

Articles of the Constitution

ARTICLE 1 The Constitution

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution, and all its appendices, is the Constitution of the Neath Port Talbot County Borough Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

- (a) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations, including Town/Community Councils;
- (b) support the active involvement of citizens in the process of local authority decision-making;
- (c) provide a framework for good governance;
- (d) help councillors represent their constituents more effectively;
- (e) enable decisions to be taken efficiently and effectively;
- (f) create a powerful and effective means of holding decision-makers to public account;
- (g) ensure that no one will review or scrutinise a decision in which they were directly involved;
- (h) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and

- (i) provide a means of improving the delivery of service to the community.

1.4 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 14.

1.5 Policy Commitments

The Council adopted its Corporate Plan on 1st March 2022. The Policy Commitments are the key policy pledges that the Council has identified for delivery during this electoral cycle.

The Corporate Plan discharges our duties under the Well-Being of Future Generations (Wales) Act 2015 to set Well-being Objectives and Improvement Objectives. It describes the council's vision for Neath Port Talbot, our 4 Well-being s and our organisation values and principles that will underpin the delivery of our priorities and overall strategy.

Our objectives help deliver key Policy Commitments and show the Council's contribution to Wales' 7 national goals described within the Well-Being of Future Generations Act (the 'Act'). They describe how we will maximise this contribution to the national goals and to the social, cultural, environmental and economic well-being of Neath Port Talbot by working in line with the sustainability principles set out within the Act.

1.6 Interpretation

The Council have tried to make the Constitution as clear as possible and as easy to understand as possible. Inevitably, people will have different views about what certain passages mean.

During meetings, the person chairing at the meeting will interpret the relevant procedure rules.

In all other situations, the Monitoring Officer will determine the interpretation and application of the Constitution

ARTICLE 2

Members of the Council

2.1 Composition and Eligibility

Composition

The Council will comprise 60 members, otherwise called councillors, who will be elected by the voters of each electoral division in accordance with a scheme drawn up by the Local Government Boundary Commission for Wales and approved by the Welsh Ministers.

Eligibility

Only registered electors of the Neath Port Talbot County Borough or those living or working in the area will be eligible to hold the office of councillor.

2.2 Election of Terms of Councillors

The regular election of Councillors will be held as determined by legislation. The Terms of Office of Councillors is normally 5 years. The term starts and finishes as defined in legislation

2.3 Roles and Functions of all Councillors

Key roles

All councillors will:

- (a) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (b) participate in the governance and management of the Council;
- (c) represent their communications and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;

- (d) deal with individual casework and act as an advocate for constituents in seeking to resolve particular concerns or grievances;
- (e) balance different interests identified within the electoral division and represent the electoral division as a whole;
- (f) promote and ensure efficiency and effectiveness in the provision of Council services;
- (g) be involved in decision-making;
- (h) be available to represent the Council on other bodies; and
- (i) maintain the highest standards of conduct and ethics.

Rights and Duties

- (a) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law;
- (b) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it;
- (c) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules

2.4 Conduct

Councillors will at all times observe the Members’ Code of Conduct and the Protocol on Member/Officer Relations

2.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Member’s Allowance Scheme

ARTICLE 3

Citizens and the Council

3.1 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules:

Citizens have the right to:

- stand as a candidate at a local government election if they meet the prescribed eligibility criteria
- vote at elections if they are included in the Register of Electors and are aged 16 years or over;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution, on payment of a reasonable fee for a hard copy;
- attend meetings of the executive, the Council and its committees except where personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- find out, from the forward work programme, what business is to be considered by the executive, scrutiny committees or the Council as a whole;
- see reports and background papers considered by the executive, the Council and any of its committees and the record of any decisions made by the Council, its committees and the executive, except where they contain personal or confidential information;
- make comments, compliments and complaints to the Council about any matters the responsibility of the Council. A

complaint is one where someone feels that the Council has failed to do something or done something badly or if they feel they have been unfairly treated by the Council;

- complain to the Ombudsman if they think they have suffered injustice because the Council has not followed its procedures properly. However, they are encouraged only to do this after using the Council's own complaints process;
- complain to the Ombudsman if they have evidence which they think shows that a Councillor or co-opted member of the Council has not followed the Members' Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor;
- pursue appeals or other remedies outside the Council's complaints procedure e.g. Council Tax/Housing Benefit Appeals, Social Services complaints system, School Admission Appeals, Licensing Appeals to Magistrates Court, Planning Appeals to the National Assembly.
- Under the arrangements put in place by the Council under section 62 of the Local Government (Wales) Measure 2011, members of the public may bring to the attention of the relevant Overview and Scrutiny Committee their views on any matter under consideration by the relevant Committee. The relevant Overview and Scrutiny Committee must take into account any views brought to their attention under these arrangements
- Ask a question at a meeting pursuant to the Council's Public Speaking at Meetings Scheme
- Petition the Council pursuant to the Council's Petition Scheme

3.2 Citizens' Responsibilities

Citizens must not be violent, abusive or threatening to Councillors or Officers (which shall include inappropriate use of social media)

and must not wilfully harm things owned by the Council, Councillors or Officers.

Citizens should note that in the event that they are violent, abusive or threatening steps maybe taken in line with the Council's policies in respect of unreasonable behaviour policies. This may include the inability for a Councillor to assist a citizen in resolving an issue. Where a relationship does become unworkable as a result of such matters then alternative arrangements may have to be put in place to enable a citizen to access Council services or to address their concerns.

