

Guide to the model Welsh Local Authority constitution

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Torfaen County Borough Council

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.8
- *What does the Council do?* p.10
- *What happens at Council meetings?* p.11
- *How does the Council make decisions?* p.11
- *How can I find out what the Council decided about an issue that affects me?* p.12
- *What does the Cabinet do?* p.14
- *How does the Cabinet make decisions?* p.14
- *What do the Council's committees do?* p.16
- *Who is responsible for governance, audit and risk management?* p.16
- *Who is responsible for upholding local democracy?* p.16
- *What does the licensing committee do?* p.17
- *What does the planning committee do?* p.17
- *How are decisions scrutinised?* p.18
- *Who is responsible for upholding standards and holding Councillors to account for their conduct?* p.18

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 Presiding Member do?* p.22
- *What does the Leader do?* p.23

- *What happens if the Leader is unable to perform their duties?* p.23
- *My Councillor is a member of the Cabinet, what does this mean?* p.23
- *How are members of the Cabinet supported?* p.24
- *What does the Chief Executive do?* p.24
- *What responsibilities does the Monitoring Officer have?* p.24
- *Who is responsible for ensuring that the Council's democratic policies and procedures are complied with?* p.24
- *How should Councillors behave?* p.26
- *How should Officers behave?* p.28
- *Are there any special requirements when Councillors or Officers decide planning applications?* p.28
- *How can I complain about the behaviour of a Councillor?* p.28
- *How do I report concerns about the conduct of a paid Officer of the Council?* p.29

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.30
- *How is the Council's policy framework decided?* p.30
- *How does the Council set its budget?* p.31
- *Can decisions be taken that do not comply with the budget or policy framework?* p.31
- *Can money be moved from one budget head to another once the budget has been adopted?* p.32
- *What other policies and procedures govern how the Council manages its budget?* p.32
- *Are there any restrictions on how the Council buys in goods and services?* p.32

- *How does the Council enter into contracts and agreements?* p.32

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.33
- *How can I find out what will be discussed at a particular meeting?* p.33
- *How can I find out when an issue I am concerned about will be decided?* p.33
- *Can I ask a committee or body of the Council to look into a particular issue?* p.34
- *Can I attend meetings of the Full Council?* p.34
- *Can I attend other meetings?* p.35
- *Can I speak at a meeting?* p.35
- *Can I ask a question at a meeting?* p.35
- *How can I find out what the Council decided?* p.36
- *Can I view the Council's accounts to understand how my council tax is spent?* p.36

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 e-mailing democraticservices@torfaen.gov.uk.


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.

 Section 1.1 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: <https://www.torfaen.gov.uk/en/AboutTheCouncil/CouncillorsAndDemocracy/Councilconstitution/Councils-Constitution.aspx>.

 Section 11.2.2 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. Once the constitution has been agreed, it can only be changed by the Full Council. Usually, changes to the constitution are recommended to the Full Council by the Monitoring Officer.

In some circumstances, the Monitoring Officer may make 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.

 Sections 4.2.1 of the constitution explain how the constitution is agreed and how it can be changed.

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.

Part 2 The Council's democratic structures

The Council is made up of Councillors who are elected every five years to represent people living in different parts of the Council's area commonly known as 'wards'.

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



Section 3.3.1 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 its Presiding Member. The Presiding Member is responsible for chairing meetings of the Full Council and ensuring that decisions are taken properly and in accordance with the rules.

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

Individual councillors may also be appointed to the Cabinet by the Leader. Members of the Cabinet are responsible for specific policy areas, commonly referred to as portfolios. Where responsibility for a particular work area or function is given to a member of the Cabinet, it is described in the constitution as being delegated to that person.

