

# **PART 1**

## **SUMMARY AND EXPLANATION**

## **1. The Council's Constitution**

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

The Constitution 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 separate rules and protocols at the end of the document.

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

### **2.1** Article 1 of the Constitution commits the Council to making decisions in an efficient and effective way, giving leadership within the community, working in partnership with others and taking into account of local views,. Articles 2 –15 explain the rights of citizens and how the key parts of the Council operate. These are:

Members of the Council (Article 2).

Citizens and the Council (Article 3).

Functions and meetings of the Council (Article 4).

Chairing the Council (Article 5).

Scrutiny Committees (Article 6).

The Executive Board – (Article 7).

Regulatory committees (Article 8).

The Standards Committee (Article 9).

Joint arrangements (Article 10)

Officers (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).

## **3. How the Council Operates**

### **3.1** The Council is composed of 74 councillors normally elected every ~~four~~ **five**-years. Councillors are democratically accountable to residents of their electoral division. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

- 3.2** Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee arranges training and advises them on the code of conduct.
- 3.3** All councillors meet together as the Council, *(a change in rules in 2021 now allows the Council to meet in person, virtually or a hybrid of both)*. Meetings of the Council are normally open to the public, *and some meetings are also webcast live on the Council's website*. Here councillors decide the Council's overall policies and set the budget each year. The Council has an Executive Board which is responsible in turn for implementing policies agreed by the Council and taking executive decisions on matters which are not the responsibility of the Council or of one of its committees. The Council also approves the Constitution, the forward programme and the rules of debate for meetings of the Council, the Executive Board and Committees

#### **4. How Decisions are made**

- a)** The Executive Board is the part of the Council which is responsible for taking most of the major decisions. The Executive Board is made up of a maximum of ten councillors *(subject to paragraph 4 (c) below)*. The Leader is appointed by the Council and then appoints the remaining members of the Executive Board which will include up to 2 Deputy Leaders. The business to be considered by the Executive Board, scrutiny committees and the council as a whole is published in their Forward Programmes. Meetings of the Executive Board, Scrutiny Committees, the Council and other committees are open for the public to attend except where personal or confidential matters are being discussed, as defined by the law. The Executive Board 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 will usually be referred to the Council as a whole. There are certain exceptions to this procedure which are set out in the Budget and Policy Framework Procedure Rules which are set out in Part 4 of this Constitution.
- b)** *The Leader may appoint 'Assistants to the Executive' who are not members of the Executive Board but who are entitled to attend, and speak at, any meeting of the Executive Board or any of the Executive Board's Committees. (comes into force 1<sup>st</sup> May 2022)*
- c)** *The Leader also has the power to appoint a job share Leader and job share Executive Board Members provided that the maximum number on the Board does not exceed thirteen. (comes into force 1<sup>st</sup> May 2022)*

## **5. Scrutiny**

There is a Policy and Resources Scrutiny Committee and 4 other scrutiny committees which support the work of the Executive Board and the Council as a whole. They can review matters within their terms of reference and invite outside representatives to contribute to their proceedings, either on a one off basis or as non voting members. These Committees submit their views and recommendations for consideration by the Executive Board and the Council as a whole on its policy and service delivery. Scrutiny committees also monitor the decisions of the executive. They can 'call-in' a decision which has been made by the Executive Board,

individual Members of the Executive Board or an officer that has not yet been implemented. This enables them to consider whether the decision is appropriate. They may recommend that the decision maker reconsider the decision. They may also be consulted by the Executive Board or the Council on forthcoming items of business in the forward programme

## **6. The Council's Staff**

Council employees 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 members of the council. (Part 5 of the Constitution)

## **7. Citizens' Rights**

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

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Executive Board, the Council and its committees as observers (except during discussion of personal or confidential matters);
- petition to request a referendum on a mayoral form of executive;
- petition the Authority on any matter in relation to which the authority has functions, or which affects the area of the authority, or part of it, or the inhabitants of that area, or some

of them. The Council's petition scheme is published on the Council's website.

- ~~participate in the Council's question time.~~ The public provided they are residents of the County, own a business located within the County or are employed within the County may ask questions of members of the Executive at ordinary meetings of the Council. ~~present petitions and participate in the way in which the Council operates~~ in accordance with the rules set out in Part 4 of this Constitution.
- To participate in the decision making of the Council including the making of decisions, (in partnership or in conjunction with any other person) as explained in the Council's 'Public participation strategy'. The Public Participation Strategy is published on the Council's website.
- find out, from the forward work programme, what business is to be considered by the executive, scrutiny committees or the council as a whole;
- see reports and background papers considered by the Executive Board , the Council and any of its committees and the record of any decisions made by the Council, its committees and the Executive Board , except where they contain personal or confidential information;

- complain to the Council about any matter of concern regarding service delivery. The council treats any expression of dissatisfaction about service delivery as a complaint. Complaints can be made in person, by telephone, in writing or by e-mail. They are dealt with by the relevant department and there is a right of appeal, eventually to the Chief Executive if complainants are dissatisfied with the response received. The Council uses complaints as a way of bringing about continuous service improvement, by looking at the reasons for complaints, taking appropriate action to resolve problems and addressing shortcomings in processes and procedures.
- complain to the Ombudsman if they think they have suffered injustice because the Council has not followed its procedures properly. However, they are encouraged only to do this after using the Council's own complaints process;
- complain in writing to the Ombudsman if they have evidence which they think shows that a councillor or co-opted member of the council has not followed the Members' Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

**7.2** The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact Linda Rees-Jones, Head of Administration and Law Phone 01267 224010 or e-mail [LRJones@carmarthenshire.gov.uk](mailto:LRJones@carmarthenshire.gov.uk)

**7.3** The Council's statement of the rights of citizens to inspect agendas and reports and attend meetings is set out in the Access to Information Procedure Rules in Part 4 of the Constitution.