Part 4 of the constitution.

Draft

## 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 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. 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 Members' Code of Good Practice.

The Members' Code of Good 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 Members' Planning Code of Good Practice in full in Part 5 of the constitution.

## **Officers should comply with the Employees' 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 Employees' Code of Conduct 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 Employees' Code of Conduct in full in Part 5 of the constitution.

### **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 /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 of the constitution.

### **How can I make a complaint?**

Article 3.1 of the constitution explains that you have the right to complain to:

- (i) the authority itself under its Complaints Policy (for any complaints about the Council, its services or officers);
- (ii) the Ombudsman about any injustice you have suffered as a result of maladministration, but you are encouraged to use the Council's own Complaints Policy first; and

(iii) the Ombudsman if you believe a Councillor or co-opted member of the Council has breached the Member's Code of Conduct.



The Council's website provides more information about how to complain <insert hyperlink>.

Draft

## 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 Article 4.2 of the constitution.

 Individual plans and strategies are published on the Council's website. [insert hyperlink]

Additionally, the Council's Corporate Plan brings together the Council's plans and strategies for: communities; children and young people; health social care and wellbeing; and community safety.

 The Council's Corporate Plan is published on the Council's website <insert hyperlink>.

#### 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 scrutiny committees and working with the Council's senior 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 shall take effect immediately. If the Full Council amends the policy framework then the Leader has an opportunity to object to the amendments and to reconvene the Full Council to reconsider the policy framework.

Once adopted, the Cabinet, their committees, individual Councillors 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 the Budget and Policy Framework Procedure Rules, found in Part 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 like a major road improvement scheme, or the purchase or construction of a new car park.

The Cabinet, in consultation with the Section 151 Officer (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.

The Full Council may adopt the budget 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 the Budget and Policy Framework Procedure Rules, found in Part 4 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 Council's scrutiny committee may decide to refer such decisions to the Full Council for further consideration (this is referred to in the constitution as calling-in the decision).

 The Council's arrangements for urgent decisions which do not comply with the policy framework are set out in Rule 4 of the Budget and Policy Framework Procedure Rules, found in Part 4 of the constitution.

### **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 changed 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 Rule 5 of the Budget and Policy Framework Procedure Rules and the Financial Procedure Rules, found in Part 4 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 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 Standing Orders and Procurement Rules (the Contract Procedure Rules) in Part 4 of 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 yourself with these rules and procedures.

 The Council's Contract Procedure Rules are set out in Part 4 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 Article 13 of the constitution.

Draft

## Part 5 How can I get involved?

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

The Council publishes a calendar of meetings, and notice of each meeting is published at least 3 clear working days before the meeting.

 The Council publishes the calendar of meetings and notices of meetings on its website <insert hyperlink>.

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

The Council will publish agendas for meetings, together with any reports and background papers at least 3 clear working days in advance of the meeting taking place.

Hard copies of agenda, reports and background papers will also be available at the meeting, if a physical meeting is held, for those members of the public who wish to attend in person.

 The Council publishes meeting agendas, reports and supporting documents on its website <insert hyperlink>.

### How can I find out when an issue I am concerned about will be decided?

The Council publishes a forward work plan, which sets out what decisions will be taken by the Cabinet and when these matters will be discussed.

 The Council publishes the Cabinet's Forward Work Plan on its website <insert hyperlink>.

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

Yes. You can ask the chair or a member of a particular body to add an item to the agenda for a future meeting, or to raise the issue when the committee is considering items of future business.

You can also 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.

 The Council publishes details of its petition scheme on its website <insert hyperlink>.

## Can I attend meetings of the Full Council?

Yes, members of the public can come to meetings of the Full Council as 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 must be excluded from meetings when confidential information would otherwise be disclosed. Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

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 the Lord Mayor 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 the Access to Information Procedure Rules, in Part 4 of the constitution.

 The Council’s arrangements for broadcasting meetings of the Council are set out in Rule 32 of the Council Meeting Procedure Rules and the Webcasting Protocol, which is in Part 5 of the constitution.