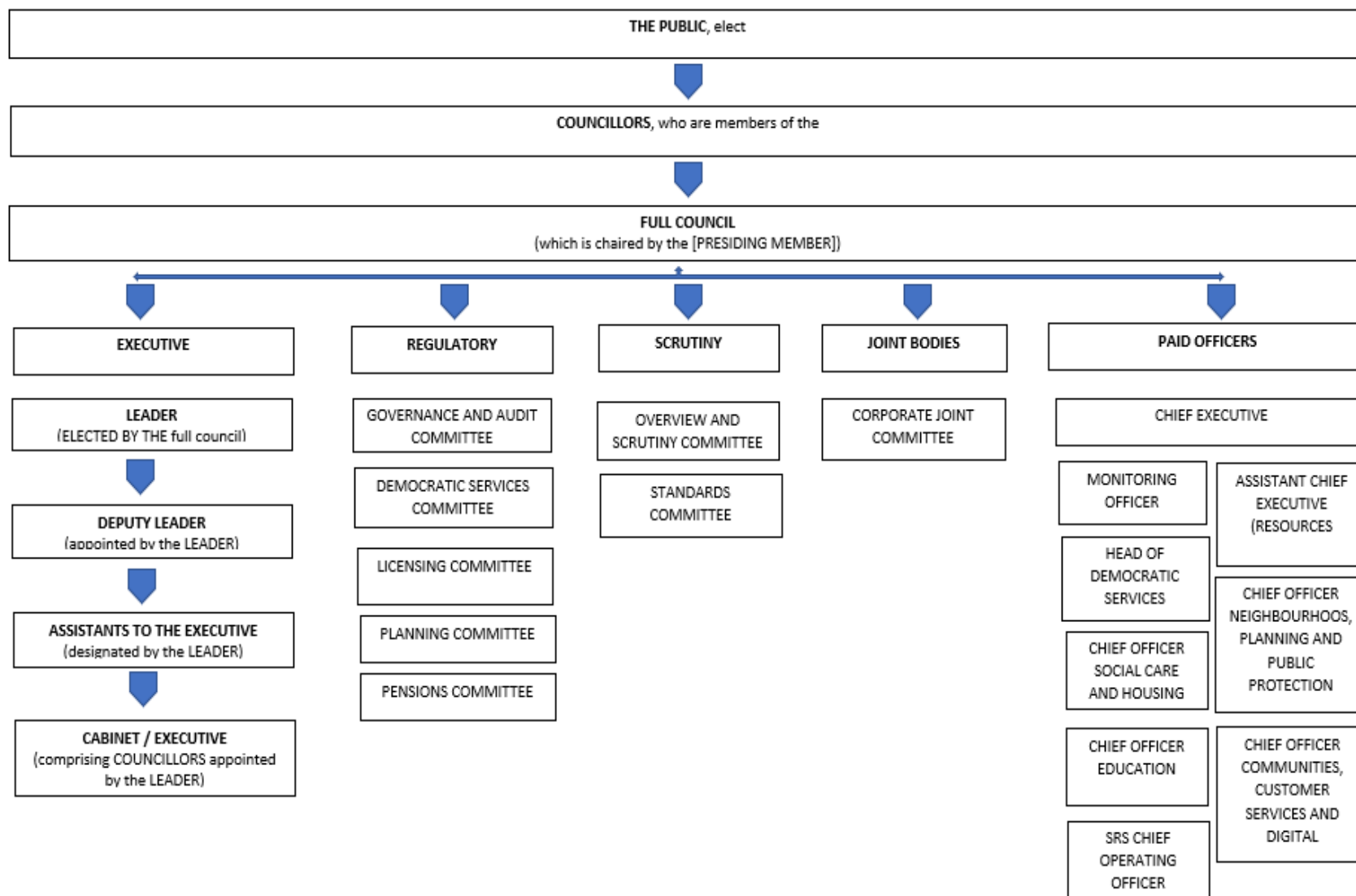
The Cabinet meets regularly to take collective decisions on those aspects of the Council's work which the Cabinet is responsible for.

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.

The Full 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 [<https://www.torfaen.gov.uk/en/Related-Documents/Council-Governance/Executive-Scheme-of-Delegation.pdf>].

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

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:



<https://www.torfaen.gov.uk/en/AboutTheCouncil/CouncillorsAndDemocracy/Who-is-my-Councillor/Who-is-my-Councillor.aspx>.

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'.

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 to information are set out in section 3.5.6 of the constitution.



Councillors' rights to participate in Council proceedings are set out in section 4 of the constitution.

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 section 4 of the constitution.

Full Council



Section 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.



Section 4 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;
- developing the Council's single integrated 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');
- reviewing and reporting on the Council's performance;
- electing the Leader and the Presiding Member; and
- appointing the Chief Executive and other Chief Officers.




All of the functions of the Full Council are listed in section 4.2 of the constitution.

Meetings of the Full Council are chaired by the Presiding Member. They are 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 Presiding Member in Part 3 of this guide.

What happens at meetings of the Full Council?


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 the council procedure rules in section 4.9 onwards of 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 Meetings are known as ordinary meetings.

 Ordinary meetings are carried out in accordance with the council procedure rules in section 4 of 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 section 4.7 of the constitution.

The Head of Democratic Services on behalf of the Chief Executive is responsible for deciding when and where meetings of the Full Council will be held. They must notify Councillors of this by issuing them with a summons.

