

# **ARTICLE 1 – THE CONSTITUTION**

## **A1.01**

### **Powers of Bristol City Council**

Bristol City Council will exercise all its powers and duties in accordance with the law and this constitution and all its appendices.

## **A1.02**

### **Aims and Purpose**

The purpose of the constitution is to:

- (1) Enable the council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- (2) Support the active involvement of councillors and citizens in the process of local authority decision-making;
- (3) Help councillors represent their constituents effectively;
- (4) Enable decisions to be taken efficiently and effectively;
- (5) Create a powerful and effective means of holding decision-makers to public account; to keep the implementation of decisions and the operational effectiveness of service areas under review.
- (6) Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (7) Provide a means of improving the delivery of services to the community.

And will be interpreted to give effect to those aims.

# **ARTICLE 2 – MEMBERS OF THE COUNCIL**

## **A2.01**

### **Composition and eligibility**

#### **(a) Composition**

Bristol City Council will comprise 70 elected councillors. Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Electoral Commission.

The term “members of the council” is a reference to all councillors.

#### **(b) Eligibility**

Only registered voters of the city of Bristol or those living or working there, who are aged 18 or over, will be eligible to stand as a candidate to hold the office of councillor.

## **A2.02**

### **Election and terms of councillors**

The regular election of councillors is held on the first Thursday in May every four years. The term of office for all councillors will start on the fourth day after being elected and will end on the fourth day after the date of the next regular election.

## **A2.03**

### **Key roles and rights and duties**

#### **(a) Key roles**

Councillors who are elected to represent local wards must both represent the people of the ward which elected them and, when involved in decision making, act in the interest of the whole area. They are all expected to contribute to the good governance of the area and to encourage community participation. They must respond to their constituents’ enquiries fairly.

#### **(b) Rights and duties**

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

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, as set out in the Access to Information Rules at Part 4 of this constitution.

Councillors will make all decisions in accordance with the law and having taken and considered proper professional advice.

**A2.04**  
**Allowances**

Councillors will be entitled to receive allowances in accordance with the **Members' Allowances Scheme** set out in part 6 of this constitution.

# ARTICLE 3 – CITIZENS AND THE COUNCIL

## A3.01

### Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the **Access to Information Rules** (APR) in part 4 of this constitution:

#### (a) Voting and petitions

Citizens on the electoral roll for the City of Bristol have the right to vote for their representatives as councillors.

#### (b) Information

Citizens have the right to:

- (i) Attend meetings of the Full Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) Find out from the forward plan what key decisions will be taken by the Policy Committees and when;
- (iii) See reports and background papers, and any records of decisions made by the council and committees with the exception of confidential or exempt information; and
- (iv) inspect the council's accounts and make their views known to the external auditor.

#### (c) Participation

Citizens have the right to ask questions, submit statements and present petitions at meetings of the Full Council and at most committee meetings.

Citizens can also contribute to council decision making, for example by responding to consultation programmes.

#### (d) Complaints

Citizens have the right to complain to:

- (i) The council under its complaints and whistleblowing scheme;
- (ii) The ombudsman after using the council's own complaints scheme;
- (iii) The council's Monitoring Officer about a breach of the councillors' code of conduct.

### **A3.02**

#### **Citizens' responsibilities**

In return for their rights, the council expects that citizens will conduct themselves in a reasonable way when dealing with council officers, councillors and when using council facilities.

Citizens are required to behave with courtesy, tolerance and respect.

# ARTICLE 4 – THE FULL COUNCIL

“Full Council” is the formal meeting of all the Councillors.

## A4.01

### Decisions reserved for Full Council; that only Full Council can take

Legally, there are a number of functions which must be discharged by Full Council, and these are set out in in Regulation 3 of the Local Authorities (Committee System) (England) Regulations 2012.

