

Part 2 – Articles of the Constitution

Table of Contents

- 2A. Article 1 – The Constitution
- 2B. Article 2 – Members of the CJC
- 2C. Article 3 – Citizens and the CJC
- 2D. Article 4 – Corporate Joint Committee
- 2E. Article 5 - Overview and Scrutiny Arrangements
- 2F. Article 6 – Governance & Audit Sub-Committee
- 2G. Article 7 – Standards Committee
- 2H. Article 8 – Other Sub-Committees and Advisory Boards
- 2I. Article 9 - Joint Arrangements
- 2J. Article 10 – Officers
- 2K. Article 11 – Decision Making
- 2L. Article 12 – Finance, Contracts and Legal Matters
- 2M. Article 13 – Review, Revision and Suspension of the Constitution

Article 1 – The Constitution

Introduction

- 1.1 This Article sets out the fundamental principles of the Constitution. It confirms that the CJC will act within the law and the provisions of this Constitution, and that the CJC will monitor and review its Constitution. It also provides for methods of changing the Constitution, and for its publication.

Powers of the CJC

- 1.2 The CJC will exercise all its powers and duties in accordance with the law and this Constitution. In the event that the Constitution conflicts with the law, the law shall prevail.

The Constitution

- 1.3 This document, and all its appendices, is the Constitution of the South East Wales Corporate Joint Committee.

Purpose of the Constitution

- 1.4 The purpose of the Constitution is to:
- (a) provide a framework for good governance;
 - (b) enable the constituent councils to work collaboratively;
 - (c) help members represent their constituents more effectively at a regional level;
 - (d) enable the CJC to work in partnership with citizens, businesses and other organisations;
 - (e) provide a democratically controlled mechanism for regional working;
 - (f) enable decisions to be taken effectively and efficiently;
 - (g) create an effective means of holding decision makers to public account;
 - (h) provide excellent standards of ethics and probity in decision making;
 - (i) ensure that those responsible for decision making are clearly identifiable;
 - (j) explain the reasons for decisions; and

- (k) provide a means of improving the well-being of the region.

Interpretation of the Constitution

- 1.5 Where the Constitution permits the CJC to choose between different courses of action, the CJC will always choose that option which it thinks is closest to the above purposes.
- 1.6 The ruling of the Chair as to the construction or application of this Constitution or as to any proceedings of the CJC shall not be challenged at any meeting of the CJC. Such interpretation will have regard to the purposes of this Constitution.

Review and Amendment of the Constitution

- 1.7 The CJC will monitor and evaluate the operation of the Constitution and will amend it as appropriate.
- 1.8 Where changes must be approved by the CJC, the Monitoring Officer may present a report direct to the CJC proposing changes to the Constitution.

Publication

- 1.9 The Constitution is published on the CJC's website and updated when amendments are made.
- 1.10 A guide to the Constitution, which explains its contents in ordinary language, is also published on the CJC's website.

Suspension of the Constitution

- 1.11 The Articles of this Constitution may not be suspended. Other Rules and Protocols may be suspended by the body to which they apply (or, if no such body, by the CJC) to the extent permitted within those Rules, Protocols and the law.

Article 2 – Members of the South East Wales CJC

Introduction

2.1 This Article sets out how members of the CJC are appointed. It also includes a statement on the roles and functions of Members of the CJC and sets out the rights and duties of Members.

Composition and Eligibility

2.2 The South East Wales Corporate Joint Committee (the “CJC”) will consist of:

(a) the Executive Leaders of the 10 Constituent Councils:

- (i) Blaenau Gwent County Borough Council
- (ii) Bridgend County Borough Council
- (iii) Caerphilly County Borough Council
- (iv) Cardiff Council
- (v) Merthyr Tydfil County Borough Council
- (vi) Monmouthshire County Council
- (vii) Newport County Borough Council
- (viii) Rhondda Cynon Taf County Borough Council
- (ix) Torfaen County Borough Council
- (x) Vale of Glamorgan Council

(the “Council Members”);

(b) A member appointed by the Bannau Brechiniog National Park Authority, who must be one of the following officeholders:

- (i) the Chair of the Authority;
- (ii) the Deputy Chair of the Authority; or
- (iii) the Chair of a committee established by the Authority with responsibility for planning matters

(the “Bannau Brechiniog Member”).

2.3 Each Council Member will act as a member of the CJC in relation to all of the CJC’s functions.

- 2.4 The Bannau Brechiniog Member will act as a member of the CJC only in relation to the Strategic Development Plan Function.
- 2.5 The Bannau Brechiniog member will be invited to attend meetings and participate only where the Strategic Development Planning Function is being discussed, other than where agreed by the Council Members on an individual meeting basis.

