Operating regulations of the Barcelona Culture Council



Definitively approved at the 30 May 2025 Plenary Session of Barcelona City Council



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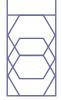
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Operating Regulations of the Barcelona Culture Council

PREAMBLE

These Regulations aim to govern the functions, organisation, and operation of the Barcelona Culture Council, a sector-specific participatory body created in accordance with the provisions of the Citizen Participation Regulations, as part of the implementation of Articles 30 et seq. of the Barcelona Municipal Charter and in accordance with the commitment made by the City Council through its adherence to the European Charter for the Safeguarding of Human Rights in the City, which seeks not only to guarantee public participation but also to actively promote it.

The Barcelona Culture Council was established in 2008 in order to contribute to the city's cultural development, with the aim of creating a space for interaction and participation among the various cultural sectors, the political parties represented in the City Council, and independent experts from Barcelona's cultural sphere. With this objective, the Culture Council Regulations were unanimously approved at the 27 June 2008 Plenary Session of Barcelona City Council.

By creating this body in 2008, Barcelona City Council fulfilled the mandate set out in Article 4.2 of the Statute of Autonomy of Catalonia, which states that the public authorities of Catalonia must promote the conditions for real and effective freedom and equality of individuals and groups, and must facilitate the participation of all people in political, economic, cultural, and social life, as well as the mandate in Article 9.2 of the Spanish Constitution, which pursues the same goal.

The city government was also taking action in line with Article 19 of the Agenda 21 for Culture, the first document with a worldwide scope aimed at establishing the foundations for a commitment by cities and local governments to cultural development. This agenda was adopted by the global organisation United Cities and Local Governments (UCLG) as a reference document for its cultural programmes. The article highlights the need for local governments to implement appropriate mechanisms to guarantee the democratic participation of city residents in the design, implementation, and evaluation of public policies on culture.

In the fifteen years since the Culture Council was established, the city's cultural land-scape has undergone a number of wide-ranging transformations, as has the structure of the city government. Some of these changes have had a direct impact on the structure and operation of the Barcelona Culture Council. As such, there is now a need to revise the Regulations approved in 2008, with the aim of equipping this body with the necessary tools to function effectively, while also providing it with the flexibility required to adapt to the ever-changing realities brought about by the ongoing evolution of the cultural sector.

A further objective of these regulations is to adapt the 2008 Barcelona Culture Council Operating Regulations to the Citizen Participation Regulations approved on 27 May 2022, in compliance with Transitional Provision One. In accordance with this mandate, the decision has been made to approve a new regulation repealing the previous one.

The aim of these new regulations is to strengthen the Barcelona Culture Council and its role, by giving it a more diverse composition that reflects the wide range of cultural

stakeholders active in the city of Barcelona, and to incorporate all perspectives in order to guarantee the real and effective participation of the city's entire cultural sector, in all its diversity.

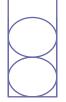
The main changes introduced by these new regulations focus on enhancing the diversity and representativeness of the cultural sector within this body. This intention is reflected in changes to the members of the Plenary Session so that it can represent a wider range cultural stakeholders operating in the city. The system for selecting the independent members of both the Plenary and the Executive Committee has also been modified to ensure transparency and diversity in their appointment, and to encourage the participation of the Plenary's member organisations in nominating representatives. In addition, the new regulations provide a more precise and comprehensive description of the functions of the Plenary members and assign them new responsibilities.

For the first time, the rights and duties of members of the Culture Council are clearly defined, with the intention of reinforcing safeguards and ensuring the Council functions properly. The new text introduces stronger guarantees through mechanisms such as enabling Council members to submit questions to municipal political representatives and setting timeframes for those representatives to respond to the members of the Plenary. These changes provide the Council with more tools to promote shared governance between municipal authorities and representatives of the city's cultural sectors.

As established by Act 17/2015, of 21 July, on the effective equality of women and men, there must be equal representation and participation of women and men in all decision-making spheres if we are to achieve a truly democratic society. As such, public authorities must take the necessary measures and adopt appropriate strategies to ensure this goal is met. In this regard, the new regulations introduce the necessary measures to enable gender parity and equality within the Culture Council, recognising it as a fundamental principle of a truly democratic society.

