

PLYMOUTH CITY COUNCIL CONSTITUTION

**PART A: ARTICLES OF
THE CONSTITUTION**

I. Article I – The Constitution and Rule Book

Powers of the Council

I.1. The Council will exercise all its powers and duties in accordance with the law and this Constitution.

The Constitution

I.2. This Constitution, and all its appendices, is the Constitution and rule book of Plymouth City Council.

Purpose of the Constitution

I.3. The purpose of the Constitution is to:

- provide a framework for the democratic process to allow the Council clear leadership for the city;
- enable decisions to be taken efficiently and effectively
- support the active involvement of citizens in the process of local authority decision-making
- ensure that high standards of probity and ethics are evident in decision-making and all activities of the Council
- assist the Council to undertake proper consultation and take professional advice;
- create a powerful and effective means of holding decision-makers to public account
- ensure no-one reviews or scrutinises their own decisions;
- assist Councillors to represent their constituents effectively;
- provide a means of improving services.

Interpretation and Review of the Constitution

I.4. When the constitution and the law allow the Council to do more than just one thing, the Council will do what is closest to the purposes stated above.

I.5. At Council, the Lord Mayor's interpretation of the constitution will be final. When interpreting the constitution, the Lord Mayor will consider the purpose of the constitution and the advice of the Monitoring Officer.

I.6. If the constitution has no procedures for a meeting, or if there is a gap in the procedures for the meeting, the chair will decide what to do. This must be consistent with the purpose of the constitution.

I.7. The constitution will be reviewed in accordance with Article 13.

2. Article 2 – Councillors

Composition and Eligibility

- 2.1. The Council has 57 councillors, representing 20 wards. Each ward has three councillors except Drake, Plympton Chaddlewood and Plympton Erle, with two councillors each.
- 2.2. Anyone who is over 18 and a Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of another Member State of the European Community and is either -
 - registered as a local government elector; or
 - has occupied land in the city as owner or tenant for the previous 12 months or worked in the city for the previous 12 months or resided in the city for the previous 12 months is eligible to hold the Office of Councillor.

Election and Terms of Office of Councillors

Councillors

- 2.3. A Council election takes place on the first Thursday in May every year except in years when there are county council elections in the rest of England. A third of the seats are up for election each time, this is known as election by thirds.
- 2.4. Councillors serve for four years. They become Councillors on the fourth day after being elected. Their term of office ends four years later, on the fourth day after the elections.
- 2.5. A Councillor may resign their position at any time by giving written notice to the Returning Officer (Chief Executive) or designee. The resignation will take effect when the notice is received.

Roles and functions of all Councillors

- 2.6. Key Roles all Councillors will undertake:
 - Collectively set the policies which are matters for full Council;
 - Contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making
 - Provide political leadership;
 - Take part in decision making;
 - Take part in Councillor development and training;
 - Represent people in their wards – this may involve balancing different interests;
 - Deal with casework for people in their wards;
 - Attend Council and committee meetings;
 - Work to improve Council services;
 - Be available to and to actively represent the Council on other bodies.

Rights and duties

- 2.7. Councillors will have such rights of access to documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

- 2.8. Councillors will not make public, information which is confidential or exempt without the consent of the Council, relevant committee or authorised Councillor or officer, or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- 2.9. For the purposes of this Constitution, the terms “confidential” and “exempt” information are as defined in the Access to Information Rules in Part F of this Constitution.

Conduct

- 2.10. Councillors, co-opted and independent members will at all times act in accordance with and observe the “The Councillors Code of Conduct” and the “Protocol on Councillor/Officer Relations” as set out in Part G of this Constitution.

Allowances

- 2.11. Councillors and co-opted or independent members will be entitled to receive allowances in accordance with the Councillors’ Allowance Scheme set out in Appendix One to this Constitution.

3. Article 3 – The Public and the Council

3.1. Members of the public have the rights to information and to participate which are explained in more detail in the Access to Information Rules in Part 4(2) of this Constitution. Members of the Public have the following rights -

3.2. **Voting:** Those registered on the electoral roll have the right to vote at local elections;

3.3. **Participation:** members of the public have the right to:

- attend Council, Cabinet, Overview and Scrutiny and Committee meetings, except when exempt or confidential items are discussed ([see Access to Information Rules Part F](#));
- speak at a Council / Council meeting to ask a question.

