

CONSTITUTION – EASY GUIDE

The Constitution is a series of documents referred to as Sections, which together form the rules, procedures, protocols and guiding principles within which the Council operates and takes decisions.

The Constitution is approved by the Members of the County Council save for minor amendments which can be approved by the Monitoring Officer, and the Planning Protocol (Section 19) which is approved by the Planning, Taxi Licensing and Rights of Way Committee.

Set out below is a brief outline of what is included in each Section of the Constitution:

Section 1 Introduction

This Section includes:

Content	Rule(s)
• Purpose and Content of the Constitution	1.1 – 1.6
• How the Council Operates	1.7 – 1.9

Section 2 Purpose, Definition, Interpretation and Amendment of the Constitution

This Section includes:

Content	Rule(s)
• Purpose of the Constitution	2.1
• Definitions in the Constitution	2.2
• Interpretation of the Constitution	2.3
• Duty to Monitor and Review the Constitution	2.4
• Protocol for Monitoring and Review of the Constitution by the Monitoring Officer	2.5
• Changes to the Constitution	2.6 – 2.8
• Suspension of the Constitution	2.9 – 2.10
• Publication	2.11

Section 3 Getting Information and Getting Involved

This Section includes:

Content	Rule(s)
• Information Available to Members of the Public	3.1 – 3.8
• Information Available to Councillors	3.9
• Information Given in Confidence	3.10
• Information Not Available to Members of the Council	3.11 – 3.12
• Members of Scrutiny Committees	3.13 – 3.14
• Information Available to Officers	3.15

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• Information Not Available to Officers	3.16
• Getting Involved - Public	3.17
• Getting Involved - Members	3.18

Section 4 Full Council

This Section includes:

Content	Rule(s)
• Introduction	4.1
• The Policy Framework	4.2
• The Single Integrated Plan (The One Powys Plan)	4.3
• The Budget	4.4
• Housing Land Transfer	4.5
• Functions of the Full Council	4.6 – 4.8
• Chairing the Council	4.9 – 4.12
• Council Meetings	4.13
• Rules of Procedure and Debate	4.14
• Council Procedure Rules - Annual Meeting of the Council	4.15 – 4.17
• Ordinary Meetings	4.18
• Extraordinary Meetings	4.19 – 4.20
• Time, Place and Duration of Meetings	4.21 – 4.22
• Notice of and Summons to Meetings	4.23
• Chair of Meeting	4.24
• Conduct of Meeting	4.25
• Quorum	4.26
• Remote Attendance	4.27
• Questions by Councillors	4.28 – 4.36
• Motions on Notice	4.37 – 4.43
• Rules of Debate	4.44 – 4.59
• Previous Decisions and Motions	4.60 – 4.61
• Voting	4.62 – 4.74
• Minutes	4.75 – 4.77
• Record of Attendance	4.78 – 4.80
• Exclusion of Public	4.81
• Members' Conduct	4.82 – 4.88
• Disturbance by Public	4.89 – 4.90
• Filming, Audio Recording and Use of Social Media During Meetings	4.91
• Suspension and Amendment of Council Procedure Rules	4.92 – 4.93
• Officer Advice	4.94 – 4.95
• Attendance of Cabinet Members at Council Meetings	4.96
• Petitions	4.97 – 4.98
• All Council Seminars / Member Development Sessions	4.99

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Section 5 The Cabinet

This Section includes:

Content	Rule(s)
• Introduction	5.1
• Form and Composition of the Cabinet	5.2 – 5.8
• Delegation of Functions	5.9
• Responsibility for Functions When There is No Cabinet	5.10
• Rules of Procedure and Debate	5.11
• Cabinet Procedure Rules	5.12 – 5.29
• Delegation by the Leader	5.12
• Sub-Delegation of Executive Functions	5.13
• The Council's Scheme of Delegation and Executive Functions	5.14
• Conflicts of Interest	5.15
• Cabinet Meetings	5.16
• Public or Private Meetings of the Cabinet	5.17
• Quorum	5.18
• How Are Decisions Taken by the Cabinet	5.19
• How Are Cabinet Meetings Conducted	5.20 – 5.26
• Who Chairs	5.20
• Who May Attend	5.21
• What Business	5.22
• Consultation	5.23
• Who Can Put Items on the Cabinet Agenda	5.24
• Speaking at Meetings	5.25
• Rights of Chairs of Scrutiny Committees to Speak at Meetings	5.26
• Disturbance by the Public, Filming, Audio Recording and Use of Social Media	5.27
• Format of Reports for Cabinet Decisions	5.28
• Call-In of Decisions	5.29

