



## **Part 2 - Articles of the Constitution**

## Article 1 - The Constitution

### 1. The Constitution

This Constitution and all its appendices form Peterborough City Council's Constitution.

### 2. Purpose of the Constitution

The aims of the Constitution are:

- (a) To provide clear leadership to the community and to gain the support of local people, businesses, public-service providers and voluntary organisations;
- (b) To support members of the public who are actively involved in decision-making processes and to make sure we are accessible, approachable and attentive;
- (c) To help Members represent their constituents more effectively;
- (d) To help make sure decisions are made more efficiently and effectively;
- (e) To create a powerful and effective way of holding decision makers answerable to the public;
- (f) To promote and maintain the highest standards of conduct in Members and officers;
- (g) To make sure that the public knows who is responsible for making decisions and that those people explain the reasons for their decisions;
- (h) To provide a way of improving the quality of our services and providing value for money.

### 3. Our powers

The Council will comply with the law and this Constitution when carrying out its duties.

### 4. Understanding and reviewing the Constitution

4.1 Where the Constitution allows us to choose between different courses of action, we will always choose the option which we think is closest to the aims stated above.

4.2 We will monitor and review the effectiveness of the Constitution as set out in Article 13.

## Article 2 - Members of the Council

### 1. Size and make up of the Council

The Council is made up of 60 Members. One or more Members will be elected by the voters in each ward in line with a scheme drawn up by the Local Government Boundary Commission for England and approved by the Secretary of State.

### 2. Eligibility

Only people registered to vote in the area or those living or working there, can be Members.

### 3. Electing Members

Normally in May each year an election will be held to appoint a third of the Members making up the Council (subject to how close European or Parliamentary elections are being held). City Council elections do not usually take place in years when there are county council elections.

### 4. Term of Office

Each Member will normally hold their position for **four** years, starting on the fourth day after they are elected and finishing on the fourth day after the election **four** years later (unless they are re-elected).

### 5. Roles of all Members

All Members will:

- (a) Act together as the Council's policy-makers and carry out a number of management roles;
- (b) Represent their communities and give their views when decisions are made;
- (c) Deal with individual questions, complaints or comments raised by constituents or organisations and represent constituents when dealing with their particular concerns;
- (d) Balance different interests identified within their ward and represent their ward as a whole;
- (e) Be involved in making decisions;
- (f) Be available to represent us on outside organisations;
- (g) Maintain the highest standards of conduct and principles by formally agreeing to comply with the Code of Conduct for Members.

### 6. Rights and duties of all Members

- 6.1 Members will have the right to see any Council documents, information, land or buildings if this is necessary for them to carry out their duties properly and in keeping with the law.

- 6.2 Members will not release any information which is 'confidential or exempt' (not for the public) without our permission unless they are giving it to a Member or officer who is entitled to that information.
- 6.3 The exact meanings of 'confidential' and 'exempt' for this purpose are defined in [Part 4 of this Constitution](#).
- 6.4 Members have the right to apply to the Licensing Committee for a review of a licence or to oppose an application for a new licence, regardless of whether or not they live or have a business in the vicinity of the premises concerned.

## **7. Conduct**

Members will always comply with the [Code of Conduct for Members](#), the [Planning Code of Conduct](#), the [Members' Licensing Code of Good Practice](#) and the [protocol on relationships between Members and Officers](#) (set out in Part 5 of this Constitution).

## **8. Allowances**

Members can receive allowances for necessary food, drink, travel and accommodation as set out in [Part 6 of this Constitution](#).

## Article 3 - The Public's Rights and Responsibilities

### 1. Voting and petitions

- 1.1 If you are on the electoral roll for the area you can vote in local elections and sign a petition to ask for a referendum on whether or not a Mayor should be elected.
- 1.2 If you are concerned about an issue affecting Peterborough you can present a petition about the issue at a Council meeting. A petition must either be presented by a Member or you can present one provided it contains:
- at least 20 signatures for an ordinary petition; or
  - at least 50 signatures to trigger submission of the petition to the Cabinet or Scrutiny Committee alongside or in advance of the business your petition is seeking to affect; or
  - at least 500 signatures for a petition to be eligible for debate at a meeting of the Full Council.