Vacancies or Inability to Act

- 2.6 Where a Council Member is, for any period, unable to discharge their functions, the Constituent Council of which they are a member must appoint another member of its executive to discharge those functions on behalf of the Council Member for that period.
- 2.7 Where a Constituent Council has a vacancy in the office of Executive Leader, it must appoint another member of its executive as its Council Member of the CJC until such time as the vacancy is filled.
- 2.8 Where the Bannau Brechiniog Member is, for any period, unable to discharge their functions, the Authority must appoint one of the officeholders mentioned in paragraph 2.2 to discharge those functions on behalf of the Bannau Brechiniog Member for that period.

Key Roles

- 2.9 Members of the CJC and its Sub-Committees will:
- (a) collectively be the ultimate policy and decision makers;
 - (b) contribute to the good governance of the CJC;
 - (c) represent their communities and bring their views into the CJC's decision-making process;
 - (d) balance and effectively represent the interests of the region and of their council or national park authority area;
 - (e) be available to represent the CJC on other bodies;
 - (f) promote equality and diversity in the CJC's policies and practices; and
 - (g) maintain the highest standard of conduct and ethics.

Rights and Duties

- 2.10 Members of the CJC and its Sub-Committees will have rights of access to such documents, information, land and buildings of the CJC as are necessary for the proper discharge of their functions and in accordance with the law.
- 2.11 Members of the CJC and its Sub-Committees will not make public information which is confidential or exempt without the consent of the CJC or divulge information given in confidence to anyone other than a member or officer entitled to know it. For these purposes, “confidential” and “exempt” information is defined in the Access to Information Rules in **Part 4** of this Constitution.
- 2.12 Members of the CJC and its Sub-Committees will be given reasonable professional advice and support from Officers of the CJC in their work as Members.
- 2.13 Training will be given to Members of the CJC and its Sub-Committees to support them in their duties.

Conduct

- 2.14 Members of the CJC and its Sub-Committees will at all times observe the Members’ Code of Conduct and the Protocol on Member / Officer Relations set out in **Part 5** of this Constitution.

Article 3 – Citizens and the CJC

3.1 Citizens' rights

Citizens have the rights listed below. Their rights to information and to participate are explained in more detail in the Access to Information Rules in **Part 4** of this Constitution:

- (a) To raise a matter with the CJC by submitting a petition in accordance with the CJC's petition scheme, as set out in **Part 5** of this Constitution.
- (b) To attend meetings of the CJC and its Sub-Committees except those parts of meetings where confidential information or exempt information is likely to be disclosed, and that business is conducted in private.
- (c) To see reports and background papers of meetings held in public, and records of decisions made by the CJC and designated senior officers.
- (d) To inspect the CJC's accounts and make their views known to the external auditor.
- (e) To contribute to investigations by the Joint Overview and Scrutiny Committee.
- (f) To complain to the CJC under its Complaints Policy.
- (g) To the complain to the Ombudsman about any injustice they have suffered as a result of maladministration, but they are encouraged to use the CJC's own Complaints Policy first.
- (h) To the Ombudsman where they believe a member or co-opted member of the CJC has breached the Members' Code of Conduct.

3.2 Citizens' responsibilities

Citizens must not be violent, abusing or threatening to members or employees and must not willfully harm things owned by the CJC, its members or employees.

Article 4 – The Corporate Joint Committee

Introduction

- 4.1 This Article defines the functions that are reserved for decision by the CJC. The CJC is responsible for approving the policy framework and the annual budget.

Meanings

Policy Framework

- 4.2. The Policy Framework means the following plans and strategies:

- Biodiversity Strategy;
- Child Poverty Strategy;
- Corporate Plan;
- Energy Action Plan;
- Equalities Strategy;
- Impact Investment Framework;
- Pay Policy Statement;
- Regional Economic and Industrial Plan;
- Regional Transport Plan;
- Responsible Investing Policy
- Strategic Development Plan;
- Welsh Language Strategy;
- Wellbeing Statement & Objectives;
- Wider Investment Fund Assurance Framework;

together with any other plan or strategy which the CJC considers should, or legislation requires to be, adopted or approved by them.

The Budget

- 4.3 For each financial year, the CJC must calculate its budget for its:
- (i) Strategic Development Plan Function (the “Strategic Development Plan Budget”); and
 - (ii) Other functions (the “General Budget”).