Section 6 The Leader

This Section includes:

Content	Rule(s)
• Election	6.1 – 6.2
• Term of Office	6.3
• Resignation, Dismissal, Disqualification and Suspension	6.4 – 6.7
• Functions and Delegated Authority	6.8 – 6.13
• Membership of the Cabinet	6.8
• Role of the Leader	6.9
• The Executive Scheme of Delegations	6.10
• Meetings of the Cabinet	6.11

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• Chairing Cabinet Meetings	6.12
• Appointments of Representatives to Outside Bodies	6.13
• Deputy Leader(s)	6.14 – 6.17

Section 7 Scrutiny Committees

This Section includes:

Content	Rule(s)
• Introduction	7.1 to 7.2
• Scrutiny Committees, Role, Scope and Membership	7.3 to 7.5
• Functions	7.6 to 7.11
• Who May Sit on Scrutiny Committees?	7.12 to 7.13
• Chair of Scrutiny Committees	7.14 to 7.15
• Work Programmes and Meetings	7.16 to 7.17
• Rules of procedure and Debate (Scrutiny Procedure Rules)	7.18 to 7.35
• Call-In Procedure Rules	7.36 to 7.37
• Co-ordinating Committee	7.38 to 7.39
• Finance Panel	7.40 to 7.41
• Public Service Board Scrutiny Committee	7.42 to 7.44
• Councillor Call for Action	7.45 to 7.51
Appendix 1 – Call-In Request	
Appendix 2 – Call-In Notice	

Section 8 The Standards Committee

This Section includes:

Content	Rule(s)
• Membership of the Standards Committee	8.1
• Membership of the Standards Community Sub-Committee	8.2
• Term of Office	8.3
• Quorum of Standards Committee	8.4
• Quorum of Standards the Community Sub-Committee	8.5
• Voting	8.6
• Chairing the Committee and the Standards Community Sub-Committee	8.7
• Role and Function	8.8 – 8.9
• Rules of Procedure and Debate	8.10

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Section 9 Regulatory Committees

This Section includes:

Content	Rule(s)
• The Democratic Services Committee	9.2
• Regulatory Committees and Sub-Committees	9.3
• Rules of Procedure and Debate	9.4

Section 10 Joint Committees

This Section includes:

Content	Rule(s)
• Joint Arrangements	10.3
• Access to Information	10.4
• Delegation to and from Other Local Authorities	10.5
• Contracting Out	10.6

Section 11 Officers

This Section includes:

Content	Rule(s)
• Chief Officers	11.2
• Statutory Officers	11.3
• Functions of the Head of Paid Service	11.5 to 11.6
• Functions of the Monitoring Officer	11.7 to 11.17
• Functions of the Chief Finance Officer	11.18 to 11.25
• Functions of the Director of Social Services	11.26
• Lead Director for Children and Young People's Services	11.27
• Functions of the Chief Education Officer	11.28
• Functions of the Head of Democratic Services	11.29 to 11.32
• Duty to Provide Sufficient Resources to the Head of Paid Service, Monitoring Officer, Chief Finance Officer and Head of Democratic Services	11.33
• Deputy Chief Officers	11.34
• Departmental Structure	11.35
• Appointment of Proper Officers	11.36 to 11.39
• Conduct, Employment and Indemnity for Officers	11.40 to 11.42
• Officer Employment Procedure Rules	11.43 to 11.70
• Recruitment and Appointment (including Shortlisting) of Head of Paid Service, other Chief Officers	11.45 to 11.51
• Recruitment and Appointment (including Shortlisting) of the Director of Change and Governance	11.52 to 11.55