### 2. Information

- 2.1 You have the right:
- (a) To attend Council and Committee meetings (as long as confidential or exempt information will not be revealed);
  - (b) To attend meetings of the Executive (as long as confidential or exempt information will not be revealed);
  - (c) To find out, from the Executive's Forward Plan, what major decisions will be discussed or decided at its future meetings;
  - (d) To see reports and background papers on, and any records of, decisions made by the Council and the Executive (as long as confidential or exempt information will not be revealed);
  - (e) To inspect our accounts and make your views known to our external auditor.
- 2.2 Your right to information is explained in more detail in [Part 4 of this Constitution](#).

### 3. Taking part

You have the right to take part in both the Council's Questions and Petitions Time.

### 4. Complaints

You have the right to complain to:

- (a) the Council through its complaints procedure;
- (b) the Ombudsman; and
- (c) the Council's Monitoring Officer.

### 5. Your responsibilities

You must not be violent, abusive or threatening towards Members or officers, and you must not intentionally damage things owned by the Council, Members or officers. If you attend an official meeting you must respect the Mayor or chairman and obey their instructions so that the meeting can be conducted in an orderly way.

## Article 4 - The Full Council

### 1. Major Policy Framework

The [Council's Major Policy Framework](#) is contained within the Delegations Document (Part 3 of this Constitution).

### 2. Budget

The Budget sets out the following:-

- (a) The funding the Council allocates to different services and projects.
- (b) The amount we should set aside as a contingency fund, to deal with unexpected expenses.
- (c) The Council Tax base.
- (d) The Council Tax to be charged.
- (e) Decisions relating to the Council's need to borrow money, its spending on fixed assets such as equipment and property and the limits on the funds available to transfer between accounts held for different purposes.

### 3. Housing land transfer

Housing land transfer is when, with the Secretary of State's approval, the Council transfers:-

- (a) 500 or more properties to a person under the [Leasehold Reform, Housing and Urban Development Act 1993](#); or
- (b) land used for residential purposes (if we need approval under sections 32 or 43 of the [Housing Act 1985](#)).

### 4. Functions of the Full Council

Only the Council can:-

- (a) Adopt and change the Constitution (apart from consequential amendments arising from changes to the law and/or changes to the management/committee structure of the Council which may be made by the Monitoring Officer);
- (b) Approve or adopt the major Policy Framework, the Budget and any application for housing land transfer;
- (c) Make decisions about the discharge of an Executive function, if that Executive decision is made in a way which is not in keeping with the major Policy Framework or the Budget;
- (d) Appoint the Leader;
- (e) Agree or amend the rules on how Committees should be set up, what they should do, and how they should do it;
- (f) Appoint the chairman and other members to non-Executive Committees.
- (g) Appoint representatives to outside bodies, unless the Executive or another body is responsible for making the appointment;
- (h) Adopt a Members' allowances scheme;
- (i) Change the name of the area, give somebody the title of 'Honorary Alderman', or give them the 'Freedom of the City';
- (j) Confirm the appointment and the dismissal of the Chief Executive;
- (k) Confirm the appointment and dismissal of the Head of Paid Service, Monitoring Officer and/or the Chief

Finance Officer and in the case of a dismissal following a recommendation which has been considered by the Independent Panel;

- (l) Establish an Independent Panel for the purposes of considering and commenting upon and proposal to dismiss any statutory officers
- (m) Appointment of Independent Person to the Council
- (n) Revise or adopt byelaws, and promote or oppose local regulations;
- (o) All functions set out in [Part 3 of this Constitution](#) which the Council decides should be carried out by itself rather than the Executive;
- (p) All other matters which, by law, must be dealt with by the Council

## 5. Council meetings

There are three types of Council meeting:

- (a) the Annual meeting;
- (b) Ordinary meetings; and
- (c) Extraordinary meetings.