ARTICLE 4

The Full Council

4.1 Functions of the Full Council

The Full Council will exercise the following functions:

- (a) To adopt and change the Constitution;
- (b) To approve or adopt the policy framework and budget. The Budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits. The Full Council will decide the Council's overall revenue budget and overall capital budget and any changes to these;
- (c) Subject to the urgency procedures as detailed in this Constitution, to make decisions about any matter in the discharge of an executive function 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/or not wholly in accordance with the budget;
- (d) To appoint the Leader on an annual basis, with the reserve power to be able to remove and replace the Leader at any time;
- (e) To appoint a Deputy Leader on an annual basis, with the reserve power to be able to remove and replace the Deputy Leader at any time;
- (f) To determine the size of the Cabinet;
- (g) To determine the allocation of executive functions to be discharged by the Cabinet, Cabinet Committees, any Cabinet Members, and any Officers (and on the latter determining "Proper Officers" under statutes); and to make any changes or additions at any time;

- (h) To appoint Scrutiny Committees; and also other Committees of the Council for the purpose of discharging functions which are not the responsibility of the executive; to appoint any Member Briefing or Advisory Groups; to determine Terms of Reference and delegation arrangements as appropriate (and also the delegation of functions by Officers, and the designation of “Proper Officers” under statutes); and to make any changes, or additions at any time;
- (i)* To adopt a Members Allowances Scheme and determine members expenses arrangements;
- (j)* To deal with the following matters:-
- make or confirm the appointment of the Chief Executive and other Chief Officers of the Council;
 - functions relating to elections;
 - functions as to name and status of areas and individuals;
 - make, amend, revoke or re-enact byelaws;
 - promote or oppose local or personal Bills;
 - consider reports from the Ombudsman under Section 19 of the Public Service Ombudsman (Wales) Act 2005;
 - make Standing Orders, Contract Standing Orders, and Financial Regulations (under Part 4);
 - make an Order under Section 13(2) of the Criminal Justice and Police Act 2001 (designated public place for purposes of police powers in relation to alcohol consumption);
 - functions relating to pensions, allowances and gratuities (SI 2003 No. 2676);

- establishment of a Licensing Committee under Section 6 of the Licensing Act 2003;
- appointment of Proper Officers (Section 270(3) of the Local Government Act 1972);
- designation of an Officer as the Head of the Authority's paid service etc. (Section 4(1) of the Local Government and Housing Act 1989);
- designation of an Officer as the Monitoring Officer etc. (Section 5(1) of the Local Government and Housing Act 1989);
- to determine affordable borrowing limit (Section 3 of the Local Government Act 2003);
- approval of annual investment strategy in accordance with guidance (Section 15 of the Local Government Act 2003);
- duty to make arrangements for proper administration of financial affairs (Section 151 of the Local Government Act 1972).
- To determine whether change electoral voting methods in respect of local government in accordance with Part 1 of the Local Democracy and Elections (Wales) Act 2020. To exercise this power the Council Procedure Rules shall save that:
 - At least two third of the total number of elected members must agree
 - A resolution must be made at a meeting specially convened for this purpose
 - Written notice of the meeting must be given to all members of the Authority
 - The meeting must take place after the end of a period of 21 days beginning with the day on which the notice is given
 - The resolution will have no effect unless it is passed before 15th November of the year that is three years

before the year in which the next ordinary election of the Council is due to be held.

- Once exercise, a further resolution cannot be made until at least two ordinary elections of the Council have been held under the voting system to which it was changed.

(k)* To determine the allocation of Schedule 2 of “local choice” functions including whether some are shared between the Council, Cabinet, Cabinet Committees and other Committees of the Council; and in particular:

(i) to reserve to full Council the following functions:-

- the making of appeal arrangements under the School Standards and Framework Act 1998 (items 5 and 6 refer in Schedule 2 of regulations referred to below)
- the making of arrangements as to questions on Police matters at Council meetings
- appointments to Police Authority
- to determine, pursuant to Section 92 of the Local Government Act 2000, any payment or other benefit arising from any maladministration determined by the Ombudsman under Section 19 of the Public Service Ombudsman (Wales) Act 2005
- making of appeals arrangements under Section 52 of the Education Act 2002;
- determination, review and revision of Statement of Licensing Policy (Section 5 of the Licensing Act 2003);
- determination, review and revision of a three year Gambling Policy under Section 349 of the Gambling Act 2005;

- a resolution not to issue Casino licences under Section 166 of the Gambling Act 2005.
- (ii) to deal with appointments to outside bodies (including where related to executive functions) as a shared arrangement with the Cabinet.
- (l)* To determine procedures for the appointment of staff;
- (m) To ensure there are clear lines of communication between the Council and the Cabinet about partnership plans;
- (n) To determine any arrangements for the discharge of functions directly by or jointly with another Authority or Authorities (unless being matters within the purview of the executive);
- (o) To deal with matters referred to Council by the Cabinet or Scrutiny Committees;
- (p) To elect the Chair of the Council on an annual basis, who will be known as the Mayor;
- (q) To appoint the Vice Chair of the Council on an annual basis, who will be known as the Deputy Mayor;
- (r) To receive regular reports from the Leader and Cabinet members on executive issues;
- (s) To make compulsory purchase orders where appropriate to functions which are not the responsibility of the Executive;
- (t) Any matters which cannot be the responsibility of the executive, and which may otherwise be delegated to other Committees of the Council or Officers;
- (u) Following receipt of information under Regulation 34(1) of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 from the Head of Democratic Services, to consider whether to cancel a Member's period of family absence before it begins or bring a period of family absence to an end;