- 4.4 The budget shall be agreed at a meeting of the CJC no later than 31st January each year and must include:
- (i) The amount the CJC estimates it will spend in the exercise of its functions;
 - (ii) The amount raised for contingencies;
 - (iii) The amount held in reserve for expenditure in future financial years;
 - (iv) Any amount necessary to meet liabilities outstanding in respect of previous financial years; and
 - (v) Any amounts the CJC estimates it will receive from sources other than the Constituent Councils.
- 4.5 Revisions may be made to the budget during the financial year to which that budget relates. Any revisions must be approved by the CJC, at a meeting of the CJC.
- 4.6 The Strategic Development Plan Budget requirement must be paid by the Constituent Councils, the proportion to be paid by each to be decided by the unanimous agreement of the Council Members and the Bannau Brechiniog Member.
- 4.7 The General Budget requirement must be paid by the Constituent Councils, the proportion to be paid by each to be decided by unanimous agreement of the Council Members.

Functions of the CJC

- 4.8 Only the CJC will exercise the following functions:
- (a) adopting and changing this Constitution, save as provided in **Article 14**;
 - (b) approving or adopting the Policy Framework and the budget;
 - (c) subject to the urgency procedure contained in **Part 3C** of this Constitution, making decisions about any matter which is covered by the Policy Framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/not wholly in accordance with the budget;

- (d) agreeing and/or amending the terms of reference of committees, deciding on their composition and making appointments to them, except as expressly and lawfully delegated;
- (e) appointing representatives to outside bodies unless the appointment has been delegated by the CJC;
- (f) making or confirming the appointment of Chief Officers, as defined in **Article 10**;
- (g) all other matters which, by law, must be reserved to the CJC.

Meetings of the CJC

4.9 There are three types of CJC meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings

and they will be conducted in accordance with the CJC Meeting Procedure Rules in **Part 4** of this Constitution.

Article 5 – Overview and Scrutiny Arrangements

Introduction

5.1 This Article sets out the overview and scrutiny arrangements the CJC has put in place.

Definitions

5.2 For the purposes of this Article:

- **‘CJC’** means the South East Wales Corporate Joint Committee;
- **‘Appointing Authorities’** are the constituent councils of the CJC;
- **‘Host Authority’** means Rhondda Cynon Taf County Borough Council, or such other authority as the Appointing Authorities may agree from time to time.

5.3 The Joint Overview and Scrutiny Committee of the South East Wales Corporate Joint Committee (“the JOSC”) was established by the agreement of the Appointing Authorities pursuant to the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013.

Members

5.4 The JOSC shall consist of one non-executive member from each Appointing Authority.

5.5 It is a matter for each Appointing Authority, from time to time, to nominate, or terminate the appointment of its nominated member serving on the JOSC. Each Appointing Authority shall be entitled, from time to time, to appoint a deputy for its member representative to the JOSC but such deputy shall only be entitled to vote at meetings of the JOSC in the absence of their corresponding principal.

5.6 The length of appointment is a matter for each Appointing Authority.

Quorum

5.7 The quorum necessary for a meeting of the JOSC is at least 6 out of the 10 JOSC members, present at the relevant time.

Election of a Chair

5.8 The JOSC shall elect a Chair and Vice Chair annually.

Rules of Procedure

5.9 The procedure rules will be those of the Host Authority for its Scrutiny Committees.

Members' Conduct

5.10 Members of the JOSC will be bound by their respective Council's Code of Conduct.

Declarations of Interest

5.11 Members of the JOSC must declare any interest either before or during the meetings of the JOSC (and withdraw from that meeting if necessary) in accordance with their Council's Code of Conduct or as required by law.

Confidential and Exempt Information / Access to Information

5.12 The Host Authority's Access to Information Procedure rules shall apply subject to the provisions of the Local Government Act 1972.

Openness and Transparency

5.13 All meetings of the JOSC will be open to the public unless it is necessary to exclude the public in accordance with Section 100A (4) of the Local Government Act 1972.

5.14 All agendas, reports and minutes of the JOSC will be made publicly available, unless deemed exempt or confidential in accordance with the above Act.

Functions to be exercised by the Joint Overview and Scrutiny Committee

5.15 The JOSC shall be responsible for exercising the functions of a Joint Overview and Scrutiny Committee¹ pursuant to the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013.

¹ For the avoidance of doubt, these functions relate to all matters which are the responsibility of the CJC.

- 5.16 Any member of the JOSC may refer to the JOSC any matter which is relevant to its functions provided it is not a local crime and disorder matter as defined in section 19 of the Police and Justice Act 2006.
- 5.17 Any member of any of the Appointing Authorities may refer to the JOSC any local Government matter which is relevant to the functions of the JOSC, subject to the following conditions:
- (a) The matter relates to one of the functions of the Appointing Authority and is relevant to the functions of the JOSC;
 - (b) It affects the electoral area of the member or it affects any person who lives or works there; and
 - (c) It is not a local crime and disorder matter as defined in section 19 of the Police and Justice Act 2006.
- 5.18 When considering whether to refer a matter to the JOSC a member should first consider if it falls within the remit of a single overview and scrutiny committee within the member's local authority, and if that is the case the member should raise the matter there. Members should only refer a matter to the JOSC if it falls clearly within the responsibilities and terms of reference of the JOSC and if there is no scrutiny of the issue in the local authority to which the member belongs.