The regulations consist of twenty articles, divided into four chapters. Chapter 1, on general provisions, sets out the purpose and functions of the Barcelona Culture Council; Chapter 2 regulates the composition of the Council and the selection, appointment, renewal, and grounds for dismissal of its members; Chapter 3 outlines the rights and obligations of the Council's members; and Chapter 4 governs the organisation and functioning of the Council, as well as the conditions for its dissolution.

In accordance with the provisions of Act 39/2015, of 1 October, on the common administrative procedure for public authorities, these regulations comply with the principles of good regulation established in Article 129 of said Act: the principles of necessity and effectiveness, as it is justified by a reason of general interest; proportionality, as it includes only the regulations strictly necessary to address the need it aims to meet; legal certainty, as the regulatory initiative is pursued in a manner consistent with the broader legal framework; transparency, as it ensures simple, universal, and up-to-date access to current regulations and related documents, and because the potential recipients of the regulation actively participated in the drafting process; and efficiency, as it avoids unnecessary or additional burdens and provides for the rational use of public resources.



Chapter 1 General provisions

Article 1. Subject matter of the Regulations

These Regulations govern the functions, organisation, and operation of the Barcelona Culture Council, in accordance with the provisions set out in Title IV of the Barcelona Municipal Charter, approved by Act 22/1988 of 30 December, and the Citizen Participation Regulations.

Article 2. Nature of the Barcelona Culture Council

- 1 The Barcelona Culture Council is a permanent, city-level advisory and sectoral participatory body that operates in areas related to culture and all of its constituent sectors. It is responsible for providing assessment and advisory input on all public policies implemented by the city government in the field of culture.
- 2 The reports, opinions, objections, actions, and proposals issued by the Barcelona Culture Council are recommendations and are in no way binding upon the municipal government bodies.
- (3) Municipal government bodies must provide a reasoned response to the Barcelona Culture Council regarding any proposals submitted by the Council that are rejected or amended by those bodies.

Article 3. Functions of the Barcelona Culture Council

The Barcelona Culture Council carries out the functions that the Citizen Participation Regulations attribute to this type of body in general terms. Specifically, the Council has the following functions:

- a) Advise the city government on cultural matters.
- b) Advise the City Council and promote discussions on the development of municipal cultural policies, plans, and programmes.
- c) Promote initiatives for the approval of municipal regulations under the Council's remit.
- d) Issue reports on matters related to sectoral cultural policies, either on its own initiative or at the request of the City Council. These reports must, where appropriate, consider sectoral perspectives as well as gender and intercultural perspectives.
- e) Issue opinions and make recommendations on culture and cultural policy, either on its own initiative or at the request of City Council departments.
- f) Be consulted, where appropriate, on the appointment of the heads of municipal cultural facilities.
- g) Be consulted, where appropriate, on municipal regulatory and legislative projects that affect cultural or artistic policy matters.

- h) Conduct an annual review of the implementation of the plan(s) that outline the city's cultural policies and their budget execution, and make proposals, amendments, and suggestions for improvement, where appropriate.
- i) Draw up the annual report on culture in the city.
- j) Nominate the members of the panels for the Barcelona City Awards, ensuring gender parity.
- k) Participate in the nomination of panel members for calls for grant applications launched by the Barcelona Institute of Culture.
- I) Participate in allocating cultural grants, within the framework of the City Council's grant regulations.
- m) Collaborate in the implementation of initiatives related to the Council's main concerns and areas of interest.
- n) Encourage discussions of, and knowledge about, culture and the city.
- o) Promote collaborative initiatives with other sectoral and local councils, in order to foster consistency in public policies and jointly address shared issues and concerns.
- p) Promote diverse and inclusive participation that takes into account interculturality, as well as mainstreaming, equality, and gender perspectives.
- q) Propose conversations and initiatives to showcase the ideas, practices, contributions, and voices of the city's various cultural sectors.

