**Introduction**

**The Council’s Constitution**

The Neath Port Talbot County Borough Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

Neath Port Talbot County Borough Council resolved to adopt the Leader and Cabinet Model, as its executive arrangements at its Annual Meeting in May 2002

This Constitutional framework commits the Council to providing a strong base for community partnership, including the active involvement of all Neath Port Talbot’s stakeholders. The Council is committed to ensuring that there is clear, accountable decision-making, strong community leadership and excellence in service delivery in Neath Port Talbot.

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

More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

**What’s in the Constitution?**

The Constitution is divided into 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.

This constitutional arrangement is backed by a system of Members’ Allowances informed by the deliberations of the Independent Remuneration Panel for Wales.

A protocol governs the relationships between Officers and Members of the Council.

Although the Executive, Scrutiny and Regulatory areas of activity might give the appearance of being in some way separate and differentiated from one another, they are, in reality, just aspects of the County Borough Council as a single statutory corporate body. Officers also serve the whole Authority as a single statutory body.

**How the Council Operates**

The Council was formed in April 1996 as a result of local government reorganisation. The new unitary authority, which delivers a wide range of services to a population of 139,650, is an amalgamation of the former Neath Borough Council, Port Talbot Borough Council, and part of the former Lliw Valley Borough Council and West Glamorgan County Council.

The Council is composed of 60 Councillors (or Members) elected every five years. Councillors are democratically accountable to residents of their electoral divisions. 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.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. 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).

**How Decisions are Made**

The Executive is the part of the Council which is responsible for taking most decisions. Other decisions are taken by the Council or its Committees. The Executive consists of the Executive Leader (a Councillor appointed annually by the Council) and 9 other Councillors (also appointed annually by the Council). This is known as the Leader and Cabinet Executive and those 10 Councillors comprise the Cabinet.

The Executive arrangements in this Constitution include arrangements by the Authority for the operation of a Leader and Cabinet Executive, and under which certain functions of the Authority are the responsibility of the Executive– and where Executive decisions may be taken by the Cabinet; Cabinet Committees/Boards; any officers of the Authority; or by, or jointly with, another Authority or Authorities.

The business to be considered by the Executive, Scrutiny Committees and the Council as a whole is published in the forward work programme. Meetings of the Executive, Scrutiny Committees, the Council and other Committees are open for the public to attend except where personal or confidential matters are being discussed, as defined by the law.

The Executive has to make decisions which are in line with the Council’s overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must usually be referred to the Council as a whole.

**Scrutiny**

There are 4 Scrutiny Committees which monitor the performance and decisions of the Executive, and make reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery.

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 Neath Port Talbot County Borough Council is an accountable, open and transparent organisation.

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.

They can ‘call-in’ a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the executive reconsider the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

**The Council’s Staff**

The Council has officers working for it 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. A code of practice governs the relationships between officers and members of the Council.

**Role of a Councillor**

In addition to the full council, councillors will generally sit on one or more committees.

The key roles taken by councillors are:

* executive decision-making: councillors attend full meetings of the council, and some may have specific roles in relation to policy making, delivery of services and use of resources
* scrutiny of decisions: councillors may serve on scrutiny panels, or committees which scrutinise existing policies and service delivery
* regulatory functions: some council committees, such as those that deal with planning and licensing applications, have a quasi-judicial role
* representing their ward: representing and meeting with the residents and interest groups within their ward and dealing with issues that they raise. In addition, councillors may attend community council meetings and serve on forums through which local issues can be discussed between elected members, council officers and the wider community

From time to time, councillors may also be involved in other areas, such as the development of new policies for the council.

**Citizens’ Rights**

Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council’s own processes. The local Citizens’ Advice Bureau can advise on individuals’ legal rights.

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.

The Council welcomes participation by its citizens in its work.