- (a) The approval or adoption of the following plans or strategies:
  - (i) Annual Library Plan;
  - (ii) Crime and disorder reduction strategy;
  - (iii) Development Plan documents;
  - (iv) Licensing Authority Policy Statement;
  - (v) Local Transport Plan;
  - (vi) Plans and alterations that together comprise the Development Plan;
  - (vii) Sustainable Community Strategy;
  - (viii) Youth justice plan;
- (b) Approval or adoption of a plan or strategy for the control of the local authority’s borrowing, investments, or capital expenditure, or for determining the authority’s minimum revenue provision;
- (c) Approval (where required) of the submission of any plan or strategy (whether in draft or not) referred to in (a) or (b) above to the Secretary of State or any Minister of the Crown for approval;
- (d) Making, amending or revoking a Members’ Allowances Scheme (to include basic, attendance and special responsibility allowances);
- (e) Determination of any allowance to be paid to the Chair or Vice-Chair of the council (allowances to the Lord Mayor/Deputy Lord Mayor);
- (f) Determination of any basic, attendance or special responsibility allowances under an approved Members’ Allowances Scheme;
- (g) Making a request to the Local Government Boundary Commission for England for single-member electoral areas;
- (h) Passing a resolution to change a scheme for elections (whole council, elections by halves or elections by thirds);
- (i) Making an order giving effect to recommendations made in a community governance review;

There are also a number of other responsibilities of custom and practice that should also be discharged by Full Council:

- (j) Approval of the annual budget and setting the Council Tax;
- (k) Approval of the Treasury Management Strategy;
- (l) Approval of the council's non-statutory plan for the delivery of the Council's policies and strategies (known as the "Corporate Plan");
- (m) Approval of the council's Constitution;
- (n) Approval of the council's Annual Pay Policy Statement;
- (o) Establishment of and appointment to committees, including chairs of committees;
- (p) Appointment of the Leader and Deputy Leader of the council;
- (q) Appointment of the Lord Mayor and Deputy Lord Mayor;
- (r) Appointment of the Head of Paid Service, Monitoring Officer, Chief Finance Officer, Returning Officer and Electoral Registration Officer;
- (s) Adoption of the scheme of delegation to officers.

Part 3.1 of the council's Constitution sets out in more detail the matters which are reserved to Full Council.

#### **A4.02**

#### **Full Council meetings**

There are three types of Full Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings (including a meeting to determine the budget);
- (c) extraordinary meetings

and they will be conducted in accordance with the **Council Procedure Rules** (CPR) in part 4 of this constitution.

# **ARTICLE 5 – THE LEADER OF THE COUNCIL AND THE DEPUTY LEADER OF THE COUNCIL**

## **A 5.01**

### **The roles and responsibilities of the Leader of the council and the Deputy Leader of the council**

The roles and responsibilities of the Leader of the council are set out in detail in Part 3.3 of the Constitution.

## **A5.02**

### **Election of the Leader of the council and Deputy Leader of the council**

- (a) At its Annual Meeting the council will appoint a Leader of the council, who shall be the political head of the council, and a Deputy Leader to assume the Leader's responsibilities in their absence.
- (b) Once appointed, the Leader and the Deputy Leader will hold office for a period of 4 years unless they either:-
  - (i) resign from the office;
  - (ii) are no longer a member of the council; or
  - (iii) are removed from office by resolution of the council.
- (c) Where there is a vacancy in the office of Leader, the Deputy Leader will assume the responsibilities of the Leader until a new Leader is appointed at an ordinary meeting of the council. Where both the Leader and Deputy Leader cease to hold office at the same time, the Lord Mayor shall call a meeting of the Full Council as soon as possible, to appoint a new Leader and Deputy Leader.



## **ARTICLE 6 – KEY DECISIONS**

The council has determined that Key Decisions will be taken by Policy Committees. Key Decisions will be recorded on the Forward Plan of Key Decisions for each Policy Committee. Details regarding the procedure for Key Decisions are given in the Access to Information Procedure Rules.

The council has determined that the definition of Key Decision is a decision, which is likely:

- (a) to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in two or more wards in the city.

The threshold at which expenditure or savings will be regarded as significant has been set at £500,000.

For clarity, the following will also be reported to the relevant Policy Committee:

- (c) Any matters deemed to have a reputational risk to the council;
- (d) Any matter deemed to have significant financial or legal risk;
- (e) Any matter relating to cessation or significant change in service delivery or policy direction;
- (f) Any matter deemed significant by the Head of Paid Service, the Monitoring Officer, or s151 Officer;
- (g) Concession contracts with a value in excess of £500,000.

