

## PART 2 - CITIZENS AND THE COUNCIL

*This part of the constitution sets out the general rights of citizens with regard to Council matters.*

### 2.1 Elections and Voting at Elections

2.1.1 The election of Councillors took place on 5 May 2022 and the next elections are due to take place in May 2027.

2.1.2 Anyone who is a British Citizen, an eligible Commonwealth Citizen, a citizen of any member state of the European Union or a qualifying foreign citizen who has attained the age of 18 years may stand for election as a Councillor unless they are disqualified. They must also meet at least one of four qualifications on both polling day and the day of nomination:

- be registered to vote within the Council's area; or for the whole of the previous 12 months have:
- lived; or
- occupied land or premises(as owner or tenant); or
- had their main place of work within the Council's authority area.

Certain people are disqualified from becoming a candidate at a local election. These include, subjects of bankruptcy restrictions orders or interim orders in England or Wales, adjudged bankrupts in Northern Ireland, or someone whose estate has been sequestered in Scotland. People who have served a prison sentence of three months or more within the last five years may not stand as a candidate.

*Further information is available from the Elections Team or the Electoral Commission's website [www.electoralcommission.gov.uk](http://www.electoralcommission.gov.uk)*

2.1.3 A person must be on the electoral register to be able to vote in elections for the Council. The Council appoints an Electoral Registration Officer who maintains a register of those eligible to vote at all elections including the Local Government elections but also elections for the UK Parliament, National Assembly for Wales and Town and Community Councils.

2.1.4 Most citizens living in Torfaen who are over sixteen will be entitled to be included in the register of electors and therefore become eligible to vote at Senedd, Local and Town and Community elections and all other elections when they are eighteen. Registration is compulsory because it is a criminal offence to fail to register. Voting is not compulsory.

2.1.5 Every autumn, forms are sent out to all dwellings in Torfaen requesting details of those eligible to vote. However a person can apply to be put on the electoral register at any time of the year.

*Note: Young people who are over fourteen should also be included in the list returned to the Elections Team.*

2.1.6 Anyone whose name is on the Electoral Register can ask for a postal vote.

## **2.2 Petitions for Constitutional Change**

2.2.1 If more than 10% of electors on the Electoral Register sign a petition that complies with regulations published under the Local Government Act 2000, the Council must hold a referendum on the constitutional change sought by those signing the petition. The types of changes include a change to having an Elected Mayor. There are detailed technical requirements to be complied with for a petition to be valid.

## **2.3 Information**

2.3.1 Citizens have rights to attend meetings of the Council and to see copies of relevant papers. These rights arise under legislation and are also conferred by the Council. The rights are summarized below but are set out in detail in paragraphs 4.27, 5.15, 6.9, 7.8, 8.4, 9.4, and 10.4.

2.3.2 In summary, citizens have the right to:

- a) attend meetings of the Council, Cabinet, Overview and Scrutiny Committee and other committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- b) see reports, background papers and any records of decisions made by the Council, Cabinet, Overview and Scrutiny Committees, other Committees and individual Executive Members, except where confidential or exempt information is likely to be disclosed.

2.3.3 The Council publishes an Executive Forward Plan setting out key and other decisions that are expected to be taken by the Cabinet, individual Executive Members and in some cases Strategic Directors within the next month. The most recent copy of this is available on the Council's website and can be provided on request.

2.3.4 The Council has a publication scheme under the Freedom of Information Act 2000 setting out documents that are available for the public to see.

*The latest version of the publication scheme can be found on the Council's website or is available from Corporate Complaints Team* The Freedom of Information Act also gives the public rights of access to other information held by the Council.

*The Council has published guidance on how to ask it for access to this information on its website.*

- 2.3.5 Where the Council holds personal data about a person that person has rights of access to the information held by the Council about them subject to certain exceptions. These rights are contained in the Data Protection Act 2018.

*The information should be requested from the relevant service department.*

## **2.4 Accounts and audit**

- 2.4.1 Any person interested may inspect the Council's books and accounts during the audit of the Council's accounts subject to certain exceptions.
- 2.4.2 In addition, anyone on the Electoral Register for the Council's area can question the auditor about the accounts.
- 2.4.3 Both rights are exercisable only during certain times when the audit is taking place.

## **2.5 Petitions and Questions at Council meetings**

- 2.5.1 The rules for meetings of the Council allow those living and/or working in Torfaen and representatives of organisations based in Torfaen to ask questions at meetings of the Council. Paragraph 4.15 of this Constitution sets out the rules relating to such questions.
- 2.5.2 Anyone wishing to present a petition at a Council meeting may do so with the consent of the Presiding Member. Paragraph 4.16 of this Constitution sets out the rules relating to presenting petitions.

## **2.6 Third party speaking rights**

- 2.6.1 The rules for meetings of the Planning Committee allow those wishing to do so to make representations to the Planning Committee on applications for planning permission and to speak at the Planning Committee where they have made written objections. Paragraph 7.6.3 and Appendix 12 of this Constitution set out the rules relating to such representations.

## **2.7 Complaints**

- 2.7.1 Citizens can complain in the following ways:
- a) To the Council's Chief Executive or Monitoring Officer in respect of any alleged illegality on the part of the Council or any of its officers or Councillors;

- b) To the Chief Executive, Chief Financial Officer, Monitoring Officer or Chief Internal Auditor in relation to any alleged financial impropriety;
- c) To the Monitoring Officer in respect of any alleged breach of the code of conduct by Councillors;

*Note: the Monitoring Officer also deals with Code of Conduct for Community Councillors*

- d) To the Public Services Ombudsman about any injustice you have suffered as a result of maladministration or where you believe a Councillor or co-opted member of the Council has breached the Member's Code of Conduct;
- e) To the District Auditor in relation to any alleged financial impropriety.

*The Council has a successful track record in resolving complaints and we encourage complainants to use the Complaints Procedure. For more details of our complaints procedure and how to take the first step to resolving a complaint contact the Democratic Services Team at the Civic Centre. There are other external regulators with specific responsibilities not listed above and you may wish to seek legal advice on the best way of pursuing more specific complaints*

## **2.8 Citizens responsibilities**

- 2.8.1 Members of the public dealing with public servants including elected Councillors and Council employees are expected to comply with reasonable standards of behaviour. The Council can, has and will take action against anyone who abuses, threatens, intimidates or assaults its staff or elected Councillors and reserves the right to prosecute offenders. Citizens who abuse their rights in this way will have those rights restricted or removed.

## **End of Part Two**