The Barcelona Culture Council may also carry out any other functions assigned to it by the City Council, particularly those related to the implementation of the principles, commitments, and recommendations set out in the Agenda 21 for Culture, as well as the objectives and guiding principles of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions



Chapter 2 Members of the Barcelona Culture Council

Article 4. Composition of the Council

- 1 The composition of the Council is based on the principles of diversity and representativeness to ensure that it reflects the broadest possible range of views and opinions within the city's cultural sector. Additionally, its composition must also take into account, in a cross-cutting manner, other criteria such as gender equality, interculturality, and intergenerational representation. Regarding gender equality, appropriate measures or strategies must be adopted to ensure a balanced composition: parity must be strictly ensured when members are appointed directly, and efforts must be made to achieve parity when appointments are made indirectly.
- 2 The Council is made up of the following members:
 - a) The Chair is the Mayor, who may delegate this role to the person responsible for cultural policy, and has the right to speak and to vote.
 - b) The Vice-Chair is chosen from among Council members with distinguished careers and expertise, and has the right to speak and to vote.
 - c) One representative from each political party represented at the Plenary of Barcelona City Council, with the right to speak and to vote.
 - d) Up to twenty representatives of cultural organisations registered in the General Register of Civil Society Organisations, with the right to speak and to vote. These organisations are selected based on criteria of representativeness and collectively must represent the diversity and entirety of the city's cultural sectors. If there are two or more organisations representing a particular cultural area, their representation may be on a rotating basis.
 - e) Up to twelve independent individuals with distinguished careers and expertise who collectively represent the diversity of the city's cultural sectors, with the right to speak and to vote.
 - f) Between four and seven municipal staff members, appointed by the Chair of the Council from departments related to the Council's remit, with the right to speak but not to vote.
 - g) The Secretary, who shall be appointed by the Chair of the Council, with the right to speak but not to vote.

Article 5. Appointment, designation and renewal of Council members

- 1 The appointment of Council members is the responsibility of the Chair, in accordance with the rules set out in the following paragraphs.
- 2 The Vice-Chair is elected by a simple majority of the Council Plenary members, on the proposal of Council member organisations, from among Council members renowned for their expertise and careers. The term of office is four years, renewable once for an additional four years.
- 3 At the start of each municipal term of office, the respective municipal political parties appoint the city councillors who will be members of the Culture Council for a maximum period of four years, corresponding to the municipal term.
- 4 The designation of representatives from Barcelona City Council, as referred to in point (f) of paragraph 2 of Article 4, is the responsibility of those in charge of these bodies. At the start of each municipal term of office, the City Council or its dependent bodies decide which departments or directorates should be represented on the Council; this decision may be modified during the term if deemed appropriate.
- (5) Representatives of the city's cultural organisations are designated based on criteria of diversity and representativeness, and are appointed by the Chair of the Council for a period of four years, as established in Article 42 of the Citizen Participation Regulations.
- 6 Independent individuals with distinguished careers and expertise in cultural matters, as referred to in point (e) of paragraph 2 of Article 4, are selected as follows: the cultural organisations represented at the Plenary Session propose six independent individuals, all linked to the city's cultural sectors, and the political parties represented in Barcelona City Council's Municipal Council propose six further independent individuals, also linked to the cultural sectors. The final proposal must take into account parity and the perspectives of gender and interculturality. The term of office is four years, renewable once for an additional four years.

Article 6. Dismissal of Council members

- 1 The following are grounds for the dismissal of Council members:
 - a) Misconduct in the performance of their duties.
 - b) Unjustified absence from two consecutive Plenary Sessions or four alternate sessions within a three-year period.
 - c) Loss of status as their respective organisation's Council Plenary Session representative, in the case of the organisations referred to in point (d) of Article 4.2.
 - d) Repeated unjustified failure to fulfil the duties of a Council member.
 - e) Discriminatory actions, behaviours or conduct based on birth, race, sex, religion, opinion, language or any other personal or social condition or circumstance, as well as the expression of sexist attitudes or those that perpetuate inequalities based on gender, origin or social class.

- 2 It is the responsibility of the Council Plenary to assess these situations, decide on the dismissal and, where appropriate, ask the corresponding entity, institution or organisation to replace the representative.
- 3 The decision must be made after giving the person in question the opportunity to be heard.





Chapter 3 Rights and obligations of the members of the Barcelona Culture Council

Article 7. Rights of Council members

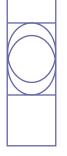
Council members have the following rights:

- 1 Propose the convening of special Council Plenary Sessions.
- 2 Propose the inclusion of items on the agenda of Council meetings, no later than two days before the meeting.
- 3 Exercise their right to vote on matters submitted to the Council for approval failing approval by consensus, and justify their vote.
- Receive the notices, agenda, and relevant documentation, as well as the minutes of Council meetings, with the advance notice established by these regulations.
- (5) Participate in the debates during sessions.
- 6 Participate in the Council's working groups and, where appropriate, coordinate them.
- 7 Appeal to the Oversight Committee regulated by the Citizen Participation Regulations, when appropriate.
- 8 Submit requests and questions.
- Obtain the information needed to fulfil their assigned functions.

