

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

### Purpose of the Constitution

2.1 The purpose of the Constitution is to:

- (a) enable the CJC to provide clear leadership to the community in partnership with citizens, businesses and other organisations, including its constituent councils, national park authorities and public bodies;
- (b) support the active involvement of citizens in the process of local authority decision-making;
- (c) provide a framework for good governance;
- (d) help members represent their constituents more effectively;
- (e) enable decisions to be taken efficiently and effectively;
- (f) create a powerful and effective means of holding decisionmakers 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.

### Definitions in the Constitution

2.2 The Constitution of the CJC is this document.

2.3 Within the Constitution the following words and phrases have the meaning set out below:

Word or Phrase	Meaning
"Annual Meeting"	The Annual Meeting will take place in July each year.
"Brecon Beacons Member"	The person appointed by the Brecon Beacons National Park Authority as its representative on the CJC.
"Budget"	the overall revenue and capital budget approved by CJC (Section 4);
"Chief Executive"	Will be the Chief Executive of either Powys County Council or Ceredigion County Council and will rotate on an annual basis.
"Clear Days"	The number of days that the notice and summons of a meeting have to be published in advance of a meeting. The clear days do not include (a) the day the document is published and / or received; and (b) the day of the meeting; and (c) weekends and bank holidays. <sup>1</sup>
"Confidential Information"	has the meaning set out in the Corporate Joint Committees (General) (No 2)(Wales) Regulations 2021 – See Section 8
"Constituent Councils"	This means Ceredigion County Council and Powys County Council

<sup>1</sup> Schedule 12, Part 1, Regulation 4(2) – Local Government Act 1972.

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Word or Phrase	Meaning
“Co-Opted Member”	A person appointed by the CJC to serve on one of its Sub-Committees.
“Corporate Joint Committee”	The corporate body, established by The Corporate Joint Committee (General) (Wales) Regulations 2022, comprising of Powys County Council and Ceredigion County Council (together with a representative from the Brecon Beacons National Park Authority for function (c) below), for the following functions:  <ul style="list-style-type: none"> <li>(a) Economic well-being – Regional Economic Development (section 76 of the Local Government and Elections (Wales) Act 2021)</li> <li>(b) Regional Transportation Policies (section 108(1)(a) and (2A)(a) of Part 2 of the Transport Act 2000 and PART 2 of the Transport Act 2000)</li> <li>(c) Strategic Land Use Planning (Part 6 of the Planning and Compulsory Purchase Act 2004)</li> </ul>
"Council Member"	The Leader of either Powys County Council or Ceredigion County Council.
"Establishing Regulations"	The Mid Wales Corporate Joint Committee Regulations 2021
“Exempt Information”	Has the meaning set out in the Corporate Joint Committees (General) (No 2)(Wales) Regulations 2021 – See Section 8
“Forward Work Programme”	the Forward Work Programme is a document which lists all of the decisions that the CJC intend to take and when those matters will be discussed. This does not prevent urgent or unforeseen matters being considered;
“Independent (Lay) Member”	a member of the Standards and Governance and Audit Committees who is not: <ul style="list-style-type: none"> <li>(a) a member of the CJC;</li> <li>(b) an officer; or</li> <li>(c) the spouse of a CJC member or an officer, or any other officer of either authority.</li> </ul>
“the Measure”	means the Local Government (Wales) Measure 2011.
“Member”	either the Leader of Powys County Council or Ceredigion County Council or a representative of the Brecon Beacons National Park Authority, or an Independent or Co-Opted Member chosen by the CJC to serve on one of its Sub-Committees;
“Sub-Committees”	The Sub-Committees are:

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Word or Phrase	Meaning
	<ul style="list-style-type: none"> <li>• Strategic Development Planning Sub-Committee;</li> <li>• Regional Transport Planning Sub-Committee;</li> <li>• Economic Well-Being - Regional Economic Development (Mid Wales Growth Deal) Sub-Committee;</li> <li>• Governance and Audit Sub-Committee;</li> <li>• Standards Sub-Committee</li> <li>• Overview and Scrutiny Sub-Committee.</li> </ul> <p>Note - references to Committee also includes Sub-Committee;</p>
"Monitoring Officer"	The Monitoring Officer will be an officer of either Powys County Council or Ceredigion County Council as appointed by the CJC, being an Officer who must be appointed by law to carry out certain functions. ;
"Officers"	Means the Chief executive, the Monitoring Officer or Section 151 Officer
"Petition Scheme"	<p>a scheme prepared and published pursuant to section 42 of the Local Government and Elections (Wales) Act 2021 (and reviewed from time to time) for the purpose of setting out:</p> <ul style="list-style-type: none"> <li>• how a petition may be submitted to the CJC;</li> <li>• how and when the CJC will acknowledge receipt of a petition;</li> <li>• the steps the CJC will take in response to a petition received by it;</li> <li>• the circumstances (in any) in which the CJC may take no further action in response to a petition; and</li> <li>• how any by when the CJC will make available its response to a petition to the person who submitted the petition and to the public.</li> </ul>
"Proper Officer"	The Monitoring Officer
"Public Interest"	Means the test set out in Section 8.
"Section 151 Officer"	The Section 151 Officer will be an officer of either Powys County Council or Ceredigion County Council as appointed by the CJC, being an Officer who must be appointed by law to carry out certain functions.
"Strategic Development Plan Function"	The function set out in the Strategic Land Use Planning (Part 6 of the Planning and Compulsory Purchase Act 2004)

### Interpretation of the Constitution

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

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- 2.5 During meetings, the person chairing or presiding at the meeting may interpret the relevant procedure rules and for the purposes of the meeting the Chair's ruling is final.
- 2.6 In all other situations, the Monitoring Officer will determine the interpretation and application of the Constitution.
- 2.7 Unless the context requires otherwise, the singular shall include the plural and vice versa, and words expressed in any gender shall include any other gender.

The headings are inserted for convenience only and shall not affect the interpretation of the Constitution.

### **Duty to Monitor and Review the Constitution**

- 2.8 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
- 2.9 The Monitoring Officer will make arrangements for any proposed changes to the Constitution to be considered by the CJC as to any amendments that may be necessary.
- 2.10 The Section 151 Officer shall be responsible for keeping under review the Financial Regulations set out in Section 10 of the Constitution and shall make any necessary amendments and revisions as are required from time to time. S/he shall make arrangements for any proposed changes to be considered by the Governance and Audit Committee which will in turn make recommendations to the CJC as to any amendments that may be necessary.

### **Protocol for Monitoring and Review of Constitution by Monitoring Officer**

- 2.11 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:
  - 2.11.1 observe meetings of different parts of the Member and Officer structure;
  - 2.11.2 undertake an audit trail of a sample of decisions;
  - 2.11.3 record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and,
  - 2.11.4 compare practices in this CJC with those in comparable CJsCs, or national examples of best practice.

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### **Changes to the Constitution**

#### **Approval**

2.12 Subject to Rules 2.7 and 2.8 below, changes to the Constitution will only be approved by the CJC in accordance with the procedures set out in Rule 2.4.2 above.

#### **Minor Changes**

2.13 If, in the reasonable opinion of the Monitoring Officer, a change is:

2.13.1 a minor variation; or

2.13.2 required to be made to remove any inconsistency, ambiguity or typographical correction;

the Monitoring Officer may make such a change. Any such change made by the Monitoring Officer shall come into force with immediate effect. Such changes shall be reported to the next CJC meeting for information.

#### **Legislative Change**

2.14 Any part of the Constitution may be amended by the Monitoring Officer where such amendment is required to be made so as to comply with any legislative provision. Such amendments shall take effect when the Monitoring Officer so decides or the legislation (where relevant) so provides. Such changes shall be reported to the next CJC meeting for information.

### **Suspension of the Constitution**

2.15 The provisions of this Constitution cannot be suspended save that the Rules of procedure set out in Section 4 may be suspended provided that A motion to suspend any rule is moved without notice upon at least one half of the CJC is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in this Section. Any suspension will apply solely to the matter or matters being discussed at that meeting.

#### **Publication**

2.16 The Monitoring Officer will ensure that copies of this Constitution are available on the CJC's website, and copies can be made available on request in audio format, in Welsh, and in Braille.

2.17 The Monitoring Officer will provide a link to a copy of this Constitution in an electronic format to each Member of the CJC and thereafter ensure that an up to date version is available for inspection and published on the CJC's website.

2.18 The Monitoring Officer will ensure that the Constitution is updated as necessary in accordance with Rule 2.6.