3.4. **Information:** members of the public have the right to:

- look at the Forward Plan, which shows what key decisions and private decisions will be taken by the Cabinet in the next 28 days
- look at agendas, reports, minutes and background papers unless they are exempt from publication in accordance with Part F – agendas, reports and minutes are available on the Council's website
- look at the register of Councillors' interests – this is available for inspection online, on each Councillor's page, at www.plymouth.gov.uk
- inspect the Council's accounts at an advertised time and comment to the external auditor

3.5. **Complaints:** members of the public have the right to:

- complain to the Council, under its complaints procedure which is available to the public;
- complaint to the Local Government Ombudsman, after using the Council's own complaints scheme;
- complain to the Monitoring Officer about a breach by a councillor of the Code of Conduct.

The Public's Responsibilities

3.6. Members of the public are expected to conduct themselves in an appropriate and respectful manner.

3.7. Members of the public must not be violent, abusive or threatening to Councillors or officers and must not willfully harm articles owned by the Council, Councillors or officers.

3.8. The public rights of participation are dependent upon:

- refraining from causing damage to property;
- respecting the diversity and equality of all sections of the community
- respecting the integrity of the roles that Councillors and professional officers of the Council are required to undertake; and
- avoiding language, making statements or behaviours that are racist, derogatory or offensive, such conduct can amount to a criminal offence and may also amount to slander or libel.

4. Article 4 – The Full Council

Full Council Meetings

4.1. There are four types of Council meeting:

- The Annual meeting;
- Ordinary meetings;
- Extraordinary meetings;
- Annual Budget Meeting

4.2. All meetings of Full Council will be conducted in accordance with the Council Procedure Rules in Part B of this Constitution.

Functions, Powers and Responsibilities of the Full Council

4.3. Full Council has a number of specific functions allocated as set out in the [Local Authorities \(Functions and Responsibilities\) \(England\) Regulations 2000](#). Details of the functions that are dealt with by the Council are set out in Part B.

4.4. Some functions are the responsibility of the Council as a whole. This includes approval of:

- **The Policy Framework:** this is made up of a series of statutory plans and strategies (list found in Appendix One);
- **The Budget:** this includes the allocation of financial resources to the Corporate Priorities, services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits

4.5. Other functions may be taken by Full Council or by a committee of sub-committee of full Council, such as regulatory work (Planning and Licensing Committees) and legal and governance work, (for example Audit and Governance Committee).

4.6. Details of how the Council has delegated its remaining functions to Committees or allocated them to Officers are set out in Part E – Other Statutory Functions, Committees, Joint Committees and Committee Procedures

5. Article 5 – Lord Mayor and Chair of the Council

Appointment of the Lord Mayor

5.1. The Lord Mayor and the Deputy Lord Mayor will be elected by the Council annually.

Role and functions of the Lord Mayor

5.2. The Lord Mayor, and in their absence the Deputy Lord Mayor, represents the Council at civic and ceremonial events.

5.3. The Lord Mayor, and in their absence the Deputy Lord Mayor, chairs Council meetings. In chairing Council, the Lord Mayor will:

- Uphold and promote the purpose of the Constitution
- Where required at a meeting of Council, interpret the Constitution
- Conduct business efficiently but pay attention to the rights of all Councillors and the interests of local people and communities

5.4. The Lord Mayor does not usually vote and as far as possible should remain impartial and apolitical, as well as chair the meeting effectively, efficiently and with respect. In the event of a tied vote the Lord Mayor may exercise a casting vote.

Resignation

5.5. If the Lord Mayor resigns or dies the Deputy Lord Mayor will act as Lord Mayor until the next appropriate Meeting of the Council where a new Lord Mayor will be elected by the Council.

Incapacity

5.6. If the Lord Mayor is incapacitated the Deputy Lord Mayor will act in their place until the Lord Mayor is able to return to the role.