- (v) Where a Member has failed to return from a period of family absence on the date specified under Regulation 34(3), to consider whether to withhold the Member's remuneration;
- (w) To promote or oppose a private Bill in Parliament or in the National Assembly for Wales;
- (x) Approving or adopting the Single Integrated Plan, Policy Framework, the Budget and any application to the Welsh Ministers in respect of any Housing Land Transfer;
- (y) performing the corporate joint committee functions set out in Section 11 of this Constitution, including the making of a corporate joint committee application and the giving of consent to corporate joint committee regulations being made;
- (z) agreeing, reviewing and amending the Council's wellbeing objectives in accordance with section 9 of the Well-being of Future Generations (Wales) Act 2005 and the accompanying statutory guidance issued by the Welsh Government.
- (A1) consulting local people, other persons carrying on a business in the Council's area, the officers of the Council and every trade union which is recognised by the Council about the extent to which the Council is meeting its performance requirements
- (A2) preparing an annual report on the extent to which the Council has met performance requirements and to receive any annual reports from the Council's Committees
- (A3) keeping under review the extent to which it is exercising its functions effectively using its resources economically, efficiently and effectively; and its governance arrangements are effective for securing these
- (A4) receive any report of the Chief Executive's power to report to the Council on the coordination of the Council's different functions, the Council's arrangements in respect of financial planning, risk management and asset management, and the Council's staffing arrangements.

(A4) All other matters which, by law, must be reserved to the full Council.

*(*these provisions relate to the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007)*

4.2 Council Meetings

There are three types of Council meeting:

- (a) The annual meeting;
- (b) Ordinary meetings;
- (c) Extraordinary meetings

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

4.3 Responsibility for Functions

The Council will set out in this Constitution the responsibilities for the Council's functions which are not the responsibility of the executive.

4.4 Membership

All members of the Council shall be Members of Full Council

Substitution is not possible at meetings of the Council

ARTICLE 5

Chairing the Council

5.1 Role and Function of the Chair of the Council

The Chair of the Council will be known as the Mayor, who will be elected annually by the Council, and who will have the following roles and functions:

- (a) To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (b) To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- (c) To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the executive are able to hold the executive, and also committee chairmen to account;
- (d) To promote public involvement in the Council's activities;
- (e) To be the conscience of the Council;
- (f) to promote the interests and reputation of the Council and Neath Port Talbot as a whole and act as an ambassador for both, and undertake civic, community and ceremonial activities and foster community identity and pride
- (g) To receive complaints (referred to her/him) by the Head of Democratic Services) regarding a decision made by the Council under Regulation 34(2) of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 and to refer such complaints to the Family Absence Appeal Panel;
- (h) To receive applications from a Member on maternity absence or parental absence under the Family Absence Regulations to attend particular meetings or descriptions of meetings, or

to perform particular duties or duties of a particular description, and to determine those applications after informing the leaders of each political group of the Council;

- (i) To receive complaints (referred by the Head of Democratic Services) in respect of a decision by the Mayor regarding a refusal of permission under paragraph 8 for a referral to the Family Absence Appeals Panel.

5.2 The Vice Chair of the Council

The Vice Chair of the Council will be known as the Deputy Mayor, who will be appointed annually by the Council, and who will deputise for the Mayor when required or requested.

ARTICLE 6

Scrutiny Committees

The Council is required by Law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. Scrutiny Committees should be powerful committees that can contribute to the development of Council policies and also hold the Cabinet to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies. Overview and scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants. Overview and Scrutiny Committees not shy away from the need to challenge and question decisions and make constructive criticism.

The main aim of scrutiny is to 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

The overview & scrutiny function was set up under Section 21 of the Local Government Act 2000. Every local council needs to have at least one overview& scrutiny committee.

It is expected that the work of scrutiny should represent a significant and constructive programme of activities that will

- (a) Help improve services;
- (b) Provide an effective challenge to the executive;
- (c) Engage Members in the development of policies, strategies and plans; and
- (d) Engage the public.

In practical terms the work of overview & scrutiny follows four stages:

- (a) Work planning to identify issues and decide how to address them;
- (b) Gathering evidence through consultation and research;
- (c) Making recommendations to the Cabinet, to Council and to other decision making bodies;
- (d) Following up to check that agreed actions have been taken and an impact made.

One of the roles of the Head of Democratic Services under section 8 of The Measure is to promote the role of the Council's Scrutiny Committees and to promote support and guidance to Council Members and Officers generally about the functions of the Scrutiny Committee.

6.1 General Roles

The Council will appoint Scrutiny Committees to discharge the following functions conferred by Section 21 of the Local Government Act 2000:-

- (a) To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive;
- (b) To make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive;
- (c) To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive;
- (d) To make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive;
- (e) To make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area.
- (f) recommend to Council the appointment of people as non-voting co-optees. In exercising or deciding whether to exercise a co-option, the Council must, under section 76 of The Measure, have regard to guidance given by the Welsh Ministers and comply with directions given by them

The power of a Scrutiny Committee under (a) above, to review or scrutinise an executive decision made but not implemented, includes power to recommend that the decision be reconsidered by the person who made it, or to arrange for its function under (a) above so far as it relates to the decision, to be exercised by the

authority. This is known as the “call-in” power, the details of which are covered in Part 4 under the Scrutiny Procedure Rules.

6.2 The Committees and Specific Roles

In discharging the functions conferred by Section 21 of the Local Government Act 2000 and Section 35 of the Well-being of Future Generations (Wales) Act 2015, the Council will appoint the Scrutiny Committees set out in Part 3 of this Constitution, with the specific roles and terms of reference as set out therein.