Article 8. Obligations of Council members

Obligations of Council members:

- 1 Attend Council Plenary Sessions and meetings of other Council bodies or working groups of which they are members, except in duly justified cases notified in writing to the Secretary of the Council.
- 2 In the event of voluntary resignation, notify the Secretary of the Council in writing.
- 3 For representatives of a coordinating entity, ensure the link between the Council and the entity or organisation, and the two-way communication of agreements on matters of common interest to their respective governing bodies.
- 4 Coordinating organisations must ensure that the actions of their representatives in the Council comply with the provisions of these regulations.
- (5) Ensure that they do not perpetuate inequalities or discriminate on the grounds of sex, sexual or gender diversity, origin, or social class.



Chapter 4 Organisation and operation of the Barcelona Culture Council

Article 9. The Council's bodies

- 1) The governing and administrative bodies of the Council are:
 - a) The Chair.
 - b) The Vice-Chair.
 - c) The Plenary.
 - d) The Executive Committee.
- 2 The Council may operate in plenary sessions and in executive committee meetings. Furthermore, in accordance with Article 19, the members of the Plenary and the Executive Committee may establish working groups.
- 3 The City Council must provide, directly or indirectly, the standard technical and administrative support necessary to ensure the proper functioning of the Council and its maximum autonomy.

Article 10. Functions of the Chair of the Council

- 1 The functions of the Chair of the Council are as follows:
 - a) Lead and represent the Council.
 - b) Convene and chair Plenary Sessions.
 - c) Establish the agenda of meetings of the Council bodies the Chair presides over.
 - d) Forward Council proposals, reports, and initiatives to the municipal government and management bodies.
 - e) Cast the deciding vote in the event of a tie.
 - f) Appoint the Vice-Chair and other members of the Council, as well as the Secretary, in accordance with these regulations.
 - g) Perform all other functions assigned by these regulations and the Citizen Participation Regulations, as well as those that are specific to them in relation to the functioning of a collegiate body.
- 2 The Chair and Vice-Chair are responsible for promoting and coordinating participation of Plenary members in the functioning and debate of the Council.

3 The Chair of the Council, on their own initiative or at the proposal of members of the Committee or Plenary, may invite other experts, sectoral or local councils, or organisations related to the matter under discussion to participate in meetings, with the right to speak but not to vote.

Article 11. Functions of the Vice-Chair of the Council

The functions of the Vice-Chair of the Council are as follows:

- a) The Vice-Chair collaborates with and assists the Chair, and chairs the Plenary Session if the Chair is absent or ill or the position is vacant.
- b) Convene and chair sessions of the Executive Committee.

Article 12. Nature and composition of the Council Plenary

- 1 The members of the Plenary make up the Barcelona Culture Council's highest representative, debate and decision-making body.
- 2 The Plenary comprises all members of the Council, according to the composition established in Article 4 of these regulations.
- 3 The Secretary of the Council is also part of the Plenary, with the right to speak but not to vote.
- 4 The Council Plenary should seek gender parity in accordance with the legal framework on gender equality (Article 18.3 of the Regulations for Gender Equity of Barcelona City Council).

Article 13. Functions of the Council Plenary members

The Plenary members, as they make up highest representative body of the Council, have the following functions:

- a) Adopt agreements relating to the functions of the Council listed in Article 3 of these regulations.
- b) Elect the Vice-Chair of the Council.
- c) Elect the members of the Council's Executive Committee.
- d) Initially approve the Council's regulations before they are approved by the City Council's Municipal Council.
- e) Approve the Council's work plan for each term.
- f) Approve the Council's annual report.
- g) Elect, from among the Plenary members, the Barcelona Culture Council's representative to the Municipal Council Assembly.