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<ul style="list-style-type: none"> Recruitment and Appointment (including Shortlisting) of Heads of Service 	11.56
<ul style="list-style-type: none"> Recruitment and Appointment (including Shortlisting) of the Monitoring Officer and Section 151 Officer 	11.57 to 11.60
<ul style="list-style-type: none"> Recruitment and Appointment (including Shortlisting) of staff below Head of Service (other than Monitoring Officer and Section 151 Officer) 	11.61
<ul style="list-style-type: none"> Dismissal of Chief Officers and Deputy Chief Officers 	11.62 to 11.70 and Appendices A and B
Appendix A – Procedure for dismissal of the Head of Paid Service, Chief Finance Officer, Monitoring Officer and Head of Democratic Services	
Appendix B – Procedure for the dismissal of Chief Officers and Deputy Chief Officers with the exception of those identified in Appendix A	

Section 12 Finance, Contracts and Legal Matters

This Section includes:

Content	Rule(s)
<ul style="list-style-type: none"> Financial Management 	12.1
<ul style="list-style-type: none"> Contracts 	12.2
<ul style="list-style-type: none"> Legal Proceedings 	12.3
<ul style="list-style-type: none"> Authentication of Documents 	12.4
<ul style="list-style-type: none"> Common Seal of the Council 	12.5

Section 13 Responsibilities for Functions

This Section includes:

Content	Rule(s)
<ul style="list-style-type: none"> Who can be Decision Makers 	13.1
<ul style="list-style-type: none"> Principles of Decision Making 	13.2 to 13.3
Schedule 1 – Functions Not to be the responsibility of the Cabinet	Pages 3 to 40
Schedule 2 – Council functions may be delegated to the Executive and other Member Bodies	Pages 41 to 68
Schedule 3 – Functions Not to be the Sole Responsibility of the Cabinet	Pages 69 to 78
Schedule 4 - Circumstances in which Functions are not to be the responsibility of the Cabinet	Pages 78 to 81
<ul style="list-style-type: none"> Delegation to Officers 	13.4 to 13.17 Pages 82 to 85
<ul style="list-style-type: none"> Delegation to Cabinet Portfolio Holders 	13.18 to 13.27 Pages 85 to 87

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Section 14 Access to Information Procedure Rules

This Section includes:

Content	Rule(s)
• Scope and Additional Rights to Information	14.1 to 14.4
• Rights to Attend Meetings	14.5
• Notice of Meetings	14.6 to 14.7
• Access to Agenda and Reports Before the Meeting	14.8
• Supply of Copies	14.9
• Access to Minutes After the Meeting	14.10
• Background Papers	14.11 to 14.13
• Exclusion of Access by the Public to Meetings	14.14 to 14.23
• Exclusion of Access by the Public to Reports	14.24
• The Forward Work Programmes	14.25 to 14.28
• Record of Decisions	14.29 to 14.33
• Decisions by an Individual Member of the Cabinet	14.34 to 14.36
• Members' Access to Documents	14.37 to 14.41
• Information Given in Confidence	14.42 to 14.44

Section 15 Budget and Policy Framework Procedure Rules

This Section includes:

Content	Rule(s)
• Framework for Executive Decisions on Implementing the Budget	15.1
• Process for Developing the Budget Frameworks	15.2
• Process for Developing the Budget	15.3
• Virement	15.4
• Decisions Outside the Budget or Policy Framework	15.5
• Urgent Decisions Outside the Budget or Policy Framework	15.6
• In Year Changes to Budget and / or Policy Framework	15.7
• Call-In of Decisions Outside the Budget or Policy Framework	15.8

Section 16 Financial Procedure Rules

This Section includes:

Content	Rule(s)
• Introduction	16.1 to 16.8
• Financial Regulations	16.9 to 16.77
• Financial Management	16.18 to 16.28
• Financial Planning	16.29 to 16.41

