

Constitution Contents Overview

Part 1: An Introduction to the Council Constitution

Newport City Council has adopted a constitution that sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these 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.

The Constitution is divided into 16 Articles, which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

Sections:

1. The Council's Constitution

- 1.1. Purpose of the Constitution
- 1.2. Decision Making and Scrutiny
- 1.3. Interpretation and Review of the Constitution
 - 1.3.1. Interpretation
 - 1.3.2. Review

Part 2: Articles of the Constitution

Article 1 of the Constitution commits the Council to provide clear leadership to the community, improve the delivery of services to the citizens of Newport, ensure that decisions are taken efficiently and effectively and to create an effective means of holding decision-makers to account. The Constitution is intended to enable the Council to carry out those aims and objectives.

Articles 2 to 16 explain the rights of citizens and how the key parts of the Council operate.

Sections

1. Article 1: The Constitution

- 1.1. Powers of the Council
- 1.2. The Constitution
- 1.3. Purpose of the Constitution
- 1.4. Interpretation and Review of the Constitution

2. Article 2: Members of the Council

- 2.1. Composition and Eligibility
- 2.2. Election and Terms of Councillors

- 2.3. Roles and Functions of All Councillors
- 2.4. Conduct
- 2.5. Allowances
- 2.6. Role Descriptions and Person Specifications

3. Citizens and The Council

- 3.1. Citizens' Rights
- 3.2. Citizens' Responsibilities

4. The Council Meeting

- 4.1. Meanings
 - 4.1.1. The Policy Framework
 - 4.1.2. The Budget
 - 4.1.3. Housing Stock Transfer
- 4.2. Functions of the Full Council
- 4.3. Council Meetings
- 4.4. Responsibility for Functions.

5. Chairing the Council

- 5.1. Role and Function of the Mayor
- 5.2. Powers
- 5.3. Chairing the Council Meeting
- 5.4. Conduct of the Council Meeting
- 5.5. Selection and Deferral of the Mayoralty

6. Scrutiny Committees

- 6.1. Terms of Reference
- 6.2. Form and Composition
- 6.3. General Role
- 6.4. Specific Functions
 - 6.4.1. Policy Development and Review
 - 6.4.2. Scrutiny
 - 6.4.3. Audit Committee
 - 6.4.4. Annual Report
- 6.5. Proceedings of Scrutiny Committees and the Audit Committee

7. The Cabinet

- 7.1. Role
- 7.2. Form and Composition
- 7.3. Leader and Cabinet Members' Term of Office
- 7.4. Proceedings of the Cabinet
- 7.5. Responsibility for Functions
- 7.6. Terms of Reference

8. The Regulatory and Other Committees

- 8.1. Regulatory and Other Committees
- 8.2. Licensing Committee
 - 8.2.1. Composition and Chair of the Committee
 - 8.2.2. Procedures and Terms of Reference
- 8.3. Planning Committee
 - 8.3.1. Composition and Chair of the Committee
 - 8.3.2. Procedures and Terms of Reference
- 8.4. Democratic Services Committee

9. The Standards Committee

- 9.1. Standards Committee
- 9.2. Composition
 - 9.2.1. Membership
 - 9.2.2. Term of Office
 - 9.2.3. Quorum
 - 9.2.4. Voting
 - 9.2.5. Community Committee Members
 - 9.2.6. Chairing the Committee
- 9.3. Role and Function
- 9.4. Meetings
- 9.5. Additional Roles of Standards Committees

10. Ward Meetings

- 10.1. Ward Meetings

11. Joint arrangements

- 11.1. Arrangements to Promote Wellbeing
- 11.2. Joint Arrangements
- 11.3. Access to Information

11.4. Delegation To and From Other Local Authorities

11.5. Contracting Out

12. Officers

12.1. Officers

12.2. Management Structure

12.2.1. General

12.2.2. Chief Officers

12.2.3. Head of Paid Service, Monitoring Officer, Chief Financial Officer and Head of Democratic Services

12.2.4. Structure

12.3. Functions of the Head of Paid Service

12.3.1. Discharge of Functions by the Council

12.3.2. Restrictions on Functions

12.4. Functions of the Monitoring Officer

12.4.1. Maintaining the Constitution

12.4.2. Ensuring lawfulness and fairness of decision making

12.4.3. Supporting the Standards Committee

12.4.4. Receiving reports

12.4.5. Conducting investigations

12.4.6. Proper Officer for access to information

12.4.7. Advising whether decisions of the Cabinet are within the Budget and Policy Framework

12.4.8. Providing advice

12.4.9. Restrictions on posts

12.5. Functions of the Chief Finance Officer

12.5.1. Ensuring lawfulness and financial prudence of decision-making

12.5.2. Administration of financial affairs

12.5.3. Contributing to corporate management

12.5.4. Providing advice

12.5.5. Giving financial information

12.6. Duty to provide sufficient resources to the Monitoring Officer, Chief Finance Officer, and Head of Democratic Services