- h) Elect and confirm the Council's representatives on other sectoral councils and participatory bodies, where appropriate.
- i) Approve the admission of new members to the Council, as well as any resignations, where appropriate.
- j) Approve the proposal for dissolution of the Council to be submitted to the Municipal Council for approval, when such dissolution proposal originates from the Council itself.

Article 14. Operation and Session Rules of the Council Plenary

- 1 The Plenary meets at least once a year. It may convene special sessions on the initiative of the Chair, the Executive Committee, or at the request of one-third of the members.
- 2 The Plenary is quorate, for a single session, when at least one-third of the voting members are present. The attendance of those acting as Chair, Vice-Chair, and Secretary, or their substitutes in each case, is also required.
- 3 In cases of absence, vacancy, illness, or any other justified cause, the Chair must be substituted by the Vice-Chair.
 - Councillors and other Plenary members may delegate their vote to any other Plenary member.
 - The person performing the Secretary's functions may be substituted by another person providing services to the City Council.
- 4 Persons who are not members of the Plenary may attend sessions as observers, with the right to speak but not to vote, if authorised in advance by the Chair.
- 5 The relevant City Council bodies must respond in writing to proposals or requests submitted by the Council within a maximum of 30 days, which may be extended by up to 30 additional days for justified reasons.
- 6 The Barcelona Ombudsman's Office may also attend Plenary Sessions on their own initiative, with the right to speak but not to vote.
- Decisions at the Council Plenary should preferably be adopted by consensus and, if not possible, by simple majority of those present. In such cases, the minutes must record the votes cast by members. In the event of a tie, the Chair will have the casting vote.

Article 15. Convening the Council Plenary Sessions

- 1 The Chair is responsible for convening the Council Plenary.
- 2 The Plenary must be convened, whenever possible, by electronic means, with at least fifteen working days' notice, except for special sessions, which must be convened with a minimum of two working days' notice. The notice must be accompanied by the corresponding agenda.

- 3 The documentation for each session must be sent to the Council Plenary members at least three working days in advance, except for special sessions, when it must be sent together with the call.
- 4 To include an item on the Plenary agenda at the request of Council members, the procedure must follow the provisions of the Citizen Participation Regulations.

Article 16. The Executive Committee of the Council. Nature, composition and functions

- 1 The Executive Committee is the body responsible for ensuring the promotion and smooth running of the Barcelona Culture Council and for proposing, reporting on, and studying matters to be debated at the Plenary, as well as deliberating on them.
- 2 Likewise, the Executive Committee is responsible for organising mechanisms that enable the Council to fulfil its assigned functions:
 - a) Monitor projects and initiatives of the Council currently underway.
 - b) Propose the establishment of thematic working groups and other participatory approaches
- 3 In addition, the Executive Committee exercises the executive functions of the Culture Council, specifically the following:
 - a) Participate in appointing members of the ICUB subsidy and grant committees responsible for making proposals on the allocation of cultural support grants and scholarships.
 - b) Propose panel members for the City of Barcelona awards to the Council Chair, according to the terms and conditions of these awards.
 - c) Be informed in advance about:
 - (i) The creation of new municipal cultural bodies or facilities.
 - (ii) Municipal regulatory and legislative projects that affect cultural or artistic policy matters.
 - (iii) The appointment of the heads of municipal cultural facilities.
 - d) All functions expressly assigned by the Council Plenary members.
 - e) Issue reports established as mandatory by current regulations.
 - f) Ensure integration of the gender perspective in the operation and performance of the Council's functions.
- 4 The Executive Committee comprises seven persons:
 - a) The Vice-Chair of the Council, who acts as Chair of the Executive Committee. The Vice-Chair is elected by the Council Plenary members by simple majority from among the seven independent persons of recognised prestige who make up the Executive Committee.

- b) Six persons with distinguished careers and expertise, members of the Plenary. The Executive Committee is elected by the Plenary through a simple majority vote via a previously presented candidacy. This candidacy is made up of seven persons chosen from the twelve independent Plenary members with distinguished careers and expertise within the Plenary and must have gender parity.
- c) The person acting as Secretary of the Council, who attends Executive Committee meetings and also acts as Secretary of this body, with the right to speak but not to vote.

