



## SECTION 2

### 2. PURPOSE, DEFINITION INTERPRETATION AND AMENDMENT OF THE CONSTITUTION

#### 2.1 THE PURPOSE OF THE CONSTITUTION IS TO PROVIDE A FRAMEWORK FOR GOOD GOVERNANCE TO:

- 2.1.1 enable the CJC to provide clear leadership to the community in partnership with citizens, businesses and other organisations, including its constituent councils, national park authority and other public bodies;
- 2.1.2 support the active involvement of citizens in the process of decision making;
- 2.1.3 help Members 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 CJC is this document.
- 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 the CJC (section 4).

**“Chief Executive”** an Officer who must be appointed by law to carry out certain functions.

**“Chief Officer”** the Chief Executive, the Monitoring Officer and the Chief Financial Officer (s.151 officer).

**“Annual Meeting”** the Annual Meeting will take place in June each year.

**“Snowdonia Member”** The person appointed by the Snowdonia National Park Authority as its representative on the CJC.



**“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.

**“Confidential Information”** has the meaning set out in the Corporate Joint Committees (General) (No 2)(Wales) Regulations 2021 – See Section 16.

**“Constituent Council”** one of the 6 Councils whose membership constitute the CJC (para. 1.2.3 (i))

**“Co-Opted Member”** a person appointed by the CJC on such terms as it determines.

**“Corporate Joint Committee”** The corporate body, established by The North Wales Corporate Joint Committee Regulations 2021 to exercise the following functions: (a) Economic well-being (section 76 of the Local Government and Elections (Wales) Act 2021) (b) developing transport policies and preparing regional transportation plans (Part 2 of the Transport Act 2000) and (c) the preparation of strategic development plans (Part 6 of the Planning and Compulsory Purchase Act 2004).

**“Council Member”** The Leader of one of the constituent Councils.

**“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.

**“Establishing Regulations”** The North Wales Corporate Joint Committee Regulations 2021.

**“Exempt Information”** meaning to be applied further to the Corporate Joint Committees (General) (No 2)(Wales) Regulations 2021 – See Section 16(7).

**“Forward Work Programme”** the Forward Work Programme is a document which lists all of the decisions that the CJC intends 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: (a) a member of the CJC; (b) an officer; or (c) the spouse of a CJC member or an officer, or any other officer of either authority.

**“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”** includes CJC Member, Snowdonia Member and an Independent or Co-Opted Member.

**“Monitoring Officer”** The Monitoring Officer will be an officer 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, Section 151 Officer and any member of staff of the CJC.

**"Petition Scheme"** 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:

- how a petition may be submitted to the CJC
- how and when the CJC will acknowledge receipt of a petition
- the steps the CJC will take in response to a petition received by it
- the circumstances (in any) in which the CJC may take no further action in response to a petition and
- 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.

**"Proper Officer"** The Monitoring Officer

**"Public Interest"** Means the test set out in section 16(6) & (7) of the Corporate Joint Committees (General) (No 2)(Wales) Regulations 2021

**"Section 151 Officer"** The Section 151 Officer will be appointed by the CJC, being an Officer who must be appointed by law to carry out certain functions.

**"Strategic Development Plan Function"** The function in preparing a strategic development plan (Part 6 of the Planning and Compulsory Purchase Act 2004)

**"Sub-Committees"** The Sub-Committees are:

- Strategic Planning Sub-Committee
- Strategic Transport Sub-Committee
- Economic Well-Being
- Governance and Audit Sub-Committee
- Standards
- Overview and Scrutiny.

**Note** - references to Committee also includes Sub-Committee;

## **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 the meeting may interpret the relevant procedure rules. During the meeting the Chair's interpretation is final.



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**

2.4.1 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.

2.4.2 The Section 151 Officer shall be responsible for keeping under review the Financial Regulations set out in Section 9 of the Constitution and shall make any necessary amendments and revisions as are required from time to time. They will 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.

## **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 them by Members, Officers, the public and other relevant stakeholders; and,
- 2.5.4 compare practices in this CJC with those in comparable authorities, or national examples of best practice.

## **2.6 CHANGES TO THE CONSTITUTION**

2.6.1 Changes to the Constitution will only be approved by the CJC after consideration by the Monitoring Officer.

2.6.2 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 CJC or its committees, 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 meeting of the CJC for information.



2.6.3 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 meeting of the CJC for information.

## **2.7 SUSPENSION OF THE CONSTITUTION**

2.7.1 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 A motion to suspend any Rules will not be moved without notice unless all Council Members are 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 offices of the CJC and on its website.

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

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