

Part 2 Articles of the Constitution

Article 1 – The Constitution

1.01 Powers of the Council

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

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the North Norfolk District Council.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

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

1.04 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option that it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15 (Part 2).

Article 2 – Members of the Council

2.01 Composition and eligibility

(a) Composition.

The Council will comprise 48 members, otherwise called councillors. One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

(b) Eligibility.

Only registered voters of the district or those living or working there will be eligible to hold the office of councillor.

2.02 Election and terms of councillors

The regular election of councillors will be held on the first Thursday in May every four years beginning in 2003. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.03 Roles and functions of all councillors

(a) Key roles. All councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (iv) balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole;
- (v) be involved in decision-making;
- (vi) be available to represent the Council on other bodies; and
- (vii) maintain the highest standards of conduct and ethics.

(b) Rights and duties

- (i) 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.
- (ii) 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.
- (iii) For these purposes, "confidential" and "exempt" information are defined in Part 4 of this Constitution.

2.04 Conduct

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.05 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

3.01 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 in Part 4 of this Constitution:

(a) Voting and petitions.

Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.

(b) Information.

Citizens have the right to:

- (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) attend meetings of the Cabinet when key decisions are being considered;
- (iii) find out from the forward plan what key decisions will be taken by the Cabinet and when;
- (iv) see reports and background papers, and any records of decisions made by the Council and the Cabinet; and
- (v) inspect the Council's accounts and make their views known to the external auditor.

(c) Participation.

Citizens have a number of rights at Council and other Committee meetings. These are set out in the Councils Standing Orders (Part 4) and Planning Protocol (Part 5-)

(d) Complaints.

Citizens have the right to complain to:

- (i) the Council itself under its complaints scheme;
- (ii) the Ombudsman after using the Council's own complaints scheme;
- (iii) the Standards Board for England about a breach of the Councillor's Code of Conduct.

3.02 Citizens' responsibilities

Citizens must not be violent, abusing or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.

Article 4 – The Full Council

4.01 Meanings

(a) Policy Framework.

The policy framework means the following plans and strategies:-

- Best Value Performance Plan
- Community Strategy;
- Crime and Disorder Reduction Strategy;
- Plans and strategies which together comprise the Development Plan or the Local Development Framework;
- Food Law Enforcement Service Plan;
- The plan and strategy which comprise the Housing Investment Programme;

and other plans and strategies which the Council may decide should be adopted by the Council meeting as a matter of local choice.

(b) Budget.

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

(c) Housing Land Transfer.

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.02 Functions of the full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;

- (c) subject to the urgency procedure contained in Part 4 of this Constitution, making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (d) appointing the leader and members of the Cabinet;
- (e) agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- (g) adopting an allowances scheme under Part 6;
- (h) changing the name of the area;
- (i) confirming the appointment of the head of paid service;
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (k) all local choice functions set out in this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and
- (l) all other matters which, by law, must be reserved to Council.

4.03 Council meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings.

and they will be conducted in accordance with the Standing Orders set out in Part 4 of this Constitution.

4.04 Responsibility for functions

The Council will maintain the tables and other documents in this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

Article 5 – Chairing the Council

5.01 Role and function of the Chairman

The Chairman of Council and in his/her absence, the Vice-Chairman will have the following roles and functions:

1. CEREMONIAL ROLE

2. CHAIRING THE COUNCIL MEETING

The Chairman will be elected by the Council annually. The Chairman will have the following responsibilities:

to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;

to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;

to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet or hold Committee chairs are able to hold the Cabinet and Committee chairmen to account;

to promote public involvement in the Council's activities;

to be the conscience of the Council; and

to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

Article 6 – Scrutiny Committee

6.01 Role

The Scrutiny Committee is the Council's Scrutiny and Overview Committee appointed under section 21 of the Local Government Act 2000 and section 102 of the Local Government Act 1972.