All meetings will be conducted in accordance with [Part 4 of this Constitution](#).

## 6. Responsibility for functions

Part 3 of this [Constitution](#) sets out the responsibilities of:-

- (a) the Council
- (b) the Executive; and
- (c) Regulatory committees.

The Executive functions may be carried out by:

- (a) the whole Executive;
- (b) a committee of some Executive members;
- (c) an individual Member of the Executive;
- (d) a Council officer.

## **Article 5 - The Mayor**

The Mayor will be elected by the Council each year. The Mayor, and in their absence the Deputy Mayor, will have the following responsibilities:-

- (a) To uphold and promote the Constitution, and to interpret the Constitution when necessary;
- (b) To chair full Council meetings so they are conducted efficiently and take account of the rights of Members and the interests of the community;
- (c) To promote public involvement in our activities;
- (d) To act as our ambassador within Peterborough and to represent Peterborough outside the area;
- (e) To attend or chair civic and ceremonial functions when appropriate.



## Article 6 - The Executive

### 1. Role

The Executive will implement the policies within the Budget and Policy Framework approved by the Council.

### 2. Form and set-up

The Executive is made up of the Leader together with up to nine Cabinet Members appointed by the Leader.

### 3. Leader

The Leader is a Member elected to the position by the Council. The Leader will hold office for a period of four years or until he or she:-

- (a) resigns;
- (b) stops being a Member; or
- (c) is removed from that position by the Council.

### 4. Other Executive Members

Other Executive members will hold office until the next annual Council meeting or until they:

- (a) resign;
- (b) stop being Members; or
- (c) are removed from that position, either individually or collectively, by the Leader.

### 5. Proceedings of the Executive

Proceedings of the Executive will take place in line with the Executive procedure rules set out in [Part 4 of this Constitution](#).

### 6. Responsibility for functions

The Leader will maintain a list (see [Part 3 of this Constitution](#)) which sets out which individual Members or officers are responsible for carrying out particular Executive functions.

## Article 7 - Overview and Scrutiny

### 1. OVERVIEW AND SCRUTINY COMMITTEES

- 1.1 The Council will appoint one or more Overview and Scrutiny Committees to carry out the following functions:
- (a) Local authority functions under Section 9F to Section 9FI of the [Local Government Act 2000](#);
  - (b) Scrutiny of crime and disorder matters under Section 19 of the [Police and Justice Act 2006](#);
  - (c) Scrutiny of health matters under Section 244 (2ZE) of the [National Health Service Act 2006](#) and subsequent regulations; and
  - (d) Scrutiny of flood risk management under Section 9FH of the [Local Government Act 2000](#) as amended by the [Flood Risk Management Act 2010](#).
- 1.2 The Council has established the following Overview and Scrutiny Committees:
- (a) Children and Education Scrutiny Committee;
  - (b) Adults and Health Scrutiny Committee;
  - (c) Climate Change and Environment Scrutiny Committee;
  - (d) Growth, Resources and Communities Scrutiny Committee.
- 1.3 The Council will designate particular Scrutiny Committees to have responsibility for overview and scrutiny of matters relating to health, education, crime and disorder and flood risk management.