6. Article 6 – The Leader, Deputy Leader and Cabinet

Role and Responsibility

- 6.1. Some of the Council's functions are the responsibility of the Leader set down in law.
- 6.2. The responsibilities of the Leader must either be dealt with by them or delegated to the Cabinet, a committee of Cabinet, an individual Cabinet member or an officer, subject to any restrictions in law on delegations.
- 6.3. Full details of how the Leader has decided to allocate these responsibilities are set out in the Leader's scheme of delegation.
<https://www.plymouth.gov.uk/aboutcouncil/councilconstitution>

Leader

- 6.4. The Leader is a Councillor who is elected by the Full Council, usually at its annual meeting. The Leader will hold office until :
- They resign from the office; or
 - They are incapacitated or through death;
 - They are no longer a Councillor.
 - They are removed from office by resolution of the Council.
- 6.5. If the Leader stops being the leader as a result of any of the above, the Deputy Leader will act as Leader until the next meeting of the Council, which has been called in line with statutory requirements, where an agenda item to elect a new Leader will be included. The Leader may not be elected at the Annual Budget Meeting or an Extraordinary Meeting called for any other purpose.
- 6.6. The Leader has responsibility for
- appointing members of the cabinet
 - delegating executive responsibilities to the cabinet
 - delegating executive functions to committees carrying out executive functions
 - delegating executive responsibilities to individual Cabinet members
 - delegating and allocating executive responsibilities to officers
 - Allocating executive responsibilities when no-one has responsibility for them.

Deputy Leader

- 6.7. The Deputy Leader is nominated by the Leader of the Council. The Deputy Leader will hold office until:
- They resign from the office; or
 - They are incapacitated or through death;
 - They are no longer a Councillor; or
 - They are removed from office by the Leader who must give written notice of any removal to the Monitoring Officer. The removal will take effect two working days

after receipt of the notice by the Monitoring Officer.

- 6.8. In addition to any delegations in the Leaders Scheme of Delegation the Deputy Leader shall deputise for the Leader as appropriate.

The Cabinet

Form and Composition

- 6.9. The Cabinet will consist of the Leader, and Deputy Leader (who may also hold a portfolio), together with Cabinet members. Cabinet members will be appointed by the Leader and notified to the Council. In accordance with the Local Government Act 2000 (Part II Sec. 11 Para. 8) the Cabinet may not consist of more than 10 Councillors (including the Leader).
- 6.10. No member of Cabinet will serve on Overview and Scrutiny Committees.
- 6.11. No member of cabinet will serve as the Lord Mayor or Deputy Lord Mayor
- 6.12. In the event that the Leader resigns, is removed by Council or otherwise incapacitated to the extent they can no longer perform the role of Leader, the delegations to the Cabinet and Cabinet Members remain in place until the publication of an amended scheme of delegation.
- 6.13. In the event of the resignation or death of both the Leader and Deputy Leader, the Monitoring Officer will request that the remaining Cabinet members appoint an Acting Leader from the Cabinet who shall serve until the next Ordinary Meeting of the Council where a new Leader is elected.

Proceedings of the Cabinet

- 6.14. Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part C of this Constitution.

Assistant Cabinet Members

- 6.15. An Assistant Cabinet Member may be appointed by the Leader through inclusion in their scheme of delegation. An Assistant Cabinet member may support a Cabinet Member or Cabinet Members by assisting them with any function, except decision-making.

7. Article 7 – Overview and Scrutiny Committees

Appointment of the Overview and Scrutiny Committees

- 7.1. The Council will appoint a number of Overview and Scrutiny Committees to discharge the functions conferred by Section 21 of the Local Government Act 2000, Health and Social Care Act 2012, National Health Service Act 2006, the Police and Justice Act 2006 and any subsequent regulations.

Proceedings of the Overview and Scrutiny Committees

- 7.2. The Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedures in Part D of the Constitution.

8. Article 8 – Other Committees and Quasi-Judicial Committees

Other Committees and Quasi-Judicial Committees

- 8.1. The Council will appoint a number of standing committees the roles and responsibilities of which are set out in Part E.

9. Article 9 – Joint Arrangements

Powers to promote wellbeing

- 9.1. In order to take the reasonable action needed in order to promote the economic, social or environmental wellbeing of the area the Council and the Leader, as appropriate, may:
- Enter into arrangements, agreements or partnerships with any person or body;
 - Co-operate with, facilitate or co-ordinate the activities of any person or body; and
 - Exercise on behalf of that person or body any functions of that person or body.

