

## **Part 2**

# **Articles of the Constitution**

## **Article 1 - The Constitution**

### **1. The Constitution**

This Constitution, and all its appendices, form Ipswich Borough Council's Constitution.

### **2. Purpose of the Constitution**

The purpose of the Constitution is to:

- (a) enable the Council to provide clear leadership to the community in partnership with the public, businesses and other organisations;
- (b) support the active involvement of the public in the process of local authority decision-making;
- (c) help Councillors represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create a powerful and effective means of holding decision-makers to public account;
- (f) ensure that no one will review or scrutinise a decision in which they were directly involved;
- (g) ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (h) provide a means of improving the delivery and quality of our services and providing value for money.

### **3. Council Powers**

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

### **4. Understanding and reviewing the Constitution**

- 4.1 Where the Constitution allows the Council to choose between different courses of action, the Council will always choose the option which it considers is the closest to the aims stated above.

- 4.2 The Council will monitor and evaluate the operation 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 48 Councillors. One or more Councillors will be elected by the voters in each ward in line with a scheme drawn up by the Local Government Committee of the Electoral Commission and approved by the Secretary of State.

### **2. Eligibility**

To qualify as a candidate for election to the Council a person must satisfy criteria provided for in Section 79 Local Government Act 1972 regarding age, citizenship and registration to vote. See also Guidance issued by the Electoral Commission.

### **3. Electing Councillors**

Normally in May each year, in three years out of four, an election will be held to appoint a third of the Councillors making up the Council.

### **4. Term of Office**

Each Councillor 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. Governance Model**

Ipswich Borough Council adopted the Leader and Cabinet Executive model with effect from the third day after the May 2011 election as set out in the Local Government 2000 Act. Further details are set out in Article 6.

### **6. Roles of all Councillors**

All Councillors will:

- (a) act together as the Council's policy-makers;
- (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 the Council on outside organisations; and
- (g) maintain the highest standards of conduct and ethics.

## **7. Rights and duties of all Councillors**

- 7.1 Councillors will have the right to see such documents, information, land or buildings of the Council as is necessary for the proper discharge of their functions and in accordance with the law.
- 7.2 Councillors will not make public, information which is 'confidential' or 'exempt' without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- 7.3 For these purposes 'confidential' and 'exempt' information are defined in the Access to Information Rules in Part 4 of this Constitution.

## **8. Conduct**

Councillors will at all times observe the Code of Conduct, the Protocol on relationships between Councillors and officers and any other relevant Codes forming part of this Constitution (set out in Part 5 of this Constitution).

## **9. Allowances**

Councillors will be entitled to receive allowances in accordance with the 'Councillors Allowance Scheme' set out in Part 6 of this Constitution.

## **Article 3 - The public's rights and responsibilities**

### **1. Voting and form of constitution**

- 1.1 Members of the public on the electoral roll for the area may vote in local elections and sign a petition to request a referendum for an elected Mayor form of Constitution.

### **2. Information**

- 2.1 Members of the public 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 List of Forthcoming Decisions, 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); and
- (e) to inspect accounts and make views known to the external auditor.

- 2.2 The right to information is explained in more detail in Part 4 of this Constitution.

### **3. Taking part**

Members of the public have the right to take part in both the Council's and Executive's question time.

### **4. Complaints**

Members of the public have the right to complain to:

- (a) the Council, through its complaints procedure;
- (b) the Ombudsman; and
- (c) the Monitoring Officer, if the complaint relates to a Councillor.

## **5. Responsibilities of the Public**

Members of the public must not be violent, abusive or threatening towards Councillors or officers, and must not intentionally damage property of the Council, Councillors or officers. If members of the public attend an official meeting they must respect the Mayor or Chairman and obey his or her instructions so that the meeting can be conducted in an orderly way.

## **Article 4 - The Full Council**

### **1. Major Policy Framework**

For the purposes of Part 3 of this Constitution, the Major Policy Framework means the following plans and strategies. A decision on these may not be delegated except to the extent lawfully approved by the Council.