12.7. Conduct

12.8. Employment

13. Decision-Making

- 13.1. Responsibility for decision-making
- 13.2. Principles of decision-making
- 13.3. Decisions reserved to full Council
- 13.4. Decision-making by the full Council
- 13.5. Decision-making by the Cabinet
- 13.6. Scrutiny Committees
- 13.7. Decision-making by Council bodies acting as tribunals

14. Finance, Contracts and Legal Matters

- 14.1. Financial Management
- 14.2. Contracts
- 14.3. Legal Proceedings
- 14.4. Authentication of Documents
- 14.5. Common Seal of the Council

15. Review and Revision of the Constitution

- 15.1. Duty to Monitor and Review the Constitution
 - 15.1.1. Protocol for monitoring and review of the constitution
- 15.2. Changes to the Constitution
 - 15.2.1. Approval
 - 15.2.2. Change from a Leader and Cabinet form of Cabinet to alternative arrangements

16. Suspension, Interpretation and Publication of the Constitution

- 16.1. Suspension of the Constitution
 - 16.1.1. Limit to Suspension
 - 16.1.2. Procedure to Suspend
 - 16.1.3. Rules Capable of Suspension
- 16.2. Interpretation
- 16.3. Publication

Schedule 1: Description of Cabinet Arrangements

Part 3: Responsibility for Functions

Various elements of the Council have responsibility for certain functions. The Terms of Reference, Scheme of Delegation to individual Cabinet Members and Scheme of Delegation to Individual Officers can be found within this section.

Sections:

1. Introduction
2. Responsibility for Council Functions
 - A. Functions relating to Planning and Development Control
 - B. Licensing and Registration Functions
 - C. Functions in relation to Health and Safety
 - D. Functions in relation to Elections
 - E. Functions relating to Name and Status of Areas and Individuals
 - F. Power to Make, Amend, Revoke or Re-enact Byelaws
 - G. Power to Promote or Oppose Local or Personal Bills
 - H. Functions Relating to Pensions etc.
 - I. Miscellaneous Functions
3. Responsibility for Local Choice Functions
4. Responsibility for Policy Framework
5. Responsibility for Executive Functions
6. Joint Arrangements

Appendix 1: Terms of Reference

Appendix 2: Scheme of Delegation to Cabinet Members

Appendix 3: Scheme of Delegation to Officers

Part 4: Rules of Procedure

The Council's democratic processes rely on various rules of procedure, which govern its day-to-day business. These include Standing Orders, Contract Standing Orders and Financial Regulations. Each of the Council's rules of procedure can be found within this section.

Sections:

- 1. Access to Information Procedure Rules**
 - 1.1. Scope**
 - 1.2. Additional Rights to Information**
 - 1.3. Rights to Attend Meetings**
 - 1.4. Notices of Meeting**
 - 1.5. Access to Agenda and Reports before the Meeting**
 - 1.6. Supply of Copies**
 - 1.7. Access to Minutes, etc. after the Meeting**
 - 1.8. List of Background Papers**
 - 1.9. Exclusion of Access by the Public to Meetings**
 - 1.9.1. Public and private meetings of the Cabinet**
 - 1.9.2. Confidential information – requirement to exclude public**

- 1.9.3. Exempt information – discretion to exclude public
- 1.9.4. Meaning of exempt information
- 1.10. Exclusion of Access by the Public to Reports
- 1.11. The Forward Work Programme
 - 1.11.1. Period of Forward Work Programme
- 1.12. Consultation on Proposals to be considered by the Executive
- 1.13. Urgent Decisions
- 1.14. Record of Decisions of the Cabinet
 - 1.14.1. The decision record
 - 1.14.2. Preparing the decision record
- 1.15. Scrutiny Committee Members' Access to Documents
 - 1.15.1. Rights of access and limitations of access
- 1.16. Additional Rights of Access for Members
 - 1.16.1. Rights of Access
 - 1.16.2. Nature of Rights

2.

Part 5: Codes and Protocols

The Council's elected members and employees act within agreed codes of conduct. The Members' Code of Conduct, the Employee Code of Conduct and the Protocol for Member/Employee Relations are contained in this section.

Part 6: Members' Allowance Scheme

Each year, the council adopts a scheme of allowances for its elected members. Newport's Scheme is set out in this section. This is based on the determinations of the Independent Remuneration Panel

Part 7: Management Structure

The Council's management structure is based on service areas, each overseen by a Head of Service. A Directors' Team, comprising a Head of Paid Service and Corporate Directors, oversees the Council's strategic role. Details of the management structure can be seen in this section.