Administrative Arrangements

- 5.19 It shall be the responsibility of the Head of Democratic Services of the Host Authority to ensure that an appropriate level of officer support and other resources to the joint overview and scrutiny committee are in place at all times. The cost of providing these resources will be met by the CJC.

Article 6 – Governance and Audit Sub-Committee

Introduction

- 6.1 This Article defines the functions of the Governance & Audit Sub-Committee. The Sub-Committee is responsible for reviewing the CJC's financial affairs.

Purpose of Sub-Committee

- 6.2 The Governance & Audit Sub-Committee is a key component of the CJC's corporate governance. It is important that political decision-making within the CJC is transparent and that the CJC is able to be held to account and challenged for the decisions that it takes. The purpose of the Governance & Audit Sub-Committee is to review and scrutinise the CJC's financial affairs and to provide an independent focus on the audit, assurance, performance and reporting arrangements that underpin good governance and financial standards.

Functions of the Governance & Audit Sub-Committee

- 6.3 The Governance & Audit Sub-Committee will:
- (1) review and scrutinise the CJC's financial affairs;
 - (2) make reports and recommendations in relation to the CJC's financial affairs;
 - (3) review and assess the risk management, internal control, performance management and corporate governance arrangements of the CJC;
 - (4) make reports and recommendations to the CJC on the adequacy and effectiveness of those arrangements;
 - (5) review and assess the CJC's ability to handle complaints effectively;
 - (6) make reports and recommendations in relation to the ability of the CJC to handle complaints effectively;
 - (7) oversee the CJC's internal and external audit arrangements;
 - (8) review any financial statements prepared by the CJC; and
 - (9) exercise such other functions as the CJC may specify.

Membership of the Governance & Audit Sub-C

- 6.4 Membership of the Governance & Audit Sub-Committee will be constituted in the following way:
- (a) The Governance & Audit Sub-Committee will have 15 members.
 - (b) None of the members of the Governance & Audit Sub-Committee can also be a Member of the CJC.
 - (c) None of the members of the Governance & Audit Sub-Committee can also be a member of any other sub-committee of the CJC.
 - (d) A minimum of one third of the total membership must be persons who are not also members of a county council or county borough council in Wales.
 - (e) A minimum of two thirds of the total membership must be members of the 10 Constituent Councils but cannot be either a Member of the CJC or a member of the executive of a Constituent Council.
 - (f) Where a member of the Governance & Audit Sub-Committee is also a member of one of the 10 Constituent Councils, they will cease to be a member of the Governance & Audit Sub-Committee if they cease to be a member of a Constituent Council.

Meeting Procedure Rules

- 6.5 **Chairperson / Deputy Chairperson:** A Chairperson and Deputy Chairperson will be nominated and appointed from amongst the members of the Governance & Audit Sub-Committee during the first meeting.
- 6.6 The Chairperson must be an independent member who is not a member of a county council or county borough council in Wales.
- 6.7 If the Chairperson is absent, the Deputy Chairperson can chair the meeting. In the absence of both the Chairperson and the Deputy Chairperson, the Governance & Audit Sub-Committee can appoint any of its members present to chair the meeting.
- 6.8 **Quorum:** No business is to be transacted in relation to a matter to be decided at a meeting of the Governance & Audit Sub-Committee with fewer than 70% of the persons entitled to vote being present.

- 6.9 **Voting:** Each member of the Governance & Audit Sub-Committee will carry one vote. Matters will be decided by a majority vote. Members can only abstain from voting where a conflict of interest exists. In the event of a tie, the Chairperson, or Deputy Chairperson in the absence of the Chairperson, will have the casting vote.

Meeting Arrangements

- 6.10 The Governance & Audit Sub-Committee is required by law to meet once in every calendar year as a minimum. More meetings can be scheduled as and when the need arises.
- 6.11 In addition to the requirements in 6.10, the Governance & Audit Sub-Committee will be required to meet if the CJC determines that it will meet or if at least one third of the Governance & Audit Sub-Committee members send a request for a meeting in writing to the Chairperson.
- 6.12 Meetings will normally take place remotely, but arrangements may be made for in person meetings, provided hybrid arrangements are in place to facilitate remote attendance by members who wish to do so.
- 6.13 Support officers, representatives of Audit Wales and advisory team members can attend and participate as required. Members and staff of CJC may be required by the Governance & Audit Sub-Committee to attend meetings and answer questions and will have a duty to comply with this requirement within limits.
- 6.14 Meetings will be held in public and arrangements for the publication of and access to documents will be the same as for meetings of the CJC as set out in this Constitution and the relevant legislation.