Scrutiny may:

- a) Assist the Council in reviewing service delivery and performance through in-depth analysis;
- b) Review and scrutinise the decisions made by and the performance of the Cabinet and/or Committees and/or other Constitutional Bodies and the Council and/or any Chief Officers both in relation to individual decisions and over time;
- c) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- d) Conduct research, community and other consultation in the analysis of service or policy issues and possible options;
- e) Consider and implement mechanisms to encourage and enhance community participation in the development of policy or the improvement of services;
- f) Question Members of the Cabinet and/or Committees and/or other Constitutional bodies and appropriate Officers about their proposed policies, decisions and performance;
- g) Make recommendations to the Cabinet and/or appropriate Committee and/or other constitutional bodies and/or Council arising from the outcome of the overview & scrutiny process;
- h) Review and scrutinise the performance of other public bodies in the area and invite reports from them about their activities and performance;
- i) Question and gather evidence from any person outside of the Authority (with their consent).
- j) Assist the Council and the Cabinet in the review of its budget and policies by in-depth analysis of policy issues;

- k) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that collaborative working enhances the interests of local people.

6.3 Proceedings of Scrutiny Committees

The Scrutiny Committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules and overarching Council Procedure Rules

Two or more local authorities may agree, or be required, to appoint a joint Scrutiny Committee by arrangements made under section 58 of The Local Government (Wales) Measure 2011 and regulations made thereunder

6.4 Scrutiny of the Public Services Board

The Scrutiny Committees may:

- (a) review or scrutinise decisions made, or other action taken, by the Public Services Board;
- (b) review or scrutinise the Public Services Board's governance arrangements;
- (c) make reports or recommendations to the Public Services Board with respect to the board's functions or governance arrangements;
- (d) consider such matters relating to the board as the Welsh Ministers may refer to it and to report to the Welsh Ministers accordingly; and
- (e) copy reports to the Public Services Board regarding the board's functions and governance arrangements to: -
 - (i) the Welsh Ministers;
 - (ii) the Future Generations Commissioner for Wales; and
 - (iii) the Auditor General for Wales.
- (f) require one or more of the attendees at the Public Services Board, or anyone designated by such a person, to attend a

meeting of the Scrutiny Committee and provide it with explanations of such matters as it may specify.

ARTICLE 7

The Executive: Leader and Cabinet

7.1 Role

The Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.2 Form and Composition

The Executive consists of the Executive Leader (a Councillor appointed annually by the Council) and 8 other Councillors (also appointed annually by the Council). This is known as the Leader and Cabinet Executive and those 9 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 (which will include Cabinet Committees) – and where Executive decisions may be taken by the Cabinet; Cabinet Committees; any officers of the Authority; or by; or jointly with, another Authority or Authorities.

7.3 Leader

The Leader will be a Councillor annually elected to the position of Leader by the Council at its Annual Meeting. The Leader will hold office until the next Annual Meeting, unless before then:-

- (a) He/she resigns from the office; or
- (b) He/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) He/she is no longer a Councillor; or
- (d) He/she is removed from office by resolution of the Council; or
- (e) There are ordinary elections to the Council in which case the office will run from the Annual Meeting to the date of the election.

7.4 Deputy Leader

The Deputy Leader will be a Councillor annually elected to the position of Deputy Leader by the Council at its Annual Meeting. The Deputy Leader will hold office until the next Annual Meeting, unless before then:-

- (a) He/she resigns from the office; or
- (b) He/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) He/she is no longer a Councillor; or
- (d) He/she is removed from office by resolution of the Council;
- (e) There are ordinary elections to the Council in which case the office will run from the Annual Meeting to the date of the election.

7.5 Other Cabinet Members

Full Council will appoint Cabinet with the reserve power to be able to remove and replace any members, individually or collectively, from the Cabinet or Cabinet Committees at any time. They will hold office until the date of the next Annual Meeting unless before then:-

- (a) Any member resigns from the office; or
- (b) Any member is suspended from being a Councillor under Part III of the Local Government Act 2000 (although the member may resume office at the end of the period of suspension); or
- (c) Any member is no longer a Councillor; or
- (d) Any members, either individually or collectively, are removed from office by resolution of the Council; or

- (e) There are ordinary elections to the Council in which case the office will run from the Annual Meeting to the date of the election.

The Council may at any time determine that individual Cabinet Members can discharge executive functions. But in the absence of any such formal delegations, the Council will in any event determine “Cabinet Portfolios” for individual Cabinet members – a “Portfolio” being a range of issues apportioned to a Cabinet member (as set out in Part 3) but without authority to formally discharge executive functions individually, unless so authorised by Council in this Constitution.

7.6 Cabinet Committees

Full Council will annually appoint Cabinet Committees with the reserve power to be able to remove and replace any members, individually or collectively, from the Cabinet or Cabinet Committees at any time. unless before then:-

- (a) Any member resigns from the office; or
- (b) Any member is suspended from being a Councillor under Part III of the Local Government Act 2000 (although the member may resume office at the end of the period of suspension); or
- (c) Any member is no longer a Councillor; or
- (d) Any members, either individually or collectively, are removed from office by resolution of the Council, or the Council dissolves a Committee at any time; or
- (e) There are ordinary elections to the Council in which case the office will run from the Annual Meeting to the date of the election.

7.7 Deputy Cabinet Advisers / Assistants to the Executives

In accordance with Schedule 1 of the Local Government Act 2000, the Leader or the Council may appoint members of the Authority as Deputy Cabinet Advisers with a role to advise and support the

cabinet member in relation to matters which are the responsibility of that cabinet member or the cabinet collectively.

Deputy cabinet advisers may attend Cabinet and Cabinet Committee meetings, on invitation from the Leader in respect of the Cabinet or from Cabinet Committee members in respect of their meetings, including in private session.

Deputy cabinet advisers cannot vote on any matters before the Cabinet, or Cabinet Committee, neither can they formally substitute for a cabinet member in an executive capacity, except that they can attend in the absence of a Cabinet member, but only in a non-voting advisory capacity.