The Head of Democratic Services on behalf of the Chief Executive 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.

 Section 4.9 and 4.10 of the constitution 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 of debate are set out in section 4.19 of the constitution.

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, votes will be conducted by a show of hands, with Councillors asked to raise their hand to indicate whether they vote for or against a particular motion, or whether they wish to abstain (i.e. to vote neither for nor against the motion).

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 Presiding Member will have a second, casting vote.


Councillors may request a recorded vote on a particular issue. In a recorded vote, the Councillors voting for and against a particular motion, and those abstaining, will be written down and recorded in the minutes of the meeting. 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 section 4.20 of the constitution.

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 prejudicial 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.

 Section 4.12 of the constitution sets out the minimum number of Councillors that must be present so the Full Council can make a decision.

Are meetings recorded?

A record of each meeting will be kept in the form of minutes. The minutes will contain a record of the motions that were put to the meeting, and the decisions that were taken. They will also record who was present at the meeting.

The minutes of a meeting of the Full Council 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.

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 minutes can be found in section 4.21 of the constitution.




The access to information procedure rules can be found in section 4.27 of the constitution.




Minutes of meetings are available on the Council's website <https://moderngov.torfaen.gov.uk/mgListCommittees.aspx>.

The Cabinet

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


 Sections 5.1.1 and 5.1.2 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.

 Section 5.4 of the constitution explains the job-sharing arrangements for members of the Cabinet.

What does the Cabinet Executive do?


The Leader is responsible for carrying out the Council's executive functions. However, in practice the Leader cannot personally carry out every one of these functions, so the Leader delegates responsibility for certain functions to the Cabinet, to members of the Cabinet, to officers of the Council or to another bodies.

 The Council's scheme of delegation can be found in Appendix 5 of the constitution.

Meetings of the Cabinet


The Leader will chair meetings of the Cabinet.

The Cabinet shall meet at times to be agreed by the Leader on the recommendation of the Proper Officer as set out in section 5.11. Meetings of the Cabinet are carried out in accordance with the rules of procedure and debate set down in the constitution.

 The rules of procedure and debate of the Cabinet are set out in section 5.13 of the constitution.

How does the Cabinet make decisions?

The Cabinet is obliged to consult with individual Councillors and with certain committees before it makes a decision on matters that are not urgent.

 These consultation requirements are explained in sections 5.10 and 5.12 of the constitution.

The Cabinet must keep a record of every decision it makes, including every decision made by an individual member of the Cabinet and the Cabinet's committees.



Section 15.13.5 of the constitution sets down the requirements for the Cabinet's record of decisions.



You can read the minutes of meetings of the Cabinet on the Council's website

<https://modern.gov.torfaen.gov.uk/ieListMeetings.aspx?Committeeld=134>.

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 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?

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).


 Section 9 of the constitution explains the Council's arrangements for the Governance and Audit Committee.

 The scheme of delegation in section 9.2 of the constitution explains the functions of the Governance and Audit Committee.

Democratic Services Committee

The Democratic Services Committee is responsible for appointing the Head of Democratic Services, keeping under review the provision of resources to the Head of Democratic Services and supporting non-executive members of the Council.

The Democratic Services Committee is made up of Councillors, though there are limits to the number of Cabinet members who can sit on the Democratic Services Committee. 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).


 Section 10.5 of the constitution explains the Council's arrangements for the Democratic Services Committee.

 The scheme of delegation in section 10.5.2 of the constitution explains the functions of the Democratic Services Committee.

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.

 You can read more about the Council's Licensing Committee in section 7 of the constitution.


 You can also read more about the Council's licensing functions on the Council's website <https://www.torfaen.gov.uk/en/Business/Licensing/Licensing.aspx>.


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.

 You can read more about the Council's Planning Committee in section 9.4 of the constitution.

 You can also read more about the Council's planning functions on the Council's website

 <https://www.torfaen.gov.uk/en/PlanningAndDevelopment/Planningpolicy/Forward-Planning-Team/Forward-Planning-Team.aspx>.


What do the Council's scrutiny committees do?

Overview and Scrutiny Committee

The Overview and Scrutiny Committee is responsible for holding the Cabinet and other bodies of the Council to account.


The Overview and Scrutiny Committee 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 functions of the Overview and Scrutiny Committee are set out in section 6.1.1 of the constitution.

Members of the Overview and Scrutiny Committee must be told about meetings of other Council bodies. They have special rights to see Council documents.