Reporting

- 6.15 The Governance & Audit Sub-Committee will report to a meeting of the CJC at least annually on matters within the remit of the Terms of Reference.
- 6.16 The Governance & Audit Sub-Committee will issue reports to external bodies as required but will need to notify the CJC of any such reports and to whom and for what reason they are being issued.

Article 7 – Standards Committee

Introduction

7.1 This Article sets out the arrangements the CJC has put in place to discharge the functions of a Standards Committee.

Standards Committee Arrangements

7.2 The Standards & Ethics Committee of Cardiff Council will discharge the functions of a Standards Committee for the CJC.

Functions to be exercised by the Standards & Ethics Committee

7.3 The Standards & Ethics Committee of Cardiff Council shall be responsible for exercising the following functions in relation to the CJC:

- (i) Promote and maintain high standards of conduct by its members and co-opted members;
- (ii) Assist its members and co-opted members to observe the CJC's code of conduct;
- (iii) Advise the CJC on the adoption and revision of a code of conduct;
- (iv) Monitor the operation of the CJC's code of conduct;
- (v) Advise, train or arrange to train its members and co-opted members on matters relating to the CJC's code of conduct; and
- (vi) Make an annual report to the CJC describing how its functions have been discharged during the financial year.

7.4 Where a matter relates to a Member's conduct in general, and not specifically to CJC activities, then the Standards Committee of that Member's Principal Authority shall be the responsible body.

Rules of Procedure

7.5 The procedure rules will be those of Cardiff Council for its Standards & Ethics Committee.

Administrative Arrangements

7.6 It shall be the responsibility of Cardiff Council to make all appropriate administrative arrangements for convening and holding meetings of the Committee. The cost of providing these resources will be met by the CJC.

Article 8 – Other Sub-Committees and Advisory Boards

8.1 The CJC will appoint the following sub-committees and advisory boards with the terms of reference and membership set out in **Part 3B** of the Constitution:

a. Sub-Committees

- Appointments Sub-Committee
- Regional Transport Sub-Committee
- Strategic Development Sub-Committee

b. Advisory Boards

- Investment Board
- Regional Growth Board
- Shareholder Group

Article 9 – Joint Arrangements

9.1 Arrangements to promote economic well being

The CJC, in order to promote the economic well-being of the Region, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

9.2 Joint arrangements

- (a) The CJC may establish joint arrangements with one or more of its constituent councils to exercise functions, or to advise the CJC. Such arrangements may involve the appointment of a joint committee with those other authorities. Except as permitted or required by law, only executive members of the participating authorities may be appointed to such joint committees and the political balance requirements do not apply to such appointments.
- (b) Two or more CJCs may also arrange to discharge their functions jointly.

9.3 Access to information

- (a) The Access to Information Rules in **Part 4** of this Constitution apply.
- (b) If all the members of a joint committee are members of the executive in each of the participating authorities, then its access to information regime is the same as that applied to an executive, subject to any contrary provision agreed among the participating authorities as permitted by law.
- (c) If the joint committee contains members who are not on the executive of any participating authority then the Access to Information Rules in Part VA of the Local Government Act 1972 will apply.

9.4 Delegation to and from other local authorities

- (a) Insofar as permitted by law, the CJC may delegate functions to one or more of its constituent councils.

- (b) The decision whether or not to accept a delegation of a function from a constituent council shall be reserved to the CJC meeting.

9.5 Contracting out

The CJC may contract out to another body or organisation functions which may be exercised by an officer, provided there is no delegation of the CJC's discretionary decision making.

9.6 Partnerships

The CJC will maintain and regularly review a register of partnerships in which the CJC participates. Reviews will be undertaken to assess and evaluate the governance and effectiveness of each partnership.

9.7 Existing Joint Arrangements

Details of any existing joint arrangements, including any delegations to joint committees, are set out in the CJC's Scheme of Delegations in **Part 3** of this Constitution.

Article 10 – Officers

Management structure

10.1 The CJC may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

Chief Officers

10.2 The CCJ will engage persons for the following posts, who will be designated Chief Officers, which designation includes persons acting temporarily in such capacity.