Joint Arrangements

- 9.2. The Council may establish joint arrangements with one or more local authorities to exercise functions of Full Council of any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- 9.3. The Leader may establish joint arrangements with one or more local authorities to exercise the executive functions in any of the participating authorities, or to advise the leader. A non-executive Councillor of the Council may be appointed to such body where that body is providing an advisory function only. The above arrangements may involve the appointment of a joint committee with one or more local authorities.
- 9.4. Appointment of Councillors to the joint arrangement shall be made by the Council or the Leader, as appropriate.
- 9.5. Details of any joint arrangements including any delegations to joint committees are set out in Part E of this Constitution.

Delegation to and from other Local Authorities

- 9.6. Full Council may delegate or accept the delegation of non-executive functions to or from another Local Authority.
- 9.7. The Leader (or such person as they delegate to) may delegate or accept the delegation of Cabinet (executive) functions to or from another Local Authority.

Contracting out

- 9.8. The full Council and the Cabinet may contract out some of their functions to other organisations under the Deregulation and Contracting Out Act 1994 or under an agency agreement provided there is no delegation of the County Council's discretionary decision making powers.

Access to information

- 9.9. The Access to Information Rules in Part F of this Constitution apply to any joint or partnership arrangements.

10. Article 10 – Officers

Structure

- 10.1. The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- 10.2. The Head of Paid Service will determine, publicise and maintain a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

Statutory Posts and Chief Officers

- 10.3. Statutory posts of the Council are designated as follows:

Post	Legislation	Designation
Head of Paid Service	Local Government and Housing Act 1989 – Section 4	Chief Executive
Monitoring Officer	Local Government and Housing Act 1989 – Section 5	Head of Legal Services
Chief Financial Officer (Responsible Finance Officer)	Local Government and Housing Act 1989 -	Service Director for Finance (Section 151 officer)
Director of Adult Social Services	Local Authority Social Services Act 1970 (amended by the Children Act 2004)	Strategic Director for People
Director of Children’s Services	Children Act 2004 – Section 18	Strategic Director of Children’s Services
Director of Public Health	Health and Social Care Act 2012 – Section	Strategic Director of Public Health
Statutory Scrutiny Officer	Local Government Act 2000 – Section 9FB	Head of Governance, Performance and Risk
Data Protection Officer	General Data Protection Regulations (regulations 37 to 39) and Data Protection Act sections 69 to 71	Senior Information Risk Owner

Functions of the Head of Paid Service

- 10.4. To report on the discharge of functions by the Council. The Head of Paid Service (Chief Executive), where appropriate to do so will report to Council on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- 10.5. Proper officer for access to information. The Proper Officer (Chief Executive or designee) will make sure that committee’ decisions, together with the reasons for those decisions and relevant officer reports and background papers, are made publicly available.

- 10.6. Restrictions on functions. The Head of Paid Service may not be the Monitoring Officer or the Responsible Finance Officer.

Functions in case of emergency.

- 10.7. In cases of urgency or emergency the Head of Paid Service will take any action necessary to protect the Council's interests and assets where time is of the essence and it is impracticable to secure authority to act where such authority would otherwise be required.
- 10.8. The Head of Paid Service, in so acting, will consult the Leader or, in their absence, their designee and will report, in writing, as soon as practicable to the body which would otherwise have been required to give the necessary authority to act.

Functions of the Monitoring Officer

- 10.9. To maintain the Constitution. The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available to Councillors, staff and the public. The Monitoring Officer will review the operation of the Constitution.
- 10.10. To ensure lawfulness and fairness of decision-making. After consulting with the Head of Paid Service and Responsible Finance Officer, the Monitoring Officer will report to Council if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- 10.11. To contribute to Corporate Management. The Monitoring Officer will contribute to the Corporate Management of the Council, in particular through the provision of professional legal advice and democratic support.
- 10.12. To support standards. The Monitoring Officer or designee will contribute to the promotion and maintenance of high standards of conduct.
- 10.13. To conduct investigations. The Monitoring Officer or designee will conduct investigations into matters referred to them and make reports or recommendations based on the investigation.
- 10.14. To advise whether committee decisions are within the budget and policy framework. The Monitoring Officer will advise, as required, whether decisions of the Cabinet, committees or officers are in accordance with the budget and policy framework.
- 10.15. To provide advice. The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.
- 10.16. Restrictions on posts. The Monitoring Officer cannot be the Responsible Finance Officer or the Head of Paid Service.