The Overview and Scrutiny Committee 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 Overview and Scrutiny Committee's rights and powers are described in sections 6.1.1 to 6.8 of the constitution.


 The rules around membership of the Overview and Scrutiny Committee, the conduct of committee meetings and the carrying out of the functions of the committee are set out in section 6 of the constitution.

Standards Committee


The Standards Committee is responsible for promoting high standards of conduct by Councillors, including by advising and training Councillors on the councillor code of conduct and advising the Council on changes to that code.

 The functions of the Standards Committee are set out in section 8.2.1 of the constitution.

The Standards Committee is also responsible for investigating alleged breaches of the councillor code of conduct and censuring members who are found to have failed to comply with that code.

 The procedure for dealing with allegations made against Councillors is set out in section 2.7 and Appendix 21 of the constitution.

The Standards 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).

 You can read more about the Standards Committee in section 8 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.



Section 5.7 of the constitution governs the circumstances in which the Council or Cabinet may enter into joint arrangements with other authorities and bodies.

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

The South East Wales Corporate Joint Committee

The South East Wales Corporate Joint Committee is a type of joint committee.




However, unlike other joint committees (which are created by Councils deciding to work together), the South East Wales Corporate Joint Committee was created by the Welsh Ministers.

The DN: South East Wales Corporate Joint Committee is responsible for the following functions: -

- transport;
- strategic planning;
- economic development;

The Council must work together with other members of the South East Wales Corporate Joint Committee when it performs these functions.

Corporate joint committees are established through regulations made by the Welsh Ministers. Consequently, many of the rules and standards that apply to corporate joint committees are set down in regulations, rather than in the constitution.

-  You can read more about the South East Wales Corporate Joint Committee arrangements in section 11 of the constitution.
-  You can read the regulations that govern the South East Wales Corporate Joint Committee online <https://www.legislation.gov.uk/wsi/2021/343/contents/made>
-  You can read more about statutory joint committees generally in guidance published by the Welsh Government <https://gov.wales/corporate-joint-committee-statutory-guidance-summary>

Presiding Member and Deputy Presiding Member

The Presiding Member and Deputy Presiding Member are elected by the Full Council every year.



The procedures that govern the election of the Presiding Member and the [Deputy Presiding Member] and their resignation or dismissal are set out in section 4.4 of the constitution.

[The Presiding Member 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 Deputy Presiding Member performs the Presiding Member's functions in their absence.



You can read more about the role and functions of the Presiding Member and the Deputy Presiding Member in section 4.4 of the constitution.

Leader and Deputy Leader

The Leader is elected by the Full Council every year.

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



The arrangements governing the election of the Leader and the appointment of the Deputy Leader are set out in sections 5.2 to 5.4 of the constitution.

The Leader is responsible for appointing Councillors to the Cabinet and for allocating specific policy areas and responsibilities (portfolios) to members of the Cabinet recommending the allocation of specific policy areas and responsibilities (portfolios) to members of the Cabinet for agreement by the Full Council.

The Leader also chairs meetings of the Cabinet.

The Leader will act as the Council member of the South East Wales Corporate Joint Committee and the Council's representative on the South East Wales Public Services Board.

The Leader may appoint other members of the Council to sit on other outside bodies.

Member of the Cabinet

Members of the Cabinet are responsible for: -

- taking decisions regarding issues that fall within their area of responsibility;
- 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 the Overview and Scrutiny Committee.



You can read more about members of the Cabinet in section 5.4.

Assistant to the Executive

Assistants to the Executive 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 Executive 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 Executive in section 5.4 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 section 11.2.1 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 section 11.2.2 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 **Chief Financial 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 Chief Financial Officer's role and responsibilities are described in sections 11.2.3 of the constitution.

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

- Chief Officer Education
- Chief Officer Social Care and Housing
- Chief Officer Neighbourhoods, Planning & Public Protection
- Chief Officer Communities, Customer Service and Digital
- SRS Chief Operating Officer

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 processes by which officers are recruited, appointed, disciplined and dismissed are set out in section 10 of the constitution.

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 Appendix 1 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.

Officers should comply with the Officers' 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 Code of Conduct for Officers 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 Code of Conduct for Officers in full in Appendix 15 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 and 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 Appendix 21 of the constitution.

How can I complain about a Councillor?

If you wish to complain about a Councillor, then you should contact either the Council's Monitoring Officer or the Public Services Ombudsman for Wales.