The same principles as to attendance at executive meetings apply to any other members of Council.

7.8 Job Sharing

Two or more members may be appointed as a Cabinet Member on a job sharing basis (provided that the number of executive members does not exceed 13 in total and where at least three of the members have been appointed to share office).

The job share Cabinet Members have between them one vote in respect of any matter on which they have a right to vote.

Where any meetings is attended by more than one of the Cabinet Members who share the same office and those members are attending in their capacity as Cabinet Member they together count only as one person for the purpose of determining whether the meeting is quorate.

7.9 Member Champions

The Leader may appoint Member Champions for specific areas of the Council's business in order to assist the Leader and appropriate portfolio holders by advising on service issues across all Directorates

7.10 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Procedures Rules set out in Part 4 of this Constitution.

7.11 Responsibility for Functions

The Council will set out in this Constitution the allocation of executive functions to be discharged by the Cabinet; Cabinet Committees; any Cabinet Members (if so determined by the Council); or any Officers of the Authority.

7.12 Additional Duties of Leader

Pursuant to the Wellbeing of Future Generations Act 2015, the Leader shall be one of the Council's two representatives at meetings of the Public Services Board. The Leader (shall at their own discretion) designate another member of the Cabinet to attend a meeting of the Public Services Board in their absence.

The Leader shall be the Council member of the South West Wales Corporate Joint Committee. Where the Leader is unable to discharge their functions in respect of the South West Wales Corporate Joint Committee, the Council shall appoint another member of the Cabinet to discharge those functions on behalf of the Council.

ARTICLE 8

Regulatory and Other Committees

8.1 Regulatory and Other Committees

The Council will appoint the Committees set out in Part 3 of this Constitution to discharge the functions set out therein.

8.2 The Governance and Audit Committee

The Council will appoint a Governance and Audit Committee of this Constitution to discharge the functions set out therein.

8.3 Democratic Services Committee

The Council will appoint a Democratic Services Committee to discharge the functions set out there in. Committee to comprise elected Members only, with one Executive (Cabinet) Member (who is not the Leader).

8.4 Procedural Rules

The Council procedure rules shall apply for any meetings convened under this Article 8.

ARTICLE 9

The Standards Committee

9.1 Standards Committee

The Council will establish a Standards Committee

9.2 Composition

Membership

The Standards Committee will be composed of seven members. Its membership will include:

- (a) Four 'independent' members, who are not either a councillor or an officer or the spouse of a councillor or an officer of this Council or any other relevant authority as defined by the Act, appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001 (as amended);
- (b) Two Councillors (other than the leader and not more than one member of the executive) together with one substitute Councillor;
- (c) One member of a Community Council wholly or mainly in the Council's area (a 'community committee member') together with a maximum of two substitute members.

Term of Office

- (a) That Independent Members be appointed for not less than four years, and no more than six years subject to one further consecutive term which cannot then exceed four years;
- (b) Members of the local authority who are members of the Standards Committee will have a term of office of no more than four years or until the next ordinary local government election following their appointment, whichever is the shorter. They may be reappointed for 1 further consecutive term;
- (c) That the Community Council Member and any substitute be appointed for no more than four years, or until the next

election of the Community Council of which they are a Member whichever is the shorter, subject to reappointment for one further consecutive term.

Quorum

A meeting of the Standards Committee shall only be quorate when:

- (a) At least three members, including the Chairperson (or in absence, the Vice Chairperson), are present, and
- (b) At least half the members present (including the Chairperson) are independent members.

Voting

Independent members and community committee members will be entitled to vote at meetings. However, any persons who are not Members of the Council are not entitled to vote at any meeting.

Community Committee Members

A community committee member shall not take part in the proceedings of the standards committee when any matter relating to their community council is being considered.

Chairing the Committee

- (a) Only an independent member of the Standards Committee may be the Chairperson;
- (b) That the Chair and Vice Chair of the Standards Committee be elected by the Members of that Committee from its Independent Members for a period of not less than four years and no more than six years, or until the term of office of that person comes to an end, this would allow the Chair or Vice Chair to serve a second term as an Independent Member;
- (c) The election of a chairperson will be the first item of business for the Standards Committee.

9.3 Role and Function

The Standards Committee will have the roles and functions as set out in this Constitution.

ARTICLE 10

Joint Arrangements

10.1 Arrangements to Promote Well Being

The Council, or the Executive, in order to promote the economic, social or environmental well-being of its area, 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.

10.2 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with those other local authorities;
- (b) The executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with those other local authorities;
- (c) The executive may appoint executive and/or non-executive members to a Joint Committee exercising executive functions, and political balance requirements shall not apply to the appointment of such Members;
- (d) The executive may appoint members to a joint committee from outside the executive where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the executive may appoint to the

joint committee any Councillor who is a member for an electoral division which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.

- (e) In accordance with the Local Government and Elections (Wales) Act 2021, the Authority may be required to enter into Corporate Joint Committees or Joint Committees pursuant to regulations or may wish to enter into one. The Council will comply with any such legislation enacted specifying the same.
- (f) Details of any joint arrangements including any delegations to joint committees will be found in this Constitution.
- (h) When considering whether to establish a joint committee, regard shall be had to guidance issued by the Welsh Ministers about establishing joint committees and the circumstances in which it is appropriate to do so

10.3 Access to Information

- (a) The Access to Information Procedure Rules in 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 the executive;
- (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.