 The rules around disturbance by members of the public are set out in Rule 15 of the Council Meeting Procedure Rules in the constitution.

## Can I attend other meetings?

Yes, members of the public can come to 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 Rule 4 of the Access to Information Procedure Rules in 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?**

You can ask formal questions of members of the Cabinet or the Chairperson of a committee at meetings of the Full Council.

However, you may only ask a question if you have given the Head of Democratic Services notice in writing (including by email) that you wish to raise a question in advance of the meeting taking place.

You may only ask one question at a meeting, but you may ask one supplementary question relating to the original question or answer given.

Time for questions is limited, and questions are permitted in the order in which they were notified to the Head of Democratic Services. If time for questions runs out before you are able to ask your question, then you will be provided with a written answer to your question instead.

Representations can also be made in specific circumstances, such as objectors to planning applications at planning committee (see section 20.12 of the constitution).



You can read more about asking a question at full Council in Rule 18 of the Council Meeting Procedure Rules.



Contact information for the Head of Democratic Services are published on the Council's website <insert hyperlink>.

## **How can I find out what the Council decided?**

The Council publishes the agenda, reports, background papers and the minutes of meetings. These papers are available for inspection by the public for a minimum of six years from the date of the meeting.

The Council also has arrangements in place for publishing written records of decisions taken by the Cabinet and Officers taking executive decisions.



You can see the meeting agendas, reports and minutes on the Council's website here<insert hyperlink>.

The Cabinet Decision Register is [\[here\]](#)

The Officer Decision Register is [\[here\]](#)

### **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 view the Council's accounts [\[here\]](#)

Draft

# INDEX

Introduction .....	1
The constitution.....	1
This guide .....	1
Part 1 The constitution .....	5
Part 2 The Council’s democratic structures .....	6
Councillors .....	9
Full Council .....	11
The Cabinet.....	15
Why does the Council have committees and what do they do? .....	17
What do the Council’s regulatory committees do?.....	17
Standards and Ethics Committee .....	17
Governance and Audit Committee.....	18
Democratic Services Committee.....	19
Licensing Committee.....	19
Planning Committee .....	19
What do the Council’s scrutiny committees do? .....	20
What are joint committees? .....	21
Part 3 Roles and responsibilities .....	22
What roles do Councillors perform?.....	22
What roles do Officers perform?.....	23
Lord Mayor and Deputy Lord Mayor.....	24
Leader and Deputy Leader .....	24
Member of the Cabinet.....	25
Assistant to the Cabinet .....	25
What roles do paid officers of the Council perform?.....	25
How should Councillors and Officers behave?.....	28
Councillors should comply with the Members’ Code of Conduct .....	28
Special requirements for Councillors who are members of the Council’s planning committee .....	30
Officers should comply with the Employees’ Code of Conduct.....	30
How should Councillors and Officers work together? .....	31
How can I make a complaint? .....	31
Part 4 Policies and procedures.....	33
The Council’s key plans and strategies (the policy framework).....	33
Where can I find the Council’s key plans and strategies?.....	33
How is the Council’s policy framework decided?.....	33
Budget setting and financial management.....	34
How does the Council set its budget? .....	34

Decisions outside the budget or policy framework .....	34
Can decisions be taken that do not comply with the budget or policy framework?.....	34
Can money be moved from one budget head to another once the budget has been adopted?.....	35
What other policies and procedures govern how the Council manages its budget? .....	35
Are there any restrictions on how the Council buys in goods and services? .....	35
How does the Council enter into contracts and agreements?.....	35
Part 5 How can I get involved? .....	37
How can I find out when meetings of the Council and its committees and bodies are taking place?.....	37
How can I find out what will be discussed at a particular meeting? .....	37
How can I find out when an issue I am concerned about will be decided? .....	37
Can I ask a committee or body of the Council to look into a particular issue? .....	37
Can I attend meetings of the Full Council? .....	38
Can I attend other meetings? .....	38
Can I speak at a meeting? .....	39
Can I ask a question at a meeting? .....	39
How can I find out what the Council decided? .....	39
Can I view the Council's accounts to understand how my council tax is spent? .....	40
INDEX.....	41