# **ARTICLE 7 – THE LORD MAYOR AND CHAIRING THE FULL COUNCIL**

The Lord Mayor will be elected annually.

The Lord Mayor, and in their absence the deputy Lord Mayor, will have the following roles and functions:

## **CHAIRING THE FULL COUNCIL MEETING**

The Lord Mayor will have the following responsibilities:

- (1) to uphold and promote the purposes of the Constitution and to interpret the constitution when necessary;
- (2) to preside over meetings of the 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;
- (3) to ensure that the Full Council meeting is a forum for the debate of matters of concern to the local community and the place at which members are able to hold the committee chairs to account;
- (4) to promote public involvement in the activities of the Full Council;
- (5) to be the conscience of the Full Council; and
- (6) to attend such civic and ceremonial functions as the Full Council and they determine appropriate.

# ARTICLE 8 – POLICY COMMITTEES

## A8.01

### Terms of reference

Policy Committees will operate in accordance with the Terms of Reference set out in Part 3.2 of the Constitution.

## A8.02

### General role

The council will appoint the following Policy Committees:

- (a) Adult Social Care Committee;
- (b) Homes and Housing Delivery Committee;
- (c) Public Health and Communities Committee;
- (d) Economy and Skills Committee;
- (e) Strategy and Resources Committee;
- (f) Children and Young people Committee;
- (g) Transport and Connectivity Committee;
- (h) Environment and Sustainability Committee.

The council will appoint the following standing Sub-committees:

- (i) Finance Sub-committee as a sub-committee of the Strategy and Resources Committee
- (j) Health Scrutiny Sub-committee as a Sub-committee of the Public Health and Communities Committee

The Policy Committees will discharge the functions as set out in Part 3.2 of this Constitution.

# **ARTICLE 9 – REGULATORY AND OTHER COMMITTEES**

## **A9.01**

### **Terms of reference**

Regulatory and other committees will operate in accordance with the Terms of Reference set out in Part 3.2 of the Constitution.

## **A9.02**

### **General role**

The council will appoint the following Regulatory and other committees:

- (a) Development Control Committee “A”;
- (b) Development Control Committee “B”;
- (c) Public Rights of Way and Greens Committee;
- (d) Human Resources Committee;
- (e) Selection Committee;
- (f) Appeals Committee;
- (g) Audit Committee;
- (h) Value and Ethics Sub-committee;
- (i) Licensing Committee;
- (j) Public Safety and Protection Committee;
- (k) Escalation Panel.

The regulatory and other committees will discharge the functions as set out in Part 3.2 of this Constitution.

# **ARTICLE 10 – AUDIT COMMITTEE AND VALUE AND ETHICS SUB-COMMITTEE**

## **A10.01**

### **Terms of Reference**

The Audit Committee and the Values and Ethics Sub-committee will operate in accordance with the Terms of Reference set out in Part 3.2 of the Constitution, in particular:

- (a) the Audit Committee will oversee and assess the council's risk management, control and corporate governance arrangements and advise the council on the adequacy and effectiveness of these arrangements; and
- (b) the Value and Ethics Sub-committee will determine complaints under the Councillor Code of Conduct referred to it by the Monitoring Officer and promote high standards of councillor conduct.

## **A10.02**

### **General role**

The Audit Committee and the Value and Ethics Sub-committee will discharge the functions set out in Part 3.2 of the Constitution.

## **A10.03**

### **Independent oversight**

The Value and Ethics Sub-committee will have an independent non-voting co-opted Chair.

# ARTICLE 11 – AREA COMMITTEES AND FORUMS

## A11.01

### Area committees

The Full Council may appoint area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

The Full Council has appointed an area committee known as CIL/s.106 Committees for the following 9 areas:

No	Ward 1	Ward 2	Ward 3	Ward 4
1	Avonmouth and Lawrence Weston	Henbury and Brentry	Southmead	Horfield
2	Stoke Bishop	Westbury on Trym and Henleaze	Redland	Bishopston and Ashley Down
3	Clifton	Clifton Down	Cotham	Hotwells and Harbourside
4	Central	Ashley	Lawrence Hill	Easton
5	Lockleaze	Eastville	Hillfields	Frome Vale
6	St George West	St George Central	St George Troopers Hill	-
7	Southville	Bedminster	Windmill Hill	Filwood
8	Hartcliffe and Witherwood	Bishopsworth	Hengrove and Whitchurch Park	-
9	Knowle	Stockwood	Brislington West	Brislington East

## A11.02

### Form, composition, delegations and function

Full Council has determined the form, the composition and membership of the committees, budgets and any limitations on delegation, details of which are set out in Part 3.2 of the Constitution.

