SECTION 2

2. PURPOSE, DEFINITION, INTERPRETATION AND AMENDMENT OF THE CONSTITUTION

2.1 Purpose of the Constitution

The purpose of the Constitution is to:

2.1.1 enable the Council to provide clear leadership to the Community in partnership with citizens, businesses and other organisations;

2.1.2 support the active involvement of citizens in the process of local authority decision-making;

2.1.3 help Councillors represent their constituents more effectively;

2.1.4 enable decisions to be taken efficiently and effectively;

2.1.5 create a powerful and effective means of holding decision-makers to public account;

2.1.6 ensure that no one will scrutinise a decision in which they are directly involved;

2.1.7 ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and

2.1.8 provide a means of improving the delivery of services to the community.

2.2 Definitions in the Constitution

2.2.1 The Constitution of the Council is this document **(Sections 1 to 27).**

2.2.2 Within the Constitution the following words and phrases have the meaning set out below:

"Budget"	the overall revenue and capital budget approved by Full Council;
"Cabinet"	also referred to as the Executive in legislation however within the Vale of Glamorgan Council the Executive is known as the Cabinet (see definition of "Executive" below);
"Chief Officer"	"Chief Officer" means the Chief Executive, Directors, Heads of Service and Operational Managers employed by the Council, unless the context provides otherwise;

"Constitution Guide"	A document which explains in ordinary language the contents of the Council's Constitution.
"Corporate Joint Committee"	corporate bodies, established via regulation, comprising specified principal councils in Wales, for the purpose of enabling strategic planning and delivery at a regional scale. See section 11 for details of the Corporate Joint Committee that the Council is a member of, and the functions that the Corporate Joint Committee will perform.
"Councillor"	a person elected to the Council to represent an area (called an electoral division) within the Vale of Glamorgan. Also referred to as a "Member";
"Data Protection Legislation"	Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR)
"Executive"	the Executive (known as Cabinet in the Vale of Glamorgan Council) or a Member or Members of the Executive when exercising Executive Functions;
"Executive Decision"	any decision taken by the Executive (known as Cabinet in the Vale of Glamorgan Council) to exercise or refrain from exercising an Executive Function. It also includes decisions made by persons or Member bodies to whom the Executive has delegated Executive Functions to exercise or refrain from exercising those functions;
"Executive Function"	(a) Executive Functions are defined by the Local Government Act 2000, subsidiary legislation and associated guidance. Any function that is not exercisable only by Full Council or delegated by Council is an Executive Function. (b) Contractual matters, the acquisition and disposal of land and financial support to organisations and individuals are also Executive Functions. It should be noted that Regulatory functions such as planning, licensing and building control, are not Executive Functions;
"Forward Work Programme"	Forward Work Programmes are a series of documents which list the subject matters of decisions that (a) the Council and (b) the Cabinet intend to take and (c) what business the Scrutiny

	Committees will be considering and when those matters will be discussed. This does not prevent urgent or unforeseen matters being considered. Each of those bodies will be responsible for their own Work Programmes. Annual Forward Work Programmes will be prepared by the Proper Officer from the beginning of the Municipal Year. They will be supplemented by quarterly updated Work Programmes.
"Full Council"	the body where all Councillors act to exercise functions of the Council;
"Head of Democratic Services"	an Officer who must be appointed by law to carry out certain functions. See **Section 12** for a description of those functions. The Officer will usually have other duties and a different job title. See **Section 12** for which Officer is the Head of Democratic Services;
"Chief Executive"	an Officer who must be appointed by law to carry out certain functions. See **Section 12** for a description of those functions. Chief Executive;
"Local Choice Functions"	These are functions which the Council may treat as being the responsibility of the Cabinet (in whole or in part) or as being Non-Executive, at its discretion;
"the Measure"	The Local Government (Wales) Measure. Legislation introduced, inter alia, to strengthen local democracy, deal with changes to executive arrangements, overview and scrutiny, County Councils and Member payments;
"Member"	either a Councillor or a person chosen by the Council to serve on one of its Member Bodies (called "a Co-Opted Member");
"Monitoring Officer"	an Officer who must be appointed by law to carry out certain functions. See **Section 12** for a description of those functions. The Officer will usually have other duties and a different job title. See **Section 12** for which Officer is the Monitoring Officer;
"Non-Executive Functions"	any function which may only be exercised by Full Council (whether by local choice or as a matter of law) or which is delegated to a Member body other than the Cabinet;

“Petition Schemes”	a scheme prepared and published pursuant to section 42 of the Local Government and Elections (Wales) Act 2021 (and reviewed from time to time) for the purpose of setting out: - • how a petition may 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 received by it; • the circumstances (in any) in which the Council may take no further action 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.
“Planning Application”	any of the following: • application for planning permission (including renewal); • application for approval of reserved matters; • application for listed building consent; • application relating to trees; • proposal to serve an urgent works notice or acquire a listed building in need of repair; • application for conservation area consent; • application for advertisement consent; • application to vary or remove conditions on a planning condition;
“Policy Framework”	As set out in **Section 4.2**;
“Proper Officer”	an Officer designated to carry out a specific function provided for within the Constitution. Unless stated otherwise, the “Proper Officer” is the Chief Executive.

