

## **1 The Council Constitution**

- 1 The City and County of Swansea Council resolved to adopt the Leader and Cabinet Model, as its executive arrangements at its Annual Meeting on 20 May 2002.
- 2 This Constitutional framework commits the Council to providing a strong base for community partnership, including the active involvement of all Swansea's stakeholders. The Council is committed to ensuring that there is clear, accountable decision-making, strong community leadership and excellence in service delivery in Swansea.
- 3 The framework sets out how the Council operates and how decisions are made together with the Procedures which are followed to ensure that decisions and functions are efficient, transparent and accountable to local people. The law requires some of these processes, while others are a matter for the Council to choose.

## **2 The Constitutional Framework**

- 1 The Constitution is divided into 16 Articles that set out the basic rules governing the Council's business. More detailed Procedures and Codes of Practice are provided in the separate rules and Protocols at the end of the Constitution.
- 2 This constitutional arrangement is backed by a system of Members' Allowances informed by the deliberations of the Independent Remuneration Panel for Wales.
- 3 A protocol governs the relationships between Officers and Members of the Council.

## **3 How the Council Operates**

- 1 The Council is composed of 75 Councillors normally elected every 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.
- 2 Councillors have agreed to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee advises Councillors on the Code of Conduct.
- 3 All Councillors meet together as the Council. Changes in legislation allow the Council to meet in person, remotely or a hybrid mixture of both. Meetings of the Council are normally open to the public and the Council meeting is electronically broadcast on the website. Here Councillors decide the Council's overall policies

and set the budget each year. The Council appoints the Leader of the whole Council, who Chairs an Executive Cabinet of 10 (including the Leader). The Council as a whole sets the Council's budget, receives reports from the relevant Scrutiny Body, and provides a forum for public question time. Council also receives reports from Cabinet Members and Officers.

## **4 Role of the Cabinet (Executive)**

- 1 The Cabinet is the part of the Council that is responsible for most day-to-day decisions. The Cabinet will be made up of a Leader, appointed by all Council Members, and a Cabinet of nine additional Members appointed by the Leader, collectively known as the Cabinet. The business to be considered by the Cabinet, Overview & Scrutiny Boards and the Council as a whole, will be published in a forward work programme.
- 2 The Leader may appoint job share Cabinet Members and the Leader also has power to appoint a job share Leader provided that the maximum number on the Cabinet does not exceed thirteen.
- 3 The Leader may appoint Assistants to the Cabinet who are entitled to attend and speak at any meeting of Cabinet but they are not members of the Cabinet or entitled to vote or count toward the quorum.
- 4 Meetings of the Cabinet, Overview & Scrutiny Boards, the Council and other Committees will be open for the public to attend except where personal or confidential matters are being discussed.
- 5 All the powers, functions and duties of the Council, except for those powers conferred on the statutory officers (Chief Financial Officer (also known as S151 Officer (Local Government Act 1972)), Monitoring Officer and Chief Executive) by Statute, and those powers, functions and duties which are designated by regulation as 'non-executive', including all functions where the Council has a choice as to whether a function is or is not a non-executive one, and some matters referred to the Appeals & Awards Committee, are vested in the Leader of the Council, who has devised a scheme of delegation. This scheme allows the Cabinet and Responsible Officers to make decisions and manage the day-to-day delivery of Council services.
- 6 The Leader and Cabinet have to make decisions that are in line with the Council's overall policies and budget, within a virement limit of 5% of the Council's net revenue budget. If a decision that is outside the budget or an approved policy is required, this must be referred to the Council Meeting.

## **5 Scrutiny Arrangements**

- 1 Scrutiny will act as a 'critical friend' to the Cabinet and other decision makers in order to promote better services, policies and decisions. Working in a similar way to parliamentary select committees, overview & scrutiny involves councillors who

are not in the cabinet. They work together to ensure that the City & County of Swansea is an accountable, open and transparent organisation.

- 2 Scrutiny will allow citizens to have a greater say in Council matters by holding public sessions to inquire into matters of local concern. In compliance with S21 Local Government Act 2000 and Paragraphs 8 and 9 of Schedule 1 to the Act, these will lead to reports and recommendations that inform and advise the Cabinet and the Council as a whole on the revision of policies, budget and service delivery issues. Scrutiny can also scrutinise the decisions of the Cabinet.
- 3 **Article 5** of the Council Constitution contains details about the Council's relevant Scrutiny body arrangements.

## 6 Call In Procedure

For information relating to the Call In Procedure please refer to Cabinet Procedural Rules in Part 4 of the Council Constitution.

## 7 What's in the Constitution?

**Article 1** of the Constitution commits the Council to providing a strong base for community partnership, including the active involvement of all Swansea's stakeholders. This Council is committed to ensuring that there is clear accountable decision-making, strong community Leadership and excellence in service delivery in Swansea. **Articles 2 - 16** explain the rights of citizens and how the key parts of the Council operate. These are:

- a) Members of the Council (Article 2);
- b) Citizens and the Council (Article 3);
- c) The Council Meeting (Article 4);
- d) Chairing the Council (Article 5);
- e) Scrutiny (Article 6);
- f) The Executive (Cabinet) (Article 7);
- g) Regulatory and Other Committees (Article 8);
- h) The Standards Committee (Article 9);
- i) Area Committees and Forums (Article 10);
- j) Joint Arrangements (Article 11);
- k) Officers (Article 12);
- l) Decision Making (Article 13);
- m) Finance, Contracts and Legal matters (Article 14);
- n) Review and Revision of the Constitution (Article 15);
- o) Suspension, Interpretation and Publication of the Constitution (Article 16).

## 8 The Council Staff

The Council has people working for it (called 'Officers') to 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.

## 9 Citizens' Rights

- 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.
- 2 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.
- 3 Citizens have the right to:
  - a) Vote at local elections if they are registered;
  - b) Contact their Local Councillor about any matters of concern to them;
  - c) The Council Constitution will be available on the Authority's web site for Citizen's to view. A printed copy of the Council Constitution will be provided at a reasonable charge;
  - d) Attend meetings of the Cabinet, the Council and its Committees except where personal or confidential matters are being discussed;
  - e) Petition to request a referendum on a mayoral form of executive;
  - f) Participate in the Council's question time and attend meetings of the Overview & Scrutiny Body;
  - g) Find out, from the Forward Work Programme, what business is to be considered by the Cabinet, Regulatory Committees and Overview & Scrutiny Body;
  - h) See reports and background papers considered by the Cabinet, the Council and any of its Committees and the record of any decisions made by the Council, its Committees and the Cabinet, except where they contain personal or confidential information; see also the Council's Access to Information Protocol;
  - i) Comment or complain to the Council about any of its services or functions;
  - j) Complain to the Public Services Ombudsman for Wales if they think the Council has not followed its Procedures properly. However, they should only do this after using the Council's own complaints process;
  - k) Complain to the Public Services Ombudsman for Wales if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
  - l) Inspect the Council's accounts and make their views known to the External Auditor.
- 4 The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Chief Executive's Office.