### 2. SUMMARY OF OVERVIEW AND SCRUTINY FUNCTIONS

- 2.1 Within their terms of reference set out in [Part 3 Section 4 of the Constitution](#), the Overview and Scrutiny Committees may:
- (a) Develop policy proposals for consideration by the Executive and make recommendations to the Executive on certain executive decisions;
  - (b) Review or scrutinise decisions made, or other actions taken, in connection with any of the Council's functions;
  - (c) Make reports and recommendations to the Cabinet and/or full Council and/or any Committee in connection with the discharge of any of the Council's functions;
  - (d) Consider any matters affecting the area of Peterborough or its inhabitants and make reports and recommendations; and
  - (e) Call in decisions of the Executive in accordance with the Call-In procedures in the Scrutiny Committee Procedural Rules.
- 2.2 In addition to its role in holding the Executive and partners to account, the role of scrutiny is to provide a positive input into decision-making at an early stage; both at the policy development stage and prior to decision making. It has a strong, objective and distinct voice and is a mechanism for bringing forward a wide range of voices, views, ideas and expertise. Comprising members of an elected body, it will ensure it adds value and transparency at all times.

3. **STATUTORY SCRUTINY OFFICER**

The Council has designated the Democratic and Constitutional Services Manager as its Statutory Scrutiny Officer.

4. **TERMS OF REFERENCE AND PROCEEDINGS OF THE SCRUTINY COMMITTEES**

Scrutiny Committees will carry out their functions in accordance with their [Terms of Reference](#) and [Procedure Rules](#) as set out in Part 3 and Part 4 of this Constitution.

## **Article 8 - Regulatory and Other Committees**

### **1. Regulatory**

The Council will appoint the Regulatory Committees referred to in [Part 3 of this Constitution](#) to carry out the functions delegated to them.

### **2. General purpose**

The Council will appoint a number of general purpose or informal bodies as set out in the Delegations Document (see [Part 3 of this Constitution](#)).

## Article 9 - Joint Arrangements

### 1. Arrangements to promote well-being

The Council or the Executive, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or organisation;
- (b) co-operate with, or co-ordinate the activities of, any person or organisation; and
- (c) carry out any functions of that person or organisation on their behalf.

### 2. Joint arrangements

- 2.1 The Council may set up joint arrangements with one or more local authorities to carry out non-Executive functions in, or give advice to, those authorities.
- 2.2 The Executive may set up joint arrangements with one or more local authorities to carry out Executive functions. These arrangements may involve setting up joint committees with these other local authorities.
- 2.3 The Executive may appoint only its Members to a Joint Committee.
- 2.4 Details of any joint arrangements, including Members and functions of Joint Committees, as set out in [Part 3 of this Constitution](#).

### 3. Access to information

The access to information rules in [Part 4 of this Constitution](#) apply to Joint Committees.

### 4. Delegation to and from other local authorities

- 4.1 The Council may give non-Executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- 4.2 The Executive may give executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- 4.3 The decision whether or not to accept functions given by another local authority will be made by the Executive in relation to Executive functions and the Council for non-Executive functions.

### 5. Contracting out

The Executive may give another organisation the contract to perform functions which may be carried out by a Council officer and which are governed by:

- (a) an order under section 70 of the [Deregulation and Contracting Out Act 1994](#); or
- (b) contracting arrangements where the contractor acts as the Council's agent under usual contracting principles;

provided that the Council's right to make decisions is not contracted out.

## Article 10 - Management Structure

### 1. Management structure

The Council employs officers as it considers necessary to carry out its functions including:-

<b>Post</b>	<b>Areas of responsibility</b>
Chief Executive (and Head of Paid Service)	<ul style="list-style-type: none"> <li>◆ Managing all the Council's functions (including overall responsibility for all officers)                             <ul style="list-style-type: none"> <li>- Governance</li> <li>- Resources</li> <li>- Growth &amp; Regeneration</li> <li>- People and Communities</li> <li>- Public Health</li> </ul> </li> <li>◆ Providing professional advice to everyone involved in the decision-making process</li> <li>◆ Representing the Council on outside organisations</li> </ul>
Corporate Director Resources (Chief Finance Officer)	<ul style="list-style-type: none"> <li>◆ Financial planning, corporate accounting, internal audit &amp; insurance, schools funding</li> <li>◆ Serco contract, Digital Peterborough, Aragon, Westcombe energy, Vivacity</li> <li>◆ Bereavement service &amp; registration services, markets, regulatory services, strategic parking and bus stations</li> <li>◆ marketing &amp; communications and tourism</li> <li>◆ Resilience.</li> </ul>
Executive Director for Place and Economy	<ul style="list-style-type: none"> <li>◆ Building control, development management planning compliance, environmental strategy</li> <li>◆ Property and strategic planning, natural &amp; historic environment, asset &amp; contract performance, highways maintenance &amp; schemes commissioning</li> <li>◆ Transport &amp; infrastructure commissioning, highway &amp; drainage control, network and traffic management, SKANSKA</li> <li>◆ School infrastructure</li> <li>◆ Housing Needs</li> </ul>