Post	Functions & Areas of Responsibility
<p>Chief Executive</p>	<p>Overall corporate management and operational responsibility including overall management responsibility for all Officers.</p> <p>Overall responsibility for delivering the CJC's policies and programmes.</p> <p>Principal adviser to the CJC on general policy.</p> <p>Representing the CJC on partnership and external bodies (as required by statute or the CJC).</p> <p>Service to the whole Authority, on a politically neutral basis.</p> <p>Variation of functions and areas of responsibility of the Deputy Chief Executive and any other directly managed staff.</p>
<p>Deputy Chief Executive and</p>	<p>To support the Chief Executive and overall Corporate, Operational and Strategic Management responsibility for:</p>

<p>Director of Regional Growth</p>	<ul style="list-style-type: none"> • Attracting inward investment • Business Intelligence & Transformation • City Deal Assurance Framework • City Deal Wider Investment Fund • Cluster development • Companies and Joint Ventures • Decarbonisation • External Funding and Programmes • Funding and Investments • Infrastructure • Innovation and Clusters • Investment and Intervention Framework • Investment Zones • Programme Design, Development and Delivery • Northern Valleys initiatives • Regional Growth • Shared Prosperity Fund • Skills, People and Talent
<p>Director of Policy, Impact and Partnerships</p>	<p>Responsibility for the Service Units which deal with the following broad work areas:</p> <ul style="list-style-type: none"> • Communications & Marketing • Corporate Policy and Performance • Economic Wellbeing • Emergency Planning • Gateway Review (City Deal) • Impact Delivery Monitoring and Evaluation • Partnerships and Collaboration • Policy setting • Project Management Office (City Deal) • Regional Transport Planning • Strategic Development Planning • Welsh Language Service* <p>* denotes an outsourced service for which the Director of Policy, Impact and Partnerships has internal oversight.</p>

<p>Director of Resources</p>	<p>This is a statutory post. This Officer acts as the CJC's Chief Finance/Section 151 Officer.</p> <p>Responsibility for the Services which deal with the following broad areas of work:</p> <p>Assets and Estates</p> <p>Audit Internal Audit function</p> <p>Finance Accountancy Services Accounts Payable* Accounts Receivable* Business Services (Internal) Financial Planning and Management Insurance Tax Treasury Management</p> <p>Human Resources Employee Services Human Resources* Organisational Development Payroll* Pensions* Performance Management Workforce Strategy</p> <p>Information & Communication Technology*</p> <p>Risk and Assurance*</p> <p>* denotes an outsourced service for which the Director of Finance has internal oversight.</p>
<p>Director of Legal and Governance</p>	<p>This is a statutory post. The Director of Legal and Governance acts as the CJC's Monitoring Officer.</p>

	<p>Responsibility for the Services which deal with the following broad areas of work:</p> <p>Companies Governance Shareholdings</p> <p>Compliance Liaising with Commissioners</p> <p>Constitution and Corporate Governance</p> <p>Customer Services Corporate Complaints, Comments & Compliments</p> <p>Democratic Services Committee Services Member Support Scrutiny* Standards*</p> <p>Information Governance Archives and Records Data Protection & Privacy Information Rights</p> <p>Legal Services Commercial Company Contract</p> <p>Procurement*</p> <p>* denotes an outsourced service for which the Director of Legal and Governance has internal oversight.</p>
--	--

CJC Designated Posts

10.3 The CJC will designate the following statutory posts as shown:

Post	Designation
Chief Executive	Chief Executive
Director of Resources	Chief Finance Officer (s.151 Officer)
Director of Legal and Governance	Monitoring Officer

10.4 The Chief Executive, Chief Finance Officer and Monitoring Officer will have the statutory functions described below.

Functions of the Chief Executive

(a) Discharge of Functions by the CJC

10.5 Section 4 of the Local Government and Housing Act 1989 imposes a duty on authorities to designate one of their officers as Chief Executive. The Chief Executive will report to the CJC on the manner in which the discharge of the CJC's functions is co-ordinated, the number and grade of Staff required for the discharge of functions, the organisation of the Authority's staff and the appointment and proper management of the authority's staff.

10.6 The Chief Executive will keep the following under review:

- (i) the manner in which the exercise by the CJC of its different functions is co-ordinated;
- (ii) the CJC's arrangements in relation to:
 - financial planning;
 - asset management, and
 - risk management;
- (iii) the number and grades of staff required by the CJC for the exercise of its functions;
- (iv) the organisation of the CJC's staff;
- (v) the appointment of the CJC's staff;
- (vi) the arrangements for the management of the CJC's staff (including arrangements for training and development), and

where appropriate, to make a report to the CJC setting out the Chief Executive's proposals in respect of any of the matters set out above. As soon as possible after preparing a report, the Chief Executive must arrange for a report to be sent to each Member of the CJC.