 The Council's complaints process provides more information about how to complain. It is available on the Council's website <https://www.torfaen.gov.uk/en/AboutTheCouncil/Complaints/Service-Complaints/How-to-Complain.aspx>

 You can find the Monitoring Officer's contact details on the Council's website <https://www.torfaen.gov.uk/en/AboutTheCouncil/CouncillorsAndDemocracy/Councillors-declarationofinterest/Declaration-of-Members-Interests.aspx#:~:text=The%20Register%20of%20Member%20Interests,Monitoring%20Officer%20on%2001495%20742660> .

 You can find out more about how to complain to the Public Services Ombudsman for Wales on their website <https://www.ombudsman.wales/how-to-complain/>

How can I complain about an officer?


If you wish to complain about a paid officer of the Council, you should write to the officer concerned or their line manager.


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 section 4.1.2 of the constitution.

 Individual plans and strategies are published on the Council's website.
<https://www.torfaen.gov.uk/en/AboutTheCouncil/Governance/Council-Governance.aspx>

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

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 Chief 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.

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 Chief Financial 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.

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 overview and 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 overview and scrutiny committee's powers are described in section 16.13.1 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.

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 Appendix 17 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 procedure rules in the constitution when it does so.

The purpose of the contract procedure rules are 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 with these rules and procedures.



The Council's contract procedure rules are set out in Appendix 16 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 CSO 13 and CSO 14 of Appendix 16 of the constitution.

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 notices of meetings of the Full Council and its committees.


 You can find out more about notice requirements in section 4.10 of the constitution.


 The Council publishes notices of meetings, and a programme of upcoming meetings, on its website <https://moderngov.torfaen.gov.uk/mgListCommittees.aspx>.

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

The Council will publish agendas for meetings, together with any background papers and reports in advance of the meeting taking place.

Electronic agendas and background papers and reports will also be available at the meeting for those members of the public who wish to attend in person.

 You can find out more the information that is made publicly available in advance of a Council meeting in section 4.10.1 of the constitution.

 The Council publishes meetings agendas and supporting documents and reports on its website <https://moderngov.torfaen.gov.uk/mgListCommittees.aspx>.

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

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

 You can find out more about the Council's forward work programme in section 5.9 of the constitution.

The Council publishes its Forward Work Programme on its website: <https://www.torfaen.gov.uk/en/AboutTheCouncil/CouncillorsAndDemocracy/Executiveforwardplan/Executive-Forward-Plan.aspx>

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

Yes. You can either ask the chair of a particular body to add an item to the agenda for a future meeting, or attend a meeting and ask that body to look at an issue when it 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 and when the Council will make available its response to a petition to the person who submitted the petition and to the public.



You can read more about submitting a petition to the Council in section 2.5 and 4.16 of the constitution.



The Council publishes details of its petition scheme on its website <https://www.torfaen.gov.uk/en/AboutTheCouncil/CouncillorsAndDemocracy/Get-Involved-with-Democracy/Get-involved-with-Democracy.aspx>

Can I attend meetings of the Full Council?

Yes, members of the public can come to meetings of the Full Council so 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 Presiding Member 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 sections 4.27.13 of the constitution.

 The Council's obligations to broadcast meetings of the Council are set out in Appendix 23 of the constitution.

 The rules around disturbance by members of the public are set out in section 4.25 of 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 section 2.3 of 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 at meetings of the Full Council.

However, you may only ask a question if you have given the Chief Executive 3 clear working days notice in writing (including by email) that you wish to raise a question in advance of the meeting taking place (e.g. 10am on the preceding Thursday for a meeting at 10am on the Tuesday).

If you cannot attend the meeting then you may nominate someone to attend the meeting and ask the question on your behalf. The Presiding Member may at his or her discretion permit a supplementary question arising directly out of the original question or the reply.

Time for questions is limited (20 minutes), 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.



You can read more about asking a question in section 4.15 of the constitution.

How can I find out what the Council decided?

The Council publishes the agenda, reports and the minutes of meetings once they have been agreed. These papers are available for inspection by the public for a minimum of six years from the date of the meeting. The background papers are available to the public for at least four years.

The Council also has arrangements in place for publishing written records of decisions taken by the Cabinet Executive and the Council's committees and other bodies.



You can read about the Council's arrangements for publishing a written record of decisions taken by the Cabinet Executive, the Council's committees and individual members of the Cabinet Executive in sections 4.22.3, 5.16.4 and 5.18.1 of the constitution.



You can read meeting minutes, reports and agendas on the Council's website <https://moderngov.torfaen.gov.uk/mgListCommittees.aspx>

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 find out more about how to view and comment on the Council's accounts in section 2.4 of the constitution.

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