Plans and strategies which are drafted by the Executive and adopted by full Council:-

- (a) Local Development Framework;
- (b) Corporate Plan – Building a Better Ipswich 2017;
- (c) Organisation Resource Strategy (which includes):
  - Finance Strategy
  - Capital Strategy
  - Asset Management Strategy
  - Human Resource Strategy
  - ICT Strategy
- (d) Crime and Disorder Reduction Strategy;
- (e) Community Strategy;
- (f) any plan or strategy that has to be submitted to the Secretary of State or a Minister of the Crown that is required to be approved by the Council;
- (g) Local Authority Policy Statement under the Gambling Act;
- (h) such other plans and strategies as the Council may approve.

Plans and strategies which are drafted and adopted by the Executive but which will normally be referred to full Council for comment before adoption:-

- (a) Housing Strategy;
- (b) Housing Revenue Account Business Plan;
- (c) Food Law Enforcement Service Plan;

- (d) Comprehensive Equality and Diversity Policy;
- (e) Organisational Management Strategy;
- (f) Cultural Strategy;
- (g) Environment Strategy;
- (h) Economic Development Strategy;

All other policies plans and strategies will normally be adopted by the body that has responsibility for the functions to which the policy, plan or strategy relates.

## **2. Budget**

The Budget sets out the following:-

- (a) the funding the Council allocates to different services and projects;
- (b) the amount the Council 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 control of the Council's borrowing requirement, 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 approval needed under sections 32 or 43 of the Housing Act 1985).



#### **4. Functions of the full Council**

The functions of the Council are set out in Part 3 of this Constitution.

#### **5. Council meetings**

There are three types of Council meeting:

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

and they will be conducted in accordance with the Council Procedure Rules in 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;
- (c) regulatory and other 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**

### **1. Role and function of the Mayor**

The Mayor will be elected by the Council annually. The Mayor, and in their absence, the Deputy Mayor, will have the following roles and functions:-

- (a) to uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary;
- (b) to preside over meetings of full Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- (c) to promote public involvement in the Council's activities;
- (d) to act as ambassador within Ipswich and to represent Ipswich outside the area;
- (e) to attend or chair civic and ceremonial functions as the Council and as the Mayor determines appropriate.

## **Article 6 - The Executive**

### **1. Role**

The Executive will exercise all of the local authority's functions that are not the responsibility of any other part of the local authority, by law or under this Constitution.

### **2. Leader**

- 2.1 The Leader of the Council is elected by Full Council at its post-election annual meeting (or if Council fails to elect a Leader at that meeting, at a subsequent meeting of the Council).
- 2.2 The term of office of the Leader starts on the day of his/her election as Leader and ends on the day of the next post-election annual meeting four years hence, unless he/she is removed from office or resigns, ceases to be a member or is disqualified from being a Councillor before that day.
- 2.3 The Council may remove the Leader by ordinary resolution on notice during his or her term of office. If the Council passes such a resolution to remove the Leader, it will elect a new Leader at that or a subsequent meeting.

### **3. Form**

- 3.1 The Leader determines the size of and appoints between 2 and 9 members of the Council to the Executive in addition to him or herself, allocates any areas of responsibility to them, and may remove them from the Executive at any time.

### **4. Deputy Leader**

- 4.1 The Leader appoints one of the members of the Executive to be his or her deputy to hold office until the end of the term of office as Leader (unless that person resigns as a Deputy Leader, ceases to be a member of the Council or is disqualified or is removed from office by the Leader).
- 4.2 The Leader may, if he or she thinks fit, remove the Deputy Leader from office, but must then appoint another person in his or her place.
- 4.3 If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in his or her place. If the Deputy Leader is unable to act or the office is vacant, the Executive must act in the Leader's place or arrange for a member of the Executive to do so.

**5. Proceedings of the Executive**

Proceedings of the Executive will take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

**6. Responsibility for functions**

The Leader determines the scheme of delegation for the discharge of the Executive functions of the Council (see Part 3 of this Constitution, which sets out which individual members of the Executive, committees of the Executive, officers or joint arrangements are responsible for the exercise of particular Executive functions).