(b) Consultation

- 10.7 The Chief Executive is authorised to respond on the CJC's behalf to any consultation received by the CJC and also to authorise any other officer of the CJC to respond to any consultation received by the CJC.

(c) Restrictions on Post

- 10.8 The Chief Executive may not be the Monitoring Officer or the Head of Democratic Services but may hold the post of Chief Finance Officer/Section 151 Officer if a qualified accountant.

Urgency or Absence of Responsible Officer

- 10.9 All the powers delegated to other officers shall, unless prevented by statute, also be delegated to the Chief Executive, for exercise in cases of urgency or in the absence of the responsible officer.

Functions of the Monitoring Officer

- 10.10 These are set out in section 5 of the Local Government and Housing Act 1989 as amended. The functions of the Monitoring Officer are:

(a) Maintaining the Constitution

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public

(b) Ensuring Lawfulness and Fairness of Decision-Making

After consulting with the Chief Executive and Chief Financial Officer, the Monitoring Officer may report to the CJC Meeting in relation to any function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given

rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) Supporting the Standards Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through the provision of support to the Standards Committee.

(d) Receiving Reports

The Monitoring Officer will receive and act on reports made by the Public Services Ombudsman for Wales and decisions of the case tribunals and the Public Services Ombudsman for Wales.

(e) Conducting Investigations

The Monitoring Officer will conduct investigations into matters in relation to vires, ethical matters, constitutional arrangements and maladministration, and matters referred by the Public Services Ombudsman for Wales and will have unqualified access to any information held by the CJC and can require the co-operation or assistance of any employee who shall also assist the Monitoring Officer in order to make reports or recommendations in respect of them to the CJC, the Joint Overview and Scrutiny Committee or the Standards Committee, as appropriate.

(f) Proper Officer for Access to Information

The Monitoring Officer will be the Proper Officer for Access to Information and will ensure that CJC and Sub-Committee decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(g) Proper Officer for receipt of Notices

The Monitoring Officer will be the Proper Officer for receipt of all Notices save for those notices listed under the Chief Executive where the Monitoring Officer shall deputise for the Chief Executive.

(h) Advising whether decisions of the CJC's Constitutional Bodies are within the Budget and Policy Framework

The Monitoring Officer will advise whether proposed decisions are in accordance with the Budget and Policy Framework.

(i) Providing Advice

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and officers in their respective roles.

(j) Restrictions on Posts

The Monitoring Officer cannot be the Chief Finance Officer or the Chief Executive.

Functions of the Chief Finance Officer

10.21 These are set out in section 6 of the Local Government and Housing Act 1989. The functions of the Chief Finance Officer are:

(a) Ensuring Lawfulness and Financial Prudence of Decision making

After consulting with the Chief Executive and the Monitoring Officer, the Chief Finance Officer will report to the CJC and the CJC's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the CJC is about to enter an item or account unlawfully.

(b) Administration of Financial Affairs

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the CJC.

(c) Contributing to Corporate Management

The Chief Finance Officer will contribute to the corporate management of the CJC, in particular through the provision of professional financial advice.

(d) Providing Advice

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles.

(e) Giving Financial Information

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

(f) Advising whether Decisions of the CCJC are within the Budget and Policy Framework

The Chief Finance Officer will, in conjunction with the Monitoring Officer, advise whether decisions of the CJC are in accordance with the Budget and Policy Framework

(g) Restriction on Post

The Chief Finance Officer cannot be the Monitoring Officer or the Head of Democratic Services.

The Chief Finance Officer must be a member of one or more of the following professional bodies:

- The Institute of Chartered Accountants in England and Wales;
- The Chartered Association of Certified Accountants;
- The Chartered Institute of Public Finance and Accountancy;
- The Chartered Institute of Management Accountants; or
- Any other body of accountants established in the UK and for the time being approved by the Welsh Ministers for this purpose.

Duty to Provide Sufficient Resources to the Chief Executive, Monitoring Officer and Chief Finance Officer

10.22 The CJC will provide the Chief Executive, the Monitoring Officer and the Chief Finance Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

Conduct

10.23 Officers will comply with the Officers' Code of Conduct and Protocol on Officer/Member Relations set out in **Part 5** of this Constitution.

Employment

10.24 The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in **Part 4** of this Constitution.

Article 11 – Decision Making

Responsibility for Decision Making

- 11.1 There are a number of different decision makers who may be responsible for the various decisions of the authority:
- (i) The Corporate Joint Committee
 - (ii) An individual Member of the CJC
 - (iii) A Sub-Committee of the CJC
 - (iv) A Joint Committee
 - (v) A Committee of a Constituent Council with which arrangements have been made to discharge a function of the CJC
 - (vi) An Officer
- 11.2 The CJC will issue and keep up to date a Scheme of Delegations which records what part of the CJC or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This Scheme is set out in **Part 3** of this Constitution.