10.4 Delegation to and from Other Local Authorities

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority;

- (b) The executive may delegate executive functions to another local authority or the executive of another local authority in certain circumstances;
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

10.5 Contracting Out

The Council and the Executive may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

10.6 Corporate Joint Committees

Corporate joint committees may be established at the instigation of the Welsh Ministers, to undertake the Council's transport, strategic planning, economic development and/or improving education functions; or at the instigation of the Council, to undertake any of the Council's functions.

The Council may, jointly with one or more other local authorities make a joint committee application to the Welsh Ministers, asking them to consider making regulations under section 72 of the Local Government and Elections (Wales) Act 2021 establishing a corporate joint committee to exercise a function of those authorities or the economic wellbeing function in relation to the principal areas of those authorities.

The Council shall not make such an application unless and until it has consulted: -

- (a) local people in the Council's area;
- (b) community councils in the Council's area;
- (c) the National Park authority for a National Park, any part of which is in the Council's area;
- (d) the Public Services Board;

- (e) every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992) by the Council; and
- (f) such other persons as the Council considers appropriate.

The Council may, jointly with all other local authorities for the principal areas in a corporate joint committee's area, make an application to the Welsh Ministers asking them to consider making regulations under section 80 of the Local Government and Elections (Wales) Act 2021 to amend or revoke joint committee regulations which establish a corporate joint committee of which the Council is a member.

The Council may not exercise the power above to ask the Welsh Ministers to amend corporate joint committee regulations so as to omit or modify a function which relates to the Council's transport, strategic planning, economic development or improving education functions.

ARTICLE 11

Officers

11.1 Management Structure

General

The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions. The use of the word “officers” in this Constitution means all employees and staff engaged by the Council to carry out its functions, including where appropriate, those engaged under agency or other non-employed situations

Chief Officers

The full Council will engage persons for the following posts, who will be designated Chief Officers; their specific and Directorate responsibilities will be set out in their job descriptions:-

Post	Broad Functions and Areas of Responsibility
Chief Executive	<ul style="list-style-type: none">• Overall corporate management and operational responsibility (including overall management responsibility for all officers);• The provision of professional and impartial advice to all parties in the decision making process (the executive, scrutiny committees, the full council and other committees);• Responsibility for a system of record keeping for all the authority’s decisions (executive or otherwise);• shall be one of the Council’s two representatives at meetings of the Public Services Board.• Representing the authority on partnership and external bodies (as required by statute or the council); and

	<ul style="list-style-type: none"> • Service to the whole council, on a politically neutral basis. • Keep each of the matters specified below under review, and where the chief executive considers it appropriate to do so, make a report to the council setting out the chief executive's proposals in respect of any of those matters. The matters are— <p>(a)the manner in which the exercise by the council of its different functions is co-ordinated;</p> <p>(b)the council's arrangements in relation to (i)financial planning (ii)asset management, and (iii)risk management;</p> <p>(c)the number and grades of staff required by the council for the exercise of its functions;</p> <p>(d)the organisation of the council's staff;</p> <p>(e)the appointment of the council's staff;</p> <p>(f)the arrangements for the management of the council's staff (including arrangements for training and development).</p>
<p>Director of Education Leisure and Lifelong Learning</p>	<p>Education, School Improvement; Lifelong Learning; Leisure/Culture Services</p>
<p>Director of Environment and Regeneration</p>	<p>Development Control; Local Development Plan; Economic Development; Transportation/Highways; Engineering/Waste Management; Streetcare Services; Property Services, Environmental Health Services and Trading Standards</p>

Director of Social Services, Health and Housing	Social and Welfare Services, Children's Services, Housing related issues
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Chief Executive, Chief Finance Officer and Monitoring Officer

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Chief Executive
Chief Finance Officer	Chief Finance Officer (Section 151 Officer)
Director of Education, Leisure and Lifelong Learning	Lead Director of Children and Young People's Services / Director of Education
Director of Social Services, Health and Housing	Director of Social Services. Section 6 of the Local Authority Social Services Act 1970 states that "A Local Authority in Wales shall appoint an Officer, to be known as the Director of Social Services, for the purposes of their social services functions.
Head of Legal and Democratic Services	Monitoring Officer, Proper Officer for Registration Matters and Data Protection Officer
Democratic Services Manager	Head of Democratic Services

Such posts will have the functions described in article 11.2 – 11.4 below.

Structure

The Chief Executive will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

11.2 Functions of the Chief Executive

Discharge of Functions by the Council

The Chief Executive will report to Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

Restrictions on Functions

The Chief Executive may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

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

- (i) the Institute of Chartered Accountants in England and Wales;
- (ii) the Chartered Association of Certified Accountants;
- (iii) the Chartered Institute of Public Finance and Accountancy;
- (iv) the Chartered Institute of Management Accountants; or
- (v) any other body of accountants established in the United Kingdom and for the time being approved by the Welsh Ministers for this purpose.

11.3 Functions of the Chief Finance Officer

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 full Council or to the executive in relation to an executive function and the Council'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 Council is about to enter an item of account unlawfully.

Administration of Financial Affairs

The Chief Finance Officer will have responsibility for the proper financial administration and stewardship of the Council. The statutory duties arise from:-

- Section 151 Local Government Act 1972
- Local Government and Finance Act 1988
- Local Government and Housing Act 1989
- Accounts and Audit Regulations 2005

Contributing to Corporate Management

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

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.

Advising whether Decisions of the Executive are within the Budget and Policy Framework

The Chief Finance Officer will advise whether decisions of the executive are in accordance with the budget and policy framework.

Give Financial Information

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

11.4 Functions of the Monitoring Officer

Ensuring Lawfulness and Fairness of Decision Making

After consulting with the Chief Executive and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the executive in relation to an executive 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.