"Public Services Board"	the public services board established for the Council's local authority area under Part 4 of the Well-being of Future Generations (Wales) Act 2015;
"Section 151 Officer"	an Officer who must be appointed by law to carry out certain functions in relation to financial administration. See **Section 12** for a description of those functions. The Officer will usually have other duties and a different job title. See **Section 12** for which Officer is the Section 151 Officer;
"Service"	one of the services provided by the Council;
"Strategic Leadership Team"	the senior management body for Officers **(Section 12)**. It includes those Officers designated by the Chief Executive from time to time as members of the Strategic Leadership Team;

2.3 Interpretation of the Constitution

2.3.1 We have tried to make the Constitution as clear and as easy to understand as possible. Inevitably, people will have different views about what certain passages mean.

2.3.2 During meetings, the person chairing or presiding at the meeting may interpret the relevant Procedure Rules. Such interpretation may not be challenged at any meeting of the Council.

2.3.3 In all other situations, the Monitoring Officer will determine the interpretation and application of the Constitution.

2.4 Duty to Monitor and Review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The Section 151 Officer shall be responsible for keeping under review the Financial and Contracts Procedure Rules set out in **Sections 17 and 18** of the Constitution and shall make any necessary amendments and revisions as are required from time to time. He/she shall report any amendments made to **Sections 17 or 18** to the next available Council meeting for noting.

2.5 Protocol for Monitoring and Review of Constitution by Monitoring Officer

A key role for the Monitoring Officer is to make recommendations for ways in which the Constitution could be amended in order to better achieve the purposes set out in this Section. In undertaking this task, the Monitoring Officer may:

2.5.1 observe meetings of different parts of the Member and Officer structure;

2.5.2 undertake an audit trail of a sample of decisions;

2.5.3 record and analyse issues raised with him / her by Members, Officers, the public and other relevant stakeholders; and,

2.5.4 compare practices in this Council with those in comparable authorities, or national examples of best practice.

2.6 Changes to the Constitution

2.6.1 Approval

Subject to paragraphs 2.6.2 and 2.6.3 below, changes to the Constitution will only be approved by the Full Council after consideration of a proposal by the Monitoring Officer.

2.6.2 Minor Changes

If, in the reasonable opinion of the Monitoring Officer, a change is:

(a) a minor variation; or

(b) required to be made to remove any inconsistency, ambiguity or typographical correction; or

(c) required to be made so as to put into effect any decision of the Council or its Committees or the Cabinet,

in which case the Monitoring Officer may make such a change. Any such change made by the Monitoring Officer shall come into force with immediate effect. Such changes shall be reported to the next Full Council meeting for information.

2.6.3 Legislative Change

(a) Any part of the Constitution may be amended by the Monitoring Officer where such amendment is required to be made so as to comply with any legislative provision. Such amendments shall take effect when the Monitoring Officer so decides or the legislation (where relevant) so provides. Such changes shall be reported to the next Full Council meeting for information.

(b) Any reference in the Constitution to legislation or a statutory instrument shall be construed as a reference to any legislation or statutory instrument as amended, replaced, consolidated or re-enacted

2.7 Suspension of the Constitution

2.7.1 Limit to Suspension

Any of the Procedure Rules contained in the Constitution may be suspended to the extent permitted within these rules and the law.

2.7.2 Procedure to Suspend

A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of the Council or Committee are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in this Section.

2.8 Publication

2.8.1 The Monitoring Officer will ensure that copies of this Constitution are available for inspection at Council offices and on the Council's website.

2.8.2 The Monitoring Officer will give a copy of this Constitution to each Member of the Council upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council and thereafter ensure that an up-to-date version is available for inspection and published on the Council's website.

2.8.3 The Monitoring Officer will ensure that copies of the Constitution Guide are available at the Council Offices and on the Council's website.

2.8.4 The Monitoring Officer will ensure that the Constitution is updated as necessary in accordance with paragraph 2.6.