Principles of Decision Making

- 11.3 All decisions of the CJC will be made in accordance with the following principles:
- (a) on the basis of merit and in the public interest;
 - (b) with due consultation and after taking professional advice from officers;
 - (c) with due regard for the need to promote equality of opportunity, respect for human rights, the wellbeing of future generations, and sustainability;
 - (d) in accordance with proper access to information;
 - (e) the giving of reasons for decisions; and
 - (f) a record of any personal interest declared.

Types of Decisions

- 11.4 **Key decisions** – this means a decision which is likely to result in the CJC incurring expenditure which is, or the making of savings which are, significant, having regard to:

- i. the CJC's budget for the function to which the decision relates; or
 - ii. to be significant in terms of its effects on communities living or working in an area comprising two or more of the constituent council areas in the area of the CJC.
- 11.5 For the purposes of paragraph 11.4 above, the incurring of expenditure is not a key decision if it is:
- i. to implement or give effect to a provision of the CJC's Budget or Policy Framework and, where appropriate, for which financial provision has been made;
 - ii. to implement nationally or locally agreed pay awards for officers of the CJC in accordance with the terms of such award;
 - iii. expenditure incurred by the Director of Resources in the exercise of Treasury Management powers delegated to them.
- 11.6 For the purposes of paragraph 11.4 above, any decision taken for the purpose of implementing an approved plan or strategy is not a key decision if it relates to a matter for which the plan or strategy makes provision.

Decisions reserved to the Corporate Joint Committee

- 11.7 Decisions relating to the functions listed in **Article 4** will be made by the CJC and not delegated.

Decision making by the Corporate Joint Committee

- 11.8 The CJC will follow the CJC Procedure Rules set out in **Part 4A** of this Constitution when considering any matter.

Decision making by Individual Members of the CJC

- 11.9 Single Member decisions will be made in accordance with **Part 3A** of this Constitution.

Decision making by Sub-Committees established by the CJC

- 11.9 Sub-committees of the CJC will follow the Sub-Committees Procedure Rules set out in **Part 4B** of this Constitution.

Decision making by Officers

- 11.10 Officer decisions will be made in accordance with **Part 3C** of this Constitution.

Article 12 – Finance, Contracts and Legal Matters

12.1 Financial management

The management of the CJC's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in **Part 4** of this Constitution.

12.2 Contracts

Any contract entered into on behalf of the CJC will comply with the Contract Procedure Rules set out in **Part 4** of this Constitution.

12.3 Legal proceedings

The Director of Legal and Governance is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the CJC, or a Chief Officer acting under delegated powers, or in any case where the Director of Legal and Governance considers that such action is necessary to protect the CJC's interests.

12.4 External Legal Advice

No Officer shall commission legal advice from outside the CJC other than the Director of Legal and Governance.

12.5 Authentication of documents

Where any document is necessary for any legal agreement, procedure or proceedings on behalf of the CJC, it will be signed by the Director of Legal and Governance or other person authorised by them, unless any enactment otherwise authorises or requires, or the CJC has given requisite authority to some other person.

12.6 Common Seal of the CJC

The Common Seal of the CJC will be kept securely in the custody of the Director of Legal and Governance and may be applied through the use of a secure electronic sealing system. A decision of the CJC, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Director of Legal and Governance should be sealed. The affixing of the Common Seal will be attested by the Director of Legal and Governance or some other employee authorised by them.

Article 13 – Review, Revision and Suspension of the Constitution

13.1 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.

In undertaking this task, the Monitoring Officer may:

- (a) observe meetings of different parts of the Member and Officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised with them by Members, Officers, the public and other relevant stakeholders; and
- (d) compare practices in the CJC with those in other comparable authorities, or national examples of best practice.

13.2 Changes to the Constitution

Changes to the constitution will only be approved by the CJC after consideration of a proposal by the Monitoring Officer.

13.3 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Procedure Rules in Part 4 may be suspended by the CJC to the extent permitted therein and by law.
- (b) **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 councillors 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 Article 1.

13.4 Interpretation

- (a) The ruling of the Chair of the CJC as to the construction or application of this Constitution or as to any proceedings of the CJC shall not be

challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

- (b) Any references to legislation contained within the Constitution includes subsequent amendments to that legislation.

13.5 Publication

- (a) The Monitoring Officer will ensure that electronic copies of this Constitution are available for inspection at CJC offices and on the CJC's website.
- (b) The Monitoring Officer will ensure that the Constitution is updated as necessary.