Supporting the Standards Committee

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

Receiving Reports

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

Conducting Investigations

The Monitoring Officer will conduct investigations into matters referred by the Ombudsman and make reports or recommendations in respect of them to the Standards Committee.

Advising whether Decisions of the Executive are within the Budget and Policy Framework

The Monitoring Officer will advise whether decisions of the executive are in accordance with the budget and policy framework.

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.

Restrictions on Posts

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

Appoint a Deputy Monitoring Officer

The Monitoring Officer may appoint a Deputy Monitoring Officer in accordance with Section 5(7) of the Local Government & Housing Act that shall be capable of exercising the powers of Monitoring Officer, where the Monitoring Officer is unable to act due to his/her absence or illness in respect of Section 5 of the Local Government & Housing Act 1989 and in respect of all other related functions.

Constitution

To ensure copies of the Constitution and the Constitution Guide Document are available at the Council's Offices and on the Council's website.

11.5 Functions of the Deputy Monitoring Officer

That Mr. Michael Shaw, Principal Solicitor Litigation, or such other person as nominated by the Authority's Monitoring Officer, is delegated to act as the Authority's Deputy Monitoring Officer in circumstances where the Monitoring Officer is unable to act due to his/her absence or illness pursuant to Section 5 of the Local Government & Housing Act 1989 and in respect of all other related functions.

11.6 Functions of Head of Democratic Services

The Council shall appoint a Head of Democratic Services to undertake the following functions:

- (a) to provide support and advice to the authority in relation to its meetings
- (b) to provide support and advice to committees of the Council (
- (c) to provide support and advice to any joint committee which a local authority is responsible for organising and the members of that committee;
- (d) to promote the role of the Council's overview and scrutiny committee or committees;
- (e) to provide support and advice to—
 - (i) the Council's overview and scrutiny committee or committees and the members of that committee or those committees, and

- (ii) the Council's democratic services committee and the members of that committee;
- (f) to provide support and advice in relation to the functions of the Council overview and scrutiny committee or committees to each of the following—
 - (i) members of the Council;
 - (ii) members of the executive of the Council;
 - (iii) officers of the Council;
- (g) to provide support and advice to each member of the authority in carrying out the role of member of the Council
- (h) to make reports and recommendations in respect of any of the following—
 - (i) the number and grades of staff required to discharge democratic services functions;
 - (ii) the appointment of staff to discharge democratic services functions;
 - (iii) the organisation and proper management of staff discharging democratic services functions;
- (i) such other functions as may be prescribed by legislation.

Restrictions on Posts

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

11.7 Duty to Provide Sufficient Resources to the Chief Executive, Chief Finance Officer, Head of Democratic Services, Data Protection Officer and the Monitoring Officer

The Council will provide the Chief Executive, Chief Finance Officer, Head of Democratic Services, Data Protection Officer and the Monitoring Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.8 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations

11.9 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules

ARTICLE 12

Decision Making

12.1 Responsibility for Decision Making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

12.2 Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:

- (a) To have regard to all relevant considerations and ignore all irrelevant factors set out in *Associated Picture Palaces v Wednesbury Corporation* [1948] 1KB223;
- (b) Realistic evaluation of alternatives and due consultation through effective access for the public to decision making and decision makers;
- (c) Proportionality (i.e. the action must be proportionate to the desired outcome);
- (d) The taking of professional advice from officers;
- (e) Respect for human rights;
- (f) A presumption in favour of openness;
- (g) Clarity of aims and desired outcomes; and
- (h) Explaining the reasons for decisions, providing a record of any personal interest declared and any dispensation to speak granted by the authority's Standards Committee.

The Council will ensure that decision making of any kind and by any person has the aim of carrying out sustainable development in accordance with the Wellbeing of Future Generations (Wales) Act 2015 and will ensure that all decision making has the effect of

improving the economic, social, environmental and cultural wellbeing of the Neath Port Talbot locality and Wales.

All decision making and reports shall conform with any guidance issued by the Chief Executive or their nominated representative

12.3 Decisions Reserved to Full Council

Decisions relating to the functions listed in Article 4.1 will be made by the full Council and not delegated, unless the Council determines otherwise in accordance with any statutory provisions in force.

12.4 Decision Making by the Full Council

Subject to Article 12.8, the Council Meeting will follow the Council Procedures Rules =

12.5 Decision Making by the Executive

Subject to Article 12.8, the executive will follow the Executive Procedures Rules.

12.6 Decision Making by Scrutiny Committees

Scrutiny Committees will follow the Scrutiny Procedures Rules

12.7 Decision Making by Other Committees and Sub-Committees of the Council

Subject to Article 12.8, other Council Committees and Sub-Committees will follow those parts of the Council Procedures Rules

12.8 Decision Making by Council Bodies Acting as Tribunals

The Council, a Councillor or an Officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

12.9 Decision by Officers

This Constitution sets out where decisions are able to be made by officers of the Council. Provided always that the decision is:

- a) within budget;
- b) in accordance with this Constitution
- c) in accordance with their Service Area Business Plan; and
- d) not a matter specifically reserved for Council, a Committee of the Council, the Cabinet, the Chief Executive, Chief Finance Officer, Monitoring Officer, Director of Education, Director of Social Services, Data Protection Officer and Head of Democratic Services

the Chief Executive, Chief Finance Officer, Monitoring Officer, Head of Democratic Services, Corporate Directors and Heads of Service shall be authorised to make any decisions relating to any matter within their area of responsibility including, for the avoidance of doubt, any matter specifically delegated and to take appropriate action, which is necessary, to ensure the efficient, equitable and effective delivery of services.

ARTICLE 13

Finance, Contracts and Legal Matters

13.1 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules

13.2 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules.