#### (a) Membership of Area Committees

The membership of each CIL/s.106 Committees comprises the councillors elected to serve the wards of the committee areas.

#### (b) Functions of CIL/s.106 Committees

The Terms of Reference of CIL/s.106 Committees are set out in Part 3 of the Constitution.

**A11.03**

**Area committees – access to information**

Area committees will comply with the **Access to Information Rules** (APR) in Part 4 of this Constitution.

# ARTICLE 12– JOINT ARRANGEMENTS

## A12.01

### Arrangements to promote well-being

The Full Council, 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 body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

## A12.02

### Joint arrangements

- (a) The Full Council may establish joint arrangements with one or more local authorities to exercise functions that are functions of any other authority, or advise the Full Council of the other authority.
- (b) Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (c) Details of any joint arrangements including any delegations to joint committees will be found in the council's scheme of delegations in part 3 of this constitution.

## A12.03

### Access to information

The **Access to Information Rules** (APR) in part 4 of this constitution apply.

## A12.04

### Delegation to and from other local authorities

- (a) The Full Council may delegate functions to another local authority.
- (b) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Full Council meeting.

## A12.05

### Contracting out

The Council may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, subsequent enabling legislation or under contracting arrangements where the contractor acts as the council's agent under usual contracting principles, provided there is no delegation of the Full Council's discretionary decision making.



# ARTICLE 13 – OFFICERS

## A13.01

### Management structure

#### (a) General

The council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

#### (b) Statutory Officers

The Full Council will designate the following posts as shown and each will nominate a deputy to act in their service. If no such deputy is identified, then the Head of Paid Service will designate a nominated deputy.

Post	Designation
Head of Paid Service	Head of Paid Service Section 4 Local Government & Housing act 1989
Director of Democratic and Legal Services	Monitoring Officer Section 5 Local Government & Housing Act 1989
Director of Finance	Chief Finance Officer Section 114 Local Government Finance Act 1988
Executive Director: Children and Education	Director of Children's Services Section 18 Children Act 2004
Executive Director: Adults and Communities	Director of Adult Social Services Section 6 Local Authorities Social Services Act 1970 as amended
Head of Democratic Engagement	Scrutiny Officer 9FB Local Government Act 2000
Director of Communities and Public Health	Director of Public Health Section 30 Health & Social Care Act 2012

#### (c) Head of Paid Service, Monitoring Officer and Chief Finance Officer

The Full Council will approve these statutory posts.

Such posts will have the functions described in Article 13.02–13.04 below.

#### (d) Structure

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the council showing the management structure and deployment of officers.

## **A13.02**

### **Functions of the Head of Paid Service**

- (a) The Head of Paid Service will have responsibility for:
- (i) Overall corporate management – and operational responsibility (including overall responsibility for all officers and staffing issues);
  - (ii) Professional advice – the provision of professional advice to all parties in the decision-making process;
  - (iii) Representing the authority – on partnership and external bodies as required by law or the council;
  - (iv) Report to council – the Head of Paid Service will report to Council where appropriate, on the co-ordination of the discharge of the council's functions, the number and grade of officers required for the discharge of functions and the organisation of officers.

### **(b) Restrictions on functions**

The Head of Paid Service may not be the Monitoring Officer, but may hold the post of Chief Finance Officer if a qualified accountant.

## **A13.03**

### **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 councillors, staff and the public.

#### **(b) Ensuring lawfulness and fairness of decision making**

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Full 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.

#### **(c) Supporting Standards arrangements**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit Committee and the Values and Ethics Sub-committee in delivering its responsibilities for standards.

#### **(d) Conducting investigations**

The Monitoring Officer will conduct investigations or take other action as they see fit into alleged breaches of the **Members' Code of Conduct**.