<p>Executive Director People and Communities Cambridgeshire and Peterborough Councils</p>	<ul style="list-style-type: none"> <li>◆ Adult social care operations,</li> <li>◆ Adults and Children Early Help</li> <li>◆ Adults and Children Safeguarding and Quality Assurance</li> <li>◆ Adults and Children Commissioning and Quality Improvement</li> <li>◆ Housing Programmes, Statutory Homelessness, Care and Repair</li> <li>◆ Community &amp; Safety services, Offender services, parking services, CCTV and out of hours service</li> <li>◆ Children’s social care operations,</li> <li>◆ Supporting Adult and Children Safeguarding Boards</li> <li>◆ Claire Lodge welfare secure unit</li> <li>◆ Cherry Lodge &amp; Manor and short breaks and outreach for children with disabilities</li> <li>◆ Community cohesion &amp; development</li> <li>◆ School Improvement, Admissions &amp; Pupil Place Planning, School Transport, , special educational needs &amp; inclusion, City College Peterborough, pupil referral units,</li> <li>◆ Commissioning (public health, SEND and child health, children’s &amp; adult social care and targeted services for adults and children),</li> <li>◆ Early years &amp; quality improvement.</li> </ul>
<p>Director of Public Health</p>	<ul style="list-style-type: none"> <li>◆ Public Health</li> </ul>
<p>Director of Law and Governance (and Monitoring Officer)</p>	<ul style="list-style-type: none"> <li>◆ Legal services,</li> <li>◆ Democratic services,</li> <li>◆ Elections,</li> <li>◆ Members Services,</li> <li>◆ Mayor’s Office</li> <li>◆ Information governance and freedom of information,,</li> <li>◆ Coroner’s office,</li> </ul>
<p>Director of Customer and Digital Services</p>	

Director of Business Improvement and Development
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The Monitoring Officer will make the necessary amendments to this Article to reflect any changes that are from time to time made to the Management Structure under the authority delegated to the Cabinet, Employment Committee, the Head of Paid Service or other officers in accordance with the scheme of delegation and other powers within this Constitution.

## 2. Functions of the Head of Paid Service

The Head of Paid Service will report to the Council on the way it performs its functions, the number and grades of officers needed to perform those functions, and the organisation of officers.

The Head of Paid Service cannot be the Monitoring Officer, but can be the Chief Finance Officer if they are a qualified accountant.

## 3. Functions of the Monitoring Officer

The Monitoring Officer will:-

- (a) Maintain an up-to-date version of the Constitution and make sure it is widely available to Members, officers and the public;
- (b) Report to the Council (or the Executive in relation to an Executive function) if any proposal, decision or failure could give rise to unlawfulness or maladministration. (the report would stop the proposal or decision from coming into effect until the report has been considered);
- (c) Promote and maintain high standards of conduct by providing support to the Constitution and Ethics Committee including reports and recommendations;
- (d) Make sure the Executive's decisions (together with the reasons for those decisions) reports, and background papers are made available to the public as soon as possible;
- (e) Confirm whether or not the Executive's decisions are in keeping with the Budget and Policy Framework;
- (f) Give Members advice on our authority to take decisions and on maladministration, financial irregularities, guiding principles, and the Budget and major Policy Framework;
- (g) The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