The Chief Executive, Corporate Directors and Heads of Service are able to procure works, goods, services and/or supplies and manage all aspects of the contract subject to compliance with Financial Procedure Rules, Contracts Procedure Rules and the Policy and Budget Framework.

13.3 Legal and Other Proceedings

The Head of Legal and Democratic Services is authorised to institute, defend or participate in any legal proceedings: including court actions; those of Tribunals, Arbitrations and/or Forums involving dispute resolutions; he/she is also authorised to instruct Counsel, engage expert witnesses and to do all other things to facilitate the conduct of cases in the Council's name; including, as deemed appropriate, to settle and otherwise compromise actions (whether during the conduct of court proceedings, prior to issue of court proceedings or to resolve any ombudsman complaint).

The Head of Legal and Democratic Services is Solicitor to the Council, or any part of it, hence all proceedings and court actions are entered in his or her name and all representation organised through him/her.

The Head of Legal and Democratic Services is also authorised to instruct Counsel to provide advice to the Authority on any matters relating to the carrying out of its functions and to represent the Authority at Inquiries (of whatever nature) where he/she deems it necessary in the Authority's interests to do so.

13.4 Authentication or Signature of Documents

Where it is necessary and proper that any document be authenticated or signed in respect of any matter on behalf of the Council, or any part of it, the Chief Executive or the Chief Finance Officer or the Head of Legal Services shall so authenticate or sign as the “Proper Officer”, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person, to also authenticate or sign any document.

Any contract with a value exceeding £75,000 entered into on behalf of the Council, or any part of it, shall be in writing and signed by a “Proper Officer” as designated above.

13.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal and Democratic Services. A decision of the Council, 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 Head of Legal Services should be sealed. The affixing of the Common Seal will be attested by the Head of Legal and Democratic Services or the Chief Executive, or Director of Finance or Corporate Services as “Proper Officer”, or such other Officer as may be authorised by the Council.

Any entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made by the [Head of Legal and Democratic Services and consecutively numbered in a book to be provided for the purpose

ARTICLE 14

Review and Revision of the Constitution

14.1 Duty to Monitor and Review the Constitution

The Chief Executive, with the Monitoring Officer and Head of Democratic Services, will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. They will also maintain an up-to-date version of the Constitution and will ensure that it is available for members, staff and the public.

A key role for the Monitoring Officer is to make recommendations for ways in which the Constitution could be amended in order to better achieve the purposes set out in this Section. In undertaking this task, the Monitoring Officer may observe meetings of different parts of the Member and Officer structure, undertake an audit trail of a sample of decisions; record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and compare practices in this Council with those in comparable authorities, or national examples of best practice.

14.2 Changes to the Constitution

Approval

Subject to Paragraph 3 of Section 1 of Part 3, changes to the Constitution will only be approved by the full Council, which may be at any time, after consideration of the proposal by the Chief Executive, with the Monitoring Officer and the Head of Legal Services except where any changes are to make any updates required by:

- (a) Legislation;
- (b) A minor variation;
- (c) Changes to the Officer structure or changes of responsibility within the Officer Structure;
- (d) required to be made to remove any inconsistency, ambiguity or typographical correction;
- (e) required to be made so as to put into effect any decision of the Council or its committees; or

(f) The need to correct any administrative or typing errors.

Changes to the Constitution which fall under sub paragraphs (a) to (f) above maybe made solely by the Monitoring Officer

ARTICLE 15

Suspension, Interpretation and Publication of the Constitution

15.1 Suspension of the Constitution

Limit to Suspension

The Articles of this Constitution may not be suspended. The Rules of Procedure in Part 4 may be suspended to the extent permitted within those Rules and the law.

Procedure to Suspend

A motion to suspend any of the Procedural Rules will not be moved without notice unless at least one half of the whole number of Councillors for the relevant meeting are present.

The requirement of at least one half of the whole number of Councillors for the relevant meeting are present is to demonstrate that the Constitution should only be suspended in limited circumstances. 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.

15.2 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purpose of this Constitution contained in Article 1.

15.3 Publication

- (a) The Chief Executive will provide a summary of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council. A full copy will also be made available electronically along with a summary pursuant to the Local Government and Elections (Wales) Act 2021.

- (b) The Chief Executive will ensure that copies are available for inspection at council offices and hard copies can be purchased by members of the local press and the public on payment of a reasonable fee.

- (c) The Chief Executive will ensure that this Constitution and a summary of the Constitution are available electronically on the Council's website (www.npt.gov.uk)

ARTICLE 16

Future Generations and General Power of Competence

16.2 Future Generations

The Council is committed to fulfilling its obligations under the Wellbeing of Future Generations (Wales) Act 2015 and will ensure that all of its decisions meets the requirement of this legislative enactment.

The Council is committed to ensuring that all its decisions aims to contribute towards:

- a prosperous Wales
- a resilient Wales
- a healthier Wales
- a more equal Wales
- a Wales of cohesive communities
- a Wales of vibrant culture and thriving Welsh Language
- a globally responsible Wales

16.1 Power of Competence

The Council (in accordance with the requirements of this Constitution and all legislative provisions, case law and statutory guidance shall be entitled to do anything that individuals generally may do, even if that thing is, in nature or extent or otherwise unlike anything an authority similar to this one or another public body may do.

The Council shall be entitled (subject to the limitations identified in Part II of the Local Government and Elections (Wales) Act 2021 to use this power

- throughout Wales or elsewhere
- to do anything for a commercial purpose or otherwise for a charge or without a charge
- for the benefit of the Authority, its area or persons resident or present in the Neath Port Talbot area.

The Council shall not be entitled to use the power to do anything that the Authority is unable to do by virtue of a specific legislative limitation.