## **Article 7 - Overview and Scrutiny**

### **1. Terms of Reference**

The Council will appoint the Overview and Scrutiny Committee to discharge the functions conferred by section 21 of the Local Government Act 2000 or Regulations under section 32 of the Local Government Act 2000.

### **2. Procedure**

The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny procedure rules set out in Part 4 of this Constitution.

### **3. General role**

3.1 Within the terms of reference, the Overview and Scrutiny Committee will:

- (a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (b) make reports and/or recommendations to the Council and/or Executive in connection with the discharge of any functions.
- (c) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive.

3.2 In carrying out its functions the Overview and Scrutiny Committee (and any sub committees which it establishes) may:

- (a) set up sub committees to carry out specific tasks or scrutinise specific areas;
- (b) request any member of the Executive or the Chairman of any Committee to attend a meeting of the Committee and if they do so it is the duty of that Councillor to attend;
- (c) request any officer of the Council to attend a meeting of the Committee and if they do so it is the duty of that officer to attend;
- (d) ask to see any documents belonging to the Council which Overview and Scrutiny Committee has a need to know about for the purpose of carrying out its functions (such requests for information shall be directed in the first instance to a Head of Service with a right of appeal to the Chief Executive and then to the Executive);

- (e) publish reports relating to any of its functions but not normally without first asking for the comments of the Executive.
- 3.3 As soon as is reasonably possible after the start of each Council year the Committee shall prepare a work programme showing the matters it proposes to scrutinise during that year. A copy of the approved programme shall be sent to the full Council for information. The Overview and Scrutiny Committee need not keep to the approved work programme.
- 3.4 The Committee may, by resolution, co-opt a non-Councillor onto the Committee or onto any of its sub committees or panels. Anyone so co-opted may not vote. Vacancies for co-optees to the Committee must be advertised. Co-optees must be selected in accordance with the Council's recruitment procedure as if they were employees. Vacancies for co-optees to sub committees may be appointed in whatever way the sub committee decides.
- 3.5 Any member of the Overview and Scrutiny Committee has the right to require that any item relevant to the remit of Overview and Scrutiny Committee is placed on the agenda and discussed at the meeting of that committee.
- 3.6 The Overview and Scrutiny Committee may in connection with:
- (a) a requirement made under paragraph 3.5;
  - (b) any other matter which is to be discussed at a meeting of the Overview and Scrutiny Committee

require any member of the Executive to attend Overview and Scrutiny Committee.

#### **4. Reports**

- 4.1 Each year the Overview and Scrutiny Committee shall provide a full report to Council on its activities and the activities of its sub committees.
- 4.2 During the year the Committee will report the outcomes of any significant issues and make recommendations to the Executive or Council, as appropriate.

#### **5. General principles**

The four general principles of Overview and Scrutiny shall be:

- (a) provide a critical friend challenge to the Executive and/or other external authorities or agencies;
- (b) reflect the voice and concerns of the public and its communities;
- (c) take the lead and own the scrutiny process on behalf of the public;  
and
- (d) make an impact on the delivery of public services.

## **Article 8 - Regulatory and other committees**

### **1. Regulatory and other Committees**

The Council will appoint the regulatory and general purposes Committees referred to in Part 3 of this Constitution to carry out the functions delegated to them.



## **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 – Officers**

### **1. Management structure**

- 1.1 **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- 1.2 **Chief Executive.** The Chief Executive will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers.
- 1.3 **Chief Operating Officer.** The Chief Operating Officer will be responsible for a range of service areas to be determined by the Chief Executive from time to time as required.
- 1.4 **Head of Paid Service, Monitoring Officer and Chief Financial Officer.**

The Council will designate the following posts as follows:-

- (a) Chief Executive – Head of Paid Service
- (b) Head of Corporate Services – Monitoring Officer
- (c) Section 151 Chief Finance Officer – Operations Manager for Finance and Procurement Services

### **2. Functions of the Head of Paid Service (Chief Executive)**

- (a) The Chief Executive will be responsible to the full Council for 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.
- (b) Restrictions on functions. The Chief Executive may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

### **3. Functions of the Monitoring Officer**

- (a) Maintaining the Constitution. The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Councillors, officers and the public.
- (b) Ensuring lawfulness and fairness of decision-making. After consulting with the Chief Executive and Section 151 Officer, the

Monitoring Officer will report to the full Council or to the Executive in relation to an Executive function if he or she considers 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.