Functions of the Responsible Finance Officer (Service Director for Finance: Section 151 Officer)

- 10.17. To make sure decisions are lawful and financially prudent. After consulting with the Head of Paid Service and the Monitoring Officer, the Responsible Finance Officer will report to the Full Council and the Council's external auditor if he/she considers that any proposal, decision or course of action would incur unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully.
- 10.18. To administer financial affairs. The Responsible Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- 10.19. To contribute to corporate management. The Responsible Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- 10.20. To providing advice. The Responsible Finance Officer or designee will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- 10.21. Providing financial information. The Responsible Finance Officer or designee will provide financial information to the media, members of the public and the community.
- 10.22. Restrictions on Post. The Responsible Finance Officer cannot be the Monitoring Office. The Head of Paid Service and the Responsible Finance Officer can be the same person but the Responsible Finance Officer must be a qualified accountant.

Duty to provide sufficient resources to the Monitoring Officer and Responsible Finance Officer

- 10.23. The Council will provide the Monitoring Officer and Responsible Finance Officer with such officers, accommodation and other resources sufficient to allow their duties to be performed.

Conduct of Officers Generally

- 10.24. All officers will comply with the Officers Code of Conduct and the Councillor/Officer Protocol.
- 10.25. All officers must alert the Monitoring Officer and Responsible Finance Officer to issues of concern as soon as they come up. These will include legal, probity, vires and constitutional issues

Employment

- 10.26. The recruitment, selection and dismissal of officers will comply with the Employment Standing Orders in Part H of this Constitution.

11. Article 11 – Decision Making and Delegation of Functions

Responsibility for decision-making

11.1. The Council will issue and keep up to date a record of the responsibility of the Council, the Leader, the Cabinet, Committees, Cabinet members and individual officers for particular types of decisions or decisions relating to particular areas or functions at [www.plymouth.gov.uk/scheme of delegation](http://www.plymouth.gov.uk/scheme%20of%20delegation)

Principles of decision making

11.2. All decisions of the Council will be made in accordance with the following principles:

- Proportionality (i.e. the action must be proportionate to the desired outcome);
- Consultation and due consideration of professional advice from officers;
- Respect for human rights;
- A presumption in favour of openness;
- Clarity of aims and desired outcomes; and
- Explaining what options are available and giving reasons for the decisions taken.

Types of decision

11.3. The law divides a council's work into three categories:

- **Council responsibilities** – these are the responsibility of Council and are set out in section B or delegated to a Committees a sub committees or an officer;
- **Executive responsibilities** – these are the responsibility of the Leader and are set out in the Leader's scheme of delegation at [www.plymouth.gov.uk/scheme of delegation](http://www.plymouth.gov.uk/scheme%20of%20delegation)
- **Local choice responsibilities** – Council has decided that these will be the responsibility of the Leader.

Full Council and Key Decisions

Full Council decisions:

11.4. Decisions relating to the Council Functions listed in Part B section I will be made by the Full Council and not delegated.

Key decisions:

11.5. Some decisions taken by the Cabinet, the Leader or Officers (through delegation) may be defined as a "key decision". A decision will be a "key decision" if it is an executive decision

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- Which is likely to result in the local authority incurring expenditure which is, or the making of savings which are, significant: -
 - in the case of capital projects and contract awards, when the decision involves a new commitment to spend and/or save in excess of £3million in total; or
 - in the case of revenue projects when the decision involves entering into new

commitments and/or making new savings in excess of £1 million annually.

- OR which is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority. (“Significant Impact” in this respect is determined by the Monitoring Officer)

- 11.6. Decisions to receive grant funding will not be treated as key decisions, unless the terms of the grant agreement have a significant impact on more than two wards as determined by the Monitoring Officer.
- 11.7. A decision maker may only make a key decision in accordance with the requirements of the Council Procedure Rules set out in Part B of this Constitution.

Delegation of responsibilities

- 11.8. Council delegates some of its responsibilities to a Committee or an officer. The Leader can delegate some of his or her responsibilities to the Cabinet a committee of Cabinet, an individual Cabinet member or an officer in accordance with the Leader’s scheme of delegation. Council and the Leader cannot delegate to each other.