#### **(e) Proper officer for access to information**

The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available

as soon as possible.

**(f) Advising whether Policy Committee decisions are within the budget and policy framework**

The Monitoring Officer will advise whether decisions of the Policy Committees are in accordance with the budget and policy framework.

**(g) Providing 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.

**(h) Restrictions on functions**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

**A13.04**

**Functions of the Chief Finance Officer**

**(a) Ensuring lawfulness and financial prudence of decision making**

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council and the council's external auditor if they consider 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 the Council's financial affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the council.

**(c) Providing advice**

The Chief Finance 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 and will support and advise councillors and officers in their respective roles.

**(d) Give financial information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

**A13.05****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, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

**A13.06****Employment**

The recruitment, selection and dismissal of officers will comply with the **Officer Employment Rules** (OER) set out in part 4 of this constitution.

# ARTICLE 14 – DECISION MAKING

## A14.01

### **Responsibility for decision making**

The council will issue and keep up-to-date a record of which committee of the council or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is referred to as the Responsibility for Functions which is set out in part 3 of this constitution.

## A14.02

### **Principles of decision making**

All decisions of the council will be made in accordance with the following principles:

#### **(a) Proportionality**

The action must be proportionate to the desired outcome.

#### **(b) Due consultation**

- (i) It may be appropriate to consult with communities, businesses and other third parties who have an interest in the matter. In some cases, minimum consultation requirements are prescribed by law.
- (ii) However, it should be remembered that the council is required to act in the interests of the public as a whole, so the decision desired by consultees may not necessarily be the right decision to make.

#### **(c) The taking of professional advice from officers**

Professional advice from the council's legal, financial and other specialist staff should be taken.

#### **(d) Respect for human rights**

The Human Rights Act 1998 is of great importance to local authorities. Any decision which may breach an article or protocol of the Human Rights Act should be subjected to 'anxious scrutiny' and professional advice sought.

#### **(e) A presumption in favour of openness**

Decisions taken by officers should be taken under this presumption. Access to material contributing to a decision should be made available to anyone with a legitimate interest in it unless this would involve disclosing exempt or confidential information.

#### **(f) Clarity of aims and desired outcomes**

Decision makers must be clear as to what they are seeking to achieve and why. This will often require a thoughtful consideration of other options.

### **(g) Due regard to public sector equality duty aims**

The Equality Act 2010 requires that all decisions are taken with due regard to the need to:-

- (i) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
- (ii) advance equality of opportunity between equality groups; and
- (iii) foster good relations between equality groups.

### **(h) The highest standards of ethical conduct avoiding actual, potential and perceived conflicts of interest**

#### **A14.03**

##### **(a) Decisions reserved to the Full Council**

Decisions relating to the functions listed in Article 4.02 will be made by the Full Council and not delegated.

##### **(b) Key decisions and the Forward Plan**

###### **(i) Forward Plan**

Forward plans will be prepared for each of the Policy Committees and shall be published on a monthly basis, beginning with the first day of any month. The forward plans will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan and will accord with the **Access to Information Rules** (APR).

###### **(ii) Key decisions**

a. For the definition of a key decision refer to Article 6

b. A decision taker may only make a key decision in accordance with the requirements of the **Policy Committee Procedure Rules** (EPR) set out in part 4 of this Constitution.

#### **A14.04**

##### **Decision making by the Full Council**

Subject to Article 14.08, the Full Council will follow the **Council Procedure Rules** (CPR) set out in part 4 of this constitution when considering any matter.

#### **A14.05**

##### **Decision making by Policy Committees**

Subject to Article 14.08, the Policy Committees will follow the **Committee Procedure Rules** (CMR) set out in part 4 of this constitution when considering any matter.

#### **A14.06**

##### **Decision making by the Escalation Panel**

The Escalation Panel will follow the **Escalation Panel Procedure Rules** set out in Part 4 of this constitution when considering any matter.

#### **A14.07**

##### **Decision making by other committees and sub-committees established by the Full Council**

Subject to Article 14.08, other council committees and subcommittees will follow those parts of the **Committee Procedure Rules** (CMR) set out in part 4 of this constitution as apply to them.

#### **A14.08**

##### **Decision making by council bodies acting as tribunals**

The council, 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.