6.04 Meetings of the Scrutiny Committee

- (a) At each meeting the Scrutiny Committee will consider all Cabinet decisions that have, since the last meeting, been referred by members to the Scrutiny Committee in accordance with the right to Call-in Definition.
- (b) In carrying out its functions the Scrutiny Committee (and any sub-committees which it establishes) may:
 - (i) Set up Policy Review Panels to carry out specific tasks or scrutinise specific areas
 - (ii) Instruct any member of the Cabinet or the Chairman of any Committee to attend a meeting of the Committee and if they do so it is the duty of that Member to attend.
 - (iii) Instruct 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.
 - (iv) Ask to see any documents belonging to the Council which the 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 Service Manager with a right of appeal to the Chief Executive and then to the Cabinet).
 - (v) Publish reports relating to any of its functions but not normally without first asking for the comments of the Cabinet.
- (c) As soon as is reasonably possible after the start of each Council year the Committee must prepare a work programme showing the matters they propose to scrutinise during that year. A copy of the approved programme must be sent to the Full Council for information. The Scrutiny Committee need not keep to the approved work programme.
- (d) 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.

- (e) Any Member of the Scrutiny Committee has the right to require that any item relevant to the remit of the Scrutiny Committee is placed on the agenda and discussed at the meeting of the Committee and in connection with a requirement made under this paragraph may instruct any member of Cabinet to attend Scrutiny Committee in accordance with the duty set out in paragraph 6.04 (b) (ii).
- (f) The Scrutiny Committee will conduct its proceedings in accordance with the Standing Orders set out in Part 4 of this Constitution.

Article 7 – The Cabinet

7.01 Role

The Cabinet will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.02 Form and composition

The Cabinet will consist of the leader of the Council together with at least 2, but not more than 9, councillors appointed to the Cabinet by the Council. The Council will also allocate to the members of the Cabinet to be (together with the Leader) responsibilities for promoting particular the policies and functions of the Council.

7.03 Leader

The leader will be a councillor elected to the position of leader by the Council. The leader will hold office until:

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a councillor; or
- (d) the next Annual meeting of the Council save that the Council may remove the leader from office at an earlier date but only in the event of a change in political control of the Council.

7.04 Other Cabinet members

Other Cabinet members shall hold office until:

- (a) they resign from office; or
- (b) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer councillors; or
- (d) they are removed from office, either individually or collectively, by resolution of the Council.

- (e) save that the Council may remove them from office, either individually or collectively, at an earlier date but only in the event of a change in political control of the Council.

7.05 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Standing Orders set out in Part 4 of this Constitution.

7.06 Responsibility for functions

The leader will maintain a list in Part 3 of this Constitution setting out which individual members of the Cabinet, Committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular Cabinet functions.

Article 8 – Audit Committee and other Regulatory Committees

8.01 Regulatory Committees

The Council will appoint the Committees set out below to discharge the functions described in their individual terms of reference set out in Part 3 of this Constitution:

- Area Development Control Committee (East)
- Area Development Control Committee (West)
- Licensing and Appeals Committee
- Judicial Board
- Audit Committee

Article 9 – The Standards Committee

9.01 Standards Committee

The Council meeting will establish a Standards Committee.

9.02 Composition (if no parish sub-committee)

- (a) **Membership.** The Standards Committee will be composed of at least:
- two councillors [other than the leader]
 - 25% of the total numbers of the Committee will consist of independent members who are not councillors or officers of the Council or any other body having a Standards Committee (an independent member);
 - one member of a parish council wholly or mainly in the Council's area (a Parish Member).
- (b) **Independent members.** Independent members will be entitled to vote at meetings;
- (c) **Parish members.** At least one parish member must be present when matters relating to those parish councils or their members are being considered;
- (d) **Chairing the Committee.** A member of the Cabinet may not chair the Committee.

Article 10 – Area Committees and Forums

10.01 Arrangements for Community Involvement

The Council will create, facilitate or participate in Area Committees, forums, focus groups and service or user based consultative groups as part of its community leadership role.

10.02 Form, composition and function

The Council will participate in the joint Area Committees together with the County Council and Town and Parish Councils.

The Council will participate in and support:

- The Environment Forum
- The Health Forum

The Council will set up and manage:

- The Coastal Issues Forum
- The Economic Development Forum
- The Housing Forum

10.03 Conflicts of interest – membership of area committees and forums

A member has a prejudicial interest in any business before the Scrutiny