SECTION 2

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

2.1 Purpose of the Constitution

The purpose of the Constitution is to:

2.1.1 enable the Council to provide clear leadership to the Community in partnership with citizens, businesses and other organisations;

2.1.2 support the active involvement of citizens in the process of local authority decision making;

2.1.3 help Councillors represent their constituents more effectively;

2.1.4 enable decisions to be taken efficiently and effectively;

2.1.5 create a powerful and effective means of holding decision makers to public account;

2.1.6 ensure that no one will scrutinise a decision in which they are directly involved;

2.1.7 ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and

2.1.8 provide a means of improving the delivery of services to the community.

2.2 Definitions in the Constitution

2.2.1 The Constitution of the Council is this document (Sections 1 to 22).

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

"Budget"	the overall revenue and capital budget approved by Full Council (Section 4);
"Chief Executive"	an Officer who must be appointed by law to carry out certain functions.
"Chief Officer"	any Officer (other than a person whose duties are solely secretarial or administrative or whose duties are otherwise in the nature of support services) who: • reports directly to the Chief Executive in respect of all or most of his/her duties; or • the Chief Executive is directly responsible for;
"Constitution Guide"	a document which explains, in ordinary language, the content of this constitution, published by the Council

	in accordance with section 37 of the Local Government Act 2000.
"Corporate Team"	the senior management body for Officers (Section 11). It includes those Officers designated by the Chief Executive from time to time as Members of the Corporate Team;
"Councillor"	a person elected to the Council to represent an area (called an electoral division) within Gwynedd Council;
"Data Protection Legislation"	the Data Protection Act 2018, the UK General Data Protection Regulation (UK GDPR) and all other laws relating to the use, protection and privacy of personal data
"Deputy Chief Officer"	any Officer (other than a person whose duties are solely secretarial or administrative or whose duties are otherwise in the nature of support services) who reports directly to a Chief Officer in respect of all or most of his/her duties;
"Executive"	the Cabinet or a Member or Members of the Cabinet when exercising Executive Functions;
"Executive Decision"	any decision taken by the Cabinet to exercise or refrain from exercising an Executive Function. It also includes decisions made by persons or Member bodies to whom the Cabinet has delegated Executive Functions to exercise or refrain exercising those functions;
"Executive Function"	(a) Executive Functions are defined by the Local Government Act 2000, subsidiary legislation and associated guidance. Any function that is not exercisable only by Full Council or delegated to another Member body is an Executive Function. (b) Contractual matters, the acquisition and disposal of land and financial support to organisations and individuals are also Executive Functions. It should be noted that Regulatory functions such as planning licensing and building control, are not Executive Functions;
"Forward Work Programme"	the Forward Work Programme is a document which lists all of the decisions that the Council and the Cabinet intend to take and what business the Head of Democratic Services will be considering and when those matters will be discussed. This does not

	prevent urgent or unforeseen matters being considered;
"Full Council"	the body where all Councillors act to exercise functions of the Council;
"Local Choice Functions"	there are some functions which the Council may treat as being the responsibility of the Cabinet (in whole or in part) or as being non-executive, at its discretion;
"Local Government (Wales) Measure 2011"	referred to as "The Measure". Legislation introduced, inter alia, to strengthen local democracy, deal with changes to executive arrangements, overview and scrutiny, county councils and Member payments;
"Member"	either a Councillor or a person chosen by the Council to serve on one of its Member Bodies (called "a Co-Opted Member");
"Member Body"	any of the following: • Full Council; • Cabinet; • Scrutiny Committees; • Licensing Committee; • Standards Committee (or one of its sub-committees); • Planning Committee; • Appeals Panel; • Audit and Governance Committee; • Democratic Services Committee; Note - references to Committee also includes Sub-Committee;
"Monitoring Officer"	an Officer who must be appointed by law to carry out certain functions. See Section 11 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 11 for which Officer is the Monitoring Officer;
"Non-Executive Functions"	any function which may only be exercised by Full Council (whether by local choice or as a matter of

	law) or which is delegated to a Member body other than the Cabinet;
"Planning Application"	any of the following: • application for planning permission (including renewal); • application for approval of reserved matters; • application for listed building consent; • application relating to trees; • proposal to serve an urgent works notice or acquire a listed building in need of repair; • application for conservation area consent; • application for advertisement consent; • application to vary or remove conditions on a planning condition;
"Policy Framework"	See Section 4.2;
"Public Services Board"	the public services board established for the Council's local authority area under Part 4 of the Well-being of Future Generations (Wales) Act 2015;
"Section 151 Officer"	an Officer who must be appointed by law to carry out certain functions in relation to financial administration. See Section 11 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 11 for which Officer is the Section 151 Officer;
"Service"	one of the services provided by the Council;
"Single Integrated Plan (SIP)"	this is the single plan for the area that reflects the needs of the local population. The SIP builds on and brings together in one document the joint work previously developed through the Community Plan, as well as the Community Safety, Children and Young Peoples and the Health Social Core and Wellbeing Partnership Plan.

Subject to any statutory provision or where the contrary is specifically stated any reference in any rule of procedure to a "day" or "days" or "clear days" means a council working day, and where appropriate does not include the day on which the notice was given or the day of the meeting to which the notice refers.

2.3 Interpretation of the Constitution

2.3.1 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.

2.3.2 During meetings, the person chairing or presiding at the meeting may interpret the relevant procedure rules.

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

2.4 Duty to Monitor and Review the Constitution

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. The Section 151 Officer shall be responsible for keeping under review the Financial Regulations set out in Section 16 of the Constitution and shall make any necessary amendments and revisions as are required from time to time. He/she shall report any amendments made to Section 16 to the next available Council meeting for noting.

2.5 Protocol for Monitoring and Review of Constitution by Monitoring Officer

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:

2.5.1 observe meetings of different parts of the Member and Officer structure;

2.5.2 undertake an audit trail of a sample of decisions;

2.5.3 record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and,

2.5.4 compare practices in this Council with those in comparable authorities, or national examples of best practice.

2.6 Changes to the Constitution

2.6.1 Approval

Subject to paragraphs 2.6.2 and 2.6.3 below, changes to the Constitution will only be approved by the Full Council after consideration of a proposal by the Monitoring Officer or on recommendation of the Cabinet.

2.6.2 Minor Changes

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

(a) a minor variation; or

(b) required to be made to remove any inconsistency, ambiguity or typographical correction; or

(c) required to be made so as to put into effect any decision of the Council or its committees or the Cabinet, in which case 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 Full Council meeting for information.

2.6.3 Legislative Change

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 Full Council meeting for information.

2.7 Suspension of the Constitution

2.7.1 Limit to Suspension

Any of the procedure rules contained in the Constitution may be suspended to the extent permitted within these rules and the law.

2.7.2 Procedure to Suspend

A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of councillors 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.

2.8 Publication

2.8.1 The Monitoring Officer will ensure that copies of this Constitution are available for inspection at Council offices and on the Council's website.

2.8.2 The Monitoring Officer will provide a link to a copy of this Constitution to each Member of the Council upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council and thereafter ensure that an up to date version is available for inspection and published on the Council's website.

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