- (c) Supporting the Audit & Governance Committee. The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit & Governance Committee.
- (d) Conducting investigations. The Monitoring Officer may be required to conduct investigations into complaints and make reports or recommendations in respect of them to the Audit & Governance Committee.
- (e) Proper officer for access to information. The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (f) Providing advice. The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, probity and policy framework issues to all councillors.
- (g) Restrictions on posts. The Monitoring Officer cannot be the Chief Executive or the Chief Finance Officer

#### **4. Functions of the Chief Finance Officer (Section 151 Officer)**

- (a) Ensuring financial prudence of decision making. After consulting with the Chief Executive and the Monitoring Officer, the Section 151 Officer will report to Council or to the Executive in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring 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.
- (b) Administration of financial affairs. The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.

- (c) Contributing to corporate management. The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) Providing advice. The Section 151 Officer will provide advice on financial impropriety, probity and budget issues to all Councillors.
- (e) Give financial information. The Section 151 Officer will provide financial information to the media, members of the public and the community as appropriate.
- (f) Assessment of Robustness of Budget Calculations and Adequacy of Reserves. The Section 151 Officer will report to Council on the robustness of estimates made for the purposes of budget calculations and the adequacy of proposed financial reserves.

**5. Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, equipment, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

**6. Conduct of officers**

Officers shall comply with the Employee Code of Conduct and the Protocol on officer/Councillor Relations set out in Part 5 of this Constitution.

**7. Employment**

The recruitment, selection and dismissal of officers will comply with the Employment Rules set out in Part 4 of this Constitution.

## **Article 11 - Decision making**

### **1. Principles of decision-making**

1.1 All decisions of the Authority, including the Council, its Committees, the Executive and those operating under delegated powers shall have regard to the following principles of good practice:-

- (a) consideration of options, where relevant;
- (b) having regard to due consultation;
- (c) consideration of professional advice from officers;
- (d) clarity of aims and desired outcomes;
- (e) the action proposed being proportionate to the desired outcome;
- (f) having respect and regard for human rights;
- (g) presumption of openness;
- (h) only relevant matters taken into account;
- (i) due weight to all material considerations; and
- (j) proper procedures being followed.

### **2. Responsibility for decision-making**

2.1 The separation of powers between the Council and the Executive is fundamental to the operation of Executive arrangements.

2.2 Government regulations set out the decisions which the Council must make itself or that it can delegate to Committees or Officers. Any other decisions are for the Executive to take. These arrangements shall be reflected in the arrangements set out in Part 3 of this Constitution.

### **3. Delegation**

3.1 Unless the Council specifically allocates that function to the Executive as a whole:

- (a) the Leader or the Executive can delegate any Executive Functions to an Executive Committee, an Executive member or to an officer;

- (b) an Executive Committee may delegate to an Executive member or an officer;
  - (c) an Executive member may delegate to an officer.
- 3.2 The Council may delegate many, but not all, of its functions to a Committee, Sub-Committee or an Officer. Unless there is any legal provision to the contrary, a Committee may delegate to a Sub-Committee or an Officer and a Sub-Committee may delegate to an Officer.
- 3.3 Where functions have been delegated:
- (a) this shall not prevent the body or person making the delegation from exercising that function; nor
  - (b) prevent the person or body authorised to exercise that function from referring it to the delegator or other person or body with the required authority for a decision.

#### **4. Natural justice/human rights etc**

- 4.1 The Council, the Executive, an Executive Committee, a Committee, a Councillor or an Officer acting as a tribunal or in a quasi-judicial manner or determining/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 European Convention on Human Rights.