Article 17. Operation of the Executive Committee

- 1 The Executive Committee meets at least once every two months and may hold special additional meetings when the Chair calls them, either on their own initiative or at the request of one-third of its members.
- 2 The Executive Committee is quorate with the minimum attendance of five members. This quorum must be maintained to adopt decisions.
- 3 Decisions are made by simple majority.
- 4 Executive Committee sessions are not public.
- 5 The Executive Committee must be convened, whenever possible, by electronic means, with at least five working days' notice, except for special sessions, which must be convened with a minimum of two working days' notice. The call must be accompanied by the corresponding agenda and documentation.
- 6 The Chair of the Executive Committee, on their own initiative or at the proposal of Committee members, may invite other persons or organisations related to the matter under discussion to participate in meetings, with the right to speak but not to vote.
- 7 Members of the Executive Committee may receive allowances for attending each regular meeting, with the amount set by the Chair of the Council and after completing the necessary expenditure procedure.

Article 18. Secretary of the Council

- 1 The Chair of the Council appoints the person proposed by the City Council as Secretary of the Council, who also performs the functions of Secretary to the Plenary and the Executive Committee.
- 2 The Secretary of the Council is responsible for sending the notices in the manner and within the deadlines established in Articles 15 and 17, and for preparing and sending the minutes of the Plenary within a maximum period of 30 working days. Minutes of the Council's bodies may be approved electronically, where these bodies so decide.

Article 19. Working groups

- 1 The members of the Plenary and the Executive Committee of the Council may create working groups and also ad hoc working spaces to address matters of interest to the Council.
- 2 Participants in the working groups and ad hoc working spaces may include Council members representing organisations as well as members of the Council in an individual capacity or as experts.
- 3 With the prior agreement of those members, persons who are not part of the Council may participate in these working groups to enrich and add value to the work being carried out.
- 4 Each working group must have at least one member of the Executive Committee who takes on the role of spokesperson and coordinator of the group and is responsible for relaying information about the work carried out to the Executive Committee and the Plenary.

Article 20. Dissolution of the Council

- 1 If the Barcelona Culture Council has not met at least once within a year, the City Council, at the proposal of the Government Commission and after informing the Municipal Council Assembly, may decide, with justification, to dissolve it.
- 2 The members of the Plenary of the Barcelona Culture Council may, providing supporting arguments, propose to the City Council that the latter agree to dissolve the Culture Council or integrate it into another municipal participatory body.

ADDITIONAL PROVISION ONE. Authorisation of the Chair to make decisions on the operation of the Council

The Chair of the Council may make the decision they consider most appropriate regarding the operation of the Council, in accordance with the Citizen Participation Regulations, other applicable regulations, and, where appropriate, the Decree of the Government Commission and the internal operating criteria referred to in Final Provision One of these regulations.

ADDITIONAL PROVISION TWO. Convening, constitution, and holding of sessions, and adoption of decisions, remotely

- 1 In cases of force majeure, serious collective risk, disasters, or public calamities, the Council's bodies may be convened and constituted and hold sessions and adopt decisions remotely.
- 2 The call for sessions to be held remotely must state the reasons for the occurrence or continuation of the situation that exceptionally justifies this form of meeting.

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TRANSITIONAL PROVISION. Initial composition of the Plenary and the Executive Committee

Once this regulation comes into force, and until the changes to the composition of the Plenary and the Executive Committee of the Barcelona Municipal Culture Council, as established herein, are implemented, the composition of these bodies shall be that of the Plenary and Executive Committee under the current Operating Regulations of the Barcelona Culture Council, definitively approved on 27 June 2008 at the Plenary of the Municipal Council.

REPEALING PROVISION. Repeal of the 2008 Operating Regulations of the Barcelona Culture Council

The Internal Operating Regulations of the Barcelona Culture Council, definitively approved at the 27 June 2008 Plenary Session of the Municipal Council and published in the Official Gazette of the Province of Barcelona on 16 July 2008, are hereby repealed.

FINAL PROVISION ONE. Approval of basic operating rules and internal procedures of the Council

- 1 In accordance with the Citizen Participation Regulations, the Government Commission may, by decree, establish the basic operating rules of the Barcelona Culture Council or its committees, where applicable.
- 2 Likewise, the Council Plenary may approve its own internal operating criteria, complementary to these regulations and the basic operating rules referred to in the previous section, where applicable.

FINAL PROVISION TWO. Entry into force

These regulations shall come into force the day following their publication in the *Official Gazette of the Province of Barcelona*.