How Delegation Works

- 11.9. Council and the Leader can at any time take back responsibilities they have delegated or decide to delegate them on certain conditions.
- 11.10. Council and the Leader can also decide to delegate further: responsibilities that the Leader has not already delegated can be delegated to the Cabinet a committee of the Cabinet, or to an officer; responsibilities that Council has not already delegated can be delegated to or a committee of Council or to an officer.

Interpreting the rules on delegation

- 11.11. When a responsibility is delegated in this constitution, so is the authority to do anything necessary to carry it out (unless it was forbidden when the responsibility was delegated). Executive and council responsibilities are carried out on behalf of the council and in the council’s name.

Decision making by the Full Council

- 11.12. Unless otherwise stipulated, the Council meeting will follow the Council Procedure Rules in Part B when considering any matter.

Decision making by the Leader and Cabinet

- 11.13. Unless otherwise stipulated, the Cabinet will follow the Cabinet Procedure Rules in Part C when considering any matter.

Decision making by the Overview and Scrutiny Committees

- 11.14. The Overview and Scrutiny Committees and sub-committees will follow the Overview and Scrutiny Procedure Rules in Part D when considering any matter.

Decision making by other committees and sub-committees established by the Council

11.15. Other Council committees and sub committees shall follow the Committee Procedure Rules when considering any matter.

Decision making by Council bodies acting as tribunals

11.16. The Council, a Councillor or an officer when acting as a tribunal or in a quasi-judicial manner and determining or considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the Human Rights Act 1998.

12. Article 12 – Finance, Contracts and Legal Matters

Financial Management

12.1. The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations.

Contracts

12.2. Contracts made by or on behalf of the Council will comply with the Contract Standing Orders.

Legal Proceedings

12.3. The management of the Council's legal affairs will be conducted in accordance with the Legal Standing Orders.

13. Article 13 – Review and Revision of the Constitution

Duty to monitor and review the Constitution

13.1. The Council and Monitoring Officer will monitor and review the operation of the Constitution during the year in which ordinary elections to the Council are not held, to ensure that the aims and principles of the Constitution are given full effect.

Protocol for monitoring and review of Constitution by Monitoring Officer

13.2. A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations on ways the Constitution can be amended to better achieve the its purpose.

13.3. In undertaking this task the Monitoring Officer or designee may:

- Observe meetings of different parts of the Councillor and officer structure;
- Undertake an audit trail of a sample of decisions;
- Record and analyse issues raised with them by Councillors, officers, the public and other relevant stakeholders; and
- Compare practices in this authority with those in other comparable authorities, or national examples of best practice.

Changes to the Constitution

13.4. The Audit and Governance Committee can change the following parts of the Constitution:

- Part F – Access to Information Procedure Rules,
- Part G – Codes and Protocols apart from the Councillor Code of Conduct,
- Part H – Standing Orders and Regulations.

13.5. The Audit and Governance Committee can also make changes to the Council Procedures, the Budget and Policy Procedure Rules, the Call in Procedure Rules, the Cabinet Procedure Rules, the Overview and Scrutiny Procedure Rules and the General Rules applying to Committees.

13.6. The Audit and Governance Committee can refer any proposed changes to the Constitution to Council where considered appropriate.

13.7. The Monitoring Officer can change the constitution, in consultation with the appropriate Cabinet member and the Chief Executive, if it is to put right clerical mistakes, to make it follow or clarify the law, or to comply with Council or Audit and Governance Committee decisions to amend the constitution.

13.8. The Monitoring Officer can also change the Leader's Scheme Part C Responsibility for executive functions to reflect the wishes of the Leader.

13.9. Any other changes must be agreed by Council after considering a report from the Audit and Governance Committee or the Monitoring Officer.

14. Article 14 – Suspension, Interpretation and Publication of the Constitution

Suspension of the Constitution

14.1. Limit to suspension. The Articles of this Constitution may not be suspended.

Procedure to suspend the rules of procedure.

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

Interpretation

14.3. The ruling of the Lord Mayor or Chair of a meeting as to the Rules of Debate or any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purpose of this Constitution.

Publication

14.4. The Monitoring Officer will ensure that up-to-date copies of the Constitution are made available to Councillors, Officers and the public on request.