#### **5. RECORDS OF DECISIONS**

##### **5.1 Minutes**

As soon as is reasonably practicable after a meeting, whether held in public or private, the Proper Officer shall ensure that a written record is produced in respect of every decision made at that meeting.

##### **5.2 Form of minutes**

- (a) The name of each Councillor present shall be recorded in the minutes.
- (b) Decisions taken at a meeting may, unless there is exceptional urgency, only be taken on the basis of a written report, setting out key legal, financial, service and corporate implications.

- (c) Minutes of meetings shall comprise:
- (i) a record of any conflict of interest declared by any member of the decision-making body which made the decision;
  - (ii) a note of any relevant dispensation granted by the Audit & Governance Committee;
  - (iii) a record of a Councillor's vote where so requested under the Procedure Rules;
  - (iv) the decisions taken, either in full or by reference to a full recommendation in another document;
  - (v) a reference to the report or other documentation upon which the decisions of the meeting were taken;
  - (vi) a record of any advice or information not contained in (e) above which is relevant to the decision taken;
  - (vii) in the case of an Overview and Scrutiny Committee, a summary of such evidence presented to it as is necessary for the effective undertaking of the Committee's work;
  - (viii) any other matter required under this Constitution to be included.

## **6. Types of Decision**

### **6.1 Decisions reserved to full Council.**

A list of the Council (that is, non-Executive) functions is set out in Part 3. The functions reserved to Council can be delegated to Council Committees or to officers but they cannot be delegated to the Executive.

## **7. Key Decisions**

### **7.1 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 Councillors must consider all the circumstances of the case. However, a decision which results in a significant amount spent or saved will generally be considered to be a key decision if:-

- (a) the amount spent is £100,000 or more of revenue expenditure (although if the decision involves expenditure of between £50,000 and £100,000 consideration must be given to whether the amount involved is “significant” having regard to the budget for the service concerned); or
- (b) savings of £50,000 or more per annum, or
- (c) capital expenditure of £250,000 or more (where a decision makes a commitment for spending over a period of time, it is the total commitment that must be considered to see if it is 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.

## **8. Decision making by full Council.**

- 8.1 The Council will follow the Council’s Procedure Rules set out in Part 4 of this Constitution when considering any decision.

## **9. Decision making by the Executive.**

- 9.1 The Executive will follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any decision.

## **10. Decision making by other committees and sub-committees.**

- 10.1 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.

## **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 Operations Manager for Legal Services 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 Operations Manager for Legal Services (or another person authorised by him or her (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 Operations Manager for Legal Services will keep the Council's Common Seal (the 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 Operations Manager for Legal Services, should be sealed. The Operations Manager for Legal Services or some other person authorised by him or her shall witness the affixing of the Common Seal.

## **Article 13 – Monitoring, reviewing and changing the Constitution**

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

The Monitoring Officer shall monitor and review the effectiveness of the Constitution to ensure the aims and principles of the Constitution are fully enforceable.

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

The Monitoring Officer may:

- (a) attend meetings of the Council, the Executive, Committees and sub committees or officer meetings;
- (b) examine a sample of decisions;
- (c) record and analyse issues raised by Councillors, officers, and members of the public; and
- (d) compare the Council's practices with those in comparable local authorities, or with national examples of best practice.

### **3. Approving changes to the Constitution**

Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Monitoring Officer and the Executive (unless made under the delegated powers of the Monitoring Officer for minor matters).

## **Article 14 - Suspending, understanding and publishing the Constitution**

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

The Articles of this Constitution may not be suspended. The Rules of Procedure and Standing Orders in Part 4 of this Constitution may be suspended in line with the relevant Procedure Rules and Standing Orders.

### **2. 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.

### **3 Publishing the Constitution**

- 3.1 The Monitoring Officer will provide details of how to access the Constitution to each Councillor when they give their declaration of acceptance of office, when first elected to the Council.
- 3.2 The Monitoring Officer shall ensure that copies can be inspected at Council offices, and that members of the local press and the public can buy copies of the Constitution for a reasonable fee.
- 3.3 The Monitoring Officer will ensure that a summary of the Constitution is made widely available within the area and is updated as necessary.