## 4. Functions of the Chief Finance Officer

The Chief Finance Officer will:-

- (a) After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Executive and subsequently to Council and the external auditor if:
  - they think that any proposal, decision or course of action will involve unlawful spending or is unlawful and is likely to cause a loss; or
  - the Council is about to enter an item of account unlawfully;
- (b) Be responsible for managing the Council's financial affairs;



- (c) Help the Council to run its services, by providing professional financial advice;
- (d) Give Members advice on our authority to take decisions and on maladministration, financial irregularities, guiding principles, the Budget and Major Policy Framework;
- (e) Support, and give advice to, Members and officers;
- (f) Provide financial information to the press, Members of the public and the community.

## 5. Functions of the Statutory Scrutiny Officer

The Statutory Scrutiny Officer will:

- (a) promote the role of the Council's Overview and Scrutiny Committees;
- (b) provide support to the Council's Overview and Scrutiny Committees and the members of those committees;
- (c) provide support and guidance to:
  - (i) members of the authority;
  - (ii) members of the Executive of the authority, and
  - (iii) officers of the authority

in relation to the functions of the Council's Overview and Scrutiny Committees.

The Statutory Scrutiny Officer may not be:

- The Head of Paid Service
- The Monitoring Officer
- The Chief Finance Officer

## 6. Duty to provide resources to the Monitoring Officer and Chief Finance Officer

The Council will provide accommodation, equipment and other resources that are necessary for the Monitoring Officer and the Chief Finance Officer to perform their duties.

## 7. Conduct of officers

Officers will comply with the [Officers' Code of Conduct](#) and the [Protocol on relationships between Members and officers](#) (set out in Part 5 of this Constitution).

## 8. Employment

The Council will recruit, employ and dismiss officers in line with the [Officer Employment Procedure Rules](#) set out in Part 4 of this Constitution.

## Article 11 - Decision Making

### 1. Responsibility for decision making

The Council will keep a record of the decisions taken and persons responsible for them available to the public. These details are set out in [Part 3 of this Constitution](#).

### 2. Role of decision makers

All decision makers will:-

- (a) realistically consider all alternatives and, where reasonably possible, consider the views of the public;
- (b) understand and keep to the legal requirements regulating their power to make decisions;
- (c) take account of all relevant matters, both general and specific, and ignore any irrelevant matters;
- (d) act for a proper purpose and in the interests of the public;
- (e) keep to the rules relating to local government finance;
- (f) follow procedures correctly and be fair;
- (g) make sure they are properly authorised to make the decisions;
- (h) be responsible for their decisions and be prepared to give the reasons for them;
- (i) take appropriate professional advice from officers.

### 3. Key decisions

A 'key decision' is an Executive decision which is likely to:

- (a) result in the Council spending, or saving a significant amount compared with the Budget for the service or function the decision relates to; or
- (b) have a 'significant' effect on communities living or working in an area made up of two or more wards.

"When assessing whether or not a decision is a key decision, Members must consider all the circumstances of the case. However, a decision which results in a significant amount spent or saved will not generally be considered to be a key decision if the amount spent or saved is less than £500,000 (excluding VAT). A decision which results in expenditure or saving of £500,000 or more will generally be considered a key decision."

A key decision which is considered to have a 'significant' effect on communities should usually be of a strategic rather than operational nature and have an outcome which will have an effect upon a significant number of people living or working in the area and impact upon:

- the amenity of the community or;
- quality of service provided by the authority.

For the purposes of determining whether a decision is key 'significant' is defined as a situation where the broader implications of a proposal are so evident or substantial that they need to be taken into consideration when Members are making a decision on the proposal.

**4. Decision making by the full Council**

The Council will follow the Council's Procedures Rules set out in [Part 4 of this Constitution](#) when considering any decision.

**5. Decision making by the Executive**

The Executive will follow the Executive Procedures Rules set out in [Part 4 of this Constitution](#) when considering any decision.