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• Risk Management and Control of Resources	16.42 to 16.59
• Systems and Procedures	16.60 to 16.70
• External Arrangements	16.71 to 16.77
• Financial Procedures	16.78 to 16.521
• Financial Management	16.78 to 16.141
• Financial Management Standards	16.78 – 16.86
• Scheme of Virement	16.87 – 16.100
• Treatment of Year-End Balances	16.101 – 16.107
• Maintenance of Reserves	16.108 – 16.113
• Accounting Policies	16.114 – 16.118
• Accounting Records and Returns	16.119 – 16.133
• The Annual Statement of Accounts	16.134 – 16.141
• Financial Planning	16.142 to 16.208
• Performance Plans	16.142 – 16.153
• Format of the Budget	16.154 – 16.156
• Revenue Budget Preparation, Monitoring and Control	16.157 – 16.172
• Budgets and Medium-Term Planning	16.173 – 16.187
• Resource Allocation	16.198 – 16.193
• Capital Programmes	16.194 – 16.208
• Risk Management and Control of Resources	16.209 to 16.359
• Risk Management	16.209 – 16.228
• Internal Controls	16.229 – 16.238
• Internal Audit	16.239 – 16.250
• External Audit	16.251 – 16.261
• Preventing Fraud and Corruption	16.262 – 16.273
• Security (including Inventories & Stocks & Stores)	16.274 – 16.303
• Intellectual Property	16.304 – 16.311
• Asset Disposal	16.312 – 16.318
• Treasury Management and Banking including: <ul style="list-style-type: none"> • Bank Accounts Operated under the Local Management of Schools Scheme • Investments and Borrowing • Trust Funds and Funds Held for Third Parties • Imprest Accounts 	16.319 – 16.359
• Financial Systems and Procedures	16.360 to 16.476
• General	16.360 – 16.376
• Income (including Write Off)	16.377 – 16.397
• Ordering and Paying for Work, Goods and Services	16.398 – 16.432
• Payments to Employees and Members	16.433 – 16.451
• Consultants and External Support	16.452 – 16.455
• Taxation	16.456 – 16.469
• Trading Accounts and Business Units	16.470 – 16.476
• External Arrangements	16.477 to 16.521

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• Partnerships	16.477 – 16.500
• External Funding	16.501 – 16.508
• Work for Third Parties	16.509 – 16.521

Section 17 Contract Procedure Rules

This Section includes:

Content	Rule(s)
• Glossary of Terms	17.1
• Overriding Principles	17.2 to 17.9
• Extent of Contract Procedure Rules	17.10 to 17.13
• Compliance	17.14 to 17.18
• Procurement by Consultants	17.19 to 17.23
• Procurement of Consultants	17.24
• Declaration of Interests	17.25 to 17.27
• Electronic Procurement	17.28
• Spend Controls	17.29
• ICT Procurement	17.30
• Pre-Contract Requirements	17.31
• Forward Work Plan	17.32 to 17.33
• Sustainable Procurement	17.34
• Data Processing Agreements	17.35
• Contract Terms and Conditions	17.36 to 17.37
• Revenue Earning Contracts	17.38
• Regeneration Opportunities	17.39
• Quotation and Tenders	17.40 to 17.41
• Thresholds	17.42 to 17.44
• All goods and services except works	17.45 to 17.48
• Agency / Consortium Contracts	17.49
• Form of Contract	17.50 to 17.54
• Tenders	17.55
• Exemptions from Tendering	17.56 to 17.63
• Tendering by Advertisement	17.64 to 17.66
• Selective Tendering from an Approved Contractors List	17.67
• Creation of Approved Lists	17.68
• Inviting Tenders	17.69 to 17.71
• Receipt and Opening of Tenders	17.72
• Evaluation of Tenders	17.73 to 17.77
• Accepting Tenders	17.78 to 17.79
• Debriefing	17.80 to 17.83
• Contracts Register	17.84
• Record and document retention and control	17.85
• Contract Management	17.86
• Contract Variation	17.87 to 17.92
• Contract Extensions	17.93 to 17.97
• Financial Limits	17.98

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• Disposals	17.99 to 17.103
• Compliance with Procedure rules	17.104 to 17.105
• Review and amendment of contract procedure rules	17.106

Section 18 Code of Conduct for Members

This Section includes:

Content	Rule(s)
• The Members' Code of Conduct	18.1
• Conduct of Members – The Principles	18.2
• Protocol – Standard of Conduct Expected by Members	18.3
• Procedure for Dealing with Allegations Made against members and referred to the Standards Committee	18.4
• Protocol Concerning Gifts and Hospitality to Members	18.5

Section 19 Planning Protocol

This Section includes:

Content	Rule(s)
• Detail	19.1 to 19.5

The Planning Protocol is no longer part of the Constitution but is published on the Council's website as follows:

[Planning Protocol Document](#)

Section 20 Code of Conduct for Employees

This Section includes:

Content	Rule(s)
• Policy Document	20.1 to 20.10
• Nolan's Seven Principles of Public Life	20.11
• The Expected Standards	20.12
• Definition of Declaration of Interest and Conflict of Interest	20.13 to 20.19
• Tendering Procedures	20.20 to 20.23
• Relations with Members, Public and Other Employees	20.24 to 20.29
• Financial and Council Property Matters	20.30 to 20.36
• Whistleblowing	20.37
• Appointment of Staff	20.38 to 20.42

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• Appointment of Any Persons who undertake work for the Council	20.43 to 20.47
• Taking Other Employment	20.48 to 20.52
• Openness	20.53 to 20.56
• Acceptable Appearance at Work	20.57 to 20.62
• Corruption, Acceptance of Gifts and Hospitality	20.63 to 20.74
• Monitoring	20.75 to 20.79

Section 21 Protocol on Member / Officer Relations

This Section includes:

Content	Rule(s)
• Introduction	21.1 to 21.3
• Roles of Members	21.4
• Role of Employees	21.5
• Respect and Courtesy	21.6
• Undue Pressure	21.7
• Familiarity	21.8
• Breach of Protocol	21.9
• Provision of Advice and Information to Members	21.10
• Confidentiality	21.11
• Provision of Support Services to Members	21.12
• Correspondence	21.13
• Media	21.14
• The Council's Role as Employer	21.15
• Political Activity	21.16
• Presentations / Attendance of Officers at Political Group Meetings	21.17 to 21.27
• Support Services to Political Groups	21.28 to 21.29
• Presentations / Advice to Non-Affiliated Members of the Council	21.30
• Sanctions	21.31

Section 22 Confidential Reporting (“Whistleblowing”) Code

This Section includes:

Content	Rule(s)
• Introduction	22.1 to 22.8
• Our Commitment to You	22.9 to 22.14
• How to Raise a Concern Internally	22.15 to 22.19
• How We Will Handle This Matter	22.20 to 22.22
• Council Responsibility for this Policy	22.23
• Response Times	22.24
• Independent Advice	22.25
• External Contacts	22.26
• If You Are Dissatisfied	22.27 to 22.28

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• Who We Consulted	22.29
• Review of the Policy and Scrutiny	22.30 to 22.31

Section 23 Member Role Descriptions

This Section includes:

Content	Rule(s)
• Section A – Elected Member	
• Section B – Scrutiny Committee Member	
• Section C – Regulatory Committee Member	
• Section D – Governance and Audit Committee Member	
• Section E – Standards Committee Member	
• Section F – Standards Community Sub-Committee Member	
• Section G - Democratic Services Committee Member	
• Section H - Cabinet Member	
• Section I – Chair / Vice-Chair / Assistant Vice-Chair of the Council	
• Section J – Cabinet Leader and Deputy Cabinet Leader	
• Section K – Leader and Deputy Leader of the Opposition	
• Section L – Chair / Vice-Chair of a Scrutiny Committee	
• Section M - Chair / Vice-Chair of a Regulatory Committee	
• Section N - Chair / Vice-Chair of Governance and Audit Committee	
• Section O - Chair / Vice-Chair of Standards Committee	
• Section P - Chair / Vice-Chair of Standards Community Sub-Committee	
• Section Q - Chair / Vice-Chair of Democratic Services Committee	
• Section R – Member Champion	

Section 24. Rights of Way Matters – Public Speaking Provisions

This Section includes:

Content	Rule(s)
• Speaking at Planning, Taxi-Licensing and Rights of Way Committee Meetings	24.1 to 24.4
• Who May Speak	24.5
• Obtaining the Right to Speak	24.6
• Right to Respond	24.7 to 24.8

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• Notification Prior to the Meeting	24.9 to 24.10
• Public Speaking Procedures	24.11

Section 25. Local Resolution Process

This Section includes:

Content	Rule(s)
• Background	25.1 to 25.2
• The Local Resolution Process	25.3 to 25.8

Section 26. Indemnity for Members and Officers

This Section includes:

Content	Rule(s)
• Form of Indemnity to Members and Officers	26.2

Section 27. Protocol on Civic and Executive Matters

This Section includes:

Content	Rule(s)
• Introduction	27.1 to 27.3
• Guidance	27.4 to 27.7
• Political Role	27.8 to 27.9
• Guidance to Officers	27.10