#### **A14.09**

##### **Decision making by Officers**

Officers may have delegated powers by the Full Council or by the Policy Committees to take managerial and operational decisions - see **Responsibility for Functions** - part 3.

Officer Decisions for spend between £100,000 and £499,000 are published on the council's website.

#### **A14.10**

##### **Record of decisions**

All decisions of the council and its committees and sub-committees and any officers exercising delegated powers will be recorded in accordance with Part 4B – Access to Information Procedure Rules.

# **ARTICLE 15 - FINANCE, CONTRACTS AND LEGAL MATTERS**

## **A15.01**

### **Financial management**

The management of the council's financial affairs will be conducted in accordance with the **Financial Regulations** set out in part 4 of this constitution.

## **A15.02**

### **Contracts**

Every contract made by the council will comply with the **Procurement Rules** set out in part 4 of this constitution.

## **A15.03**

### **Legal Proceedings**

The Monitoring Officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to the decisions of the council, or in any case where the Monitoring Officer considers that such action is necessary to protect the council's interest, and where appropriate, to settle such proceedings or threatened proceedings.

## **A15.04**

### **Authentication of documents**

Where any document is necessary for any legal procedure or proceedings on behalf of the council, the Monitoring Officer is authorised to sign it, or to authorise another officer to sign it, unless any law requires otherwise, or the Monitoring Officer has specifically authorised another employee to sign it.

## **A15.05**

### **Common Seal of the council**

The common seal of the council will be kept in a safe place in the custody of the Monitoring Officer. A decision of the council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The common seal will be affixed to those documents which in the opinion of the proper officer should be sealed. The affixing of the common seal will be attested by the proper officer or some other person authorised by them. The common seal of the council may be affixed either by physical means or by such electronic means as the Director of Legal and Democratic Services may from time to time authorise.



# **ARTICLE 16 – REVIEW AND REVISION OF THE CONSTITUTION**

## **A16.01**

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

The Monitoring Officer will monitor and review the operation of the constitution to ensure that the aims and principles of the Constitution are given full effect.

### **Protocol for monitoring and review of constitution by Monitoring Officer**

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the constitution adopted by the Full Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1.

In undertaking this task the Monitoring Officer may:

- (1) observe meetings of different parts of the member and officer structure;
- (2) undertake an audit trail of a sample of decisions;
- (3) record and analyse issues raised with them by councillors, officers, the public and other relevant stakeholders; and
- (4) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

## **A16.02**

### **Changes to the Constitution**

#### **Approval**

Changes to the constitution will only be approved by the Full Council after consideration of the proposal by the Monitoring Officer.

# ARTICLE 17 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

## A17.01

### Suspension of the Constitution

#### (a) Limit to suspension

The Articles of this constitution may **not** be suspended. The **Council Procedure Rules** (CPR) specified below may be suspended by the full Council to the extent permitted within these **Council Procedure Rules** (CPR) and the law.

#### (b) Procedure to suspend

A motion to suspend any **Council Procedure Rules** (CPR) will not be moved without notice unless at least one half of the whole number of councillors are present (35 councillors). The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

#### (c) Rules capable of suspension

**Council Procedure Rules** (CPR) may be suspended in accordance with Article 17.01 provided they are not statutory requirements.  
*(CPR which are statutory are indicated as appropriate).*

## A17.02

### Interpretation

- (a) The ruling of the Lord Mayor as to questions regarding the construction or application of this constitution as may arise at meetings of the Full Council shall be final. Such interpretation will have regard to the purposes of this constitution contained in Article 1.
- (b) Any question or dispute as to the construction or application of this constitution other than such as may arise at a meeting of the Full Council shall be determined by the Monitoring Officer in consultation with the Head of Paid Service. The decision of the Monitoring Officer shall be final. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.
- (c) The Monitoring Officer in consultation with the Head of Paid Service shall have power to make typographical and other corrections and clarification amendments to the constitution (provided they do not make substantive changes to the meaning of the constitution) and to make updating amendments to the Constitution where required due to the provisions of new statutes or changes in the council's department structure.

## A17.03

### Publication

The Monitoring Officer will ensure a copy of this Constitution is available on the council's website.