**6. Decision making by Scrutiny Committees**

Scrutiny Committees will follow the Overview and Scrutiny Procedures Rules set out in [Part 4 of this Constitution](#) when considering any decision.

**7. Decision making by other Committees and Sub-Committees**

Committees and Sub-Committees will follow those parts of the Council procedures rules set out in Part 4 of this [Constitution](#) as apply to them.

**8. Human Rights**

All decisions taken by the Council will be in accordance with the requirements contained in the European Convention of Human Rights.

## Article 12 - Finance, Contracts and Legal Matters

### 1. Financial management

The Council's financial affairs will be managed in line with the [Financial Regulations](#) set out in Part 4 of this Constitution.

### 2. Contracts

Every Council contract will follow the [Contract Regulations](#) set out in Part 4 of this Constitution.

### 3. Legal proceedings

The Monitoring Officer is authorised to start, defend or take part in any legal proceedings if this is necessary to bring Council decisions into effect or to protect its interests.

### 4. Authentication of documents

If any Council document is necessary in any legal proceedings, it will be signed by the Monitoring Officer (or another person authorised by them (unless any other person is authorised, by law or by order of the Council, to sign the document). That signature will confirm that the document is authentic.

### 5. Common seal

The Monitoring Officer will keep the Council's Common Seal (our official seal) in a safe place. A decision made by the Council, or any part of it, gives authority for any document to be marked with the Common Seal and so take effect. The Common Seal will be placed on documents which, in the opinion of the Monitoring Officer, should be sealed. When the Common Seal is placed on a document it will be witnessed and signed by the Monitoring Officer or some other person authorised by him or her.

## Article 13 - Monitoring and Reviewing the Constitution

### 1. Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the effectiveness of the Constitution to make sure the aims and principles of the Constitution are fully enforceable.

### 2. Procedure for monitoring and review of the Constitution

The Monitoring Officer must know the strengths and weaknesses of the Constitution and recommend ways in which it could be improved in line with the purposes set out in Article 1. In doing this the Monitoring Officer may:

- (a) sit in on meetings of the different parts of our structure (that is, the Council, the Executive, Committees and sub-Committees or officer meetings);
- (b) Carefully examine a sample of decisions;
- (c) record and analyse issues raised by Members, officers, and members of the public; and
- (d) compare our practices with those in comparable local authorities, or with national examples of best practice.

### 3. Approving changes to the Constitution

- (a) Changes to the Constitution will be approved by the full Council.
- (b) Any consequential amendments arising from changes to the law and / or changes to the management / committee structure of the Council will be made by the Monitoring Officer.

### 4. Changing the form of the Executive

The Council must consult local people when we are drawing up proposals to change the form of the Executive and must hold a referendum if the change would be to appoint a Mayor as defined by the [Local Government Act 2000](#).

## **Article 14 - Suspending, Understanding and Publishing the Constitution**

### **1. Limits on suspending the Constitution**

The Articles of this Constitution may not be suspended. The standing orders and procedure rules in [Part 4 of this Constitution](#) may be suspended in line with the relevant standing orders and rules.

### **2. Procedure to suspend the Constitution**

A proposal to suspend any rules will not be discussed unless at least half of the total number of Members are present. The extent and period of the suspension will be relative to the result to be achieved.

### **3. Understanding the Constitution**

The Mayor's ruling on how this Constitution should be interpreted or applied, or on any Council proceedings, cannot be challenged at any Council meeting.

### **4. Publishing the Constitution**

The Monitoring Officer will give a copy of this Constitution to each Member when they give their declaration of acceptance of office, when first elected to the Council.

The Monitoring Officer will make sure that copies can be inspected at Council offices, libraries and other appropriate locations, and that members of the local press and the public can buy copies of the Constitution for a reasonable fee.

The Monitoring Officer will make sure that a summary of the Constitution is made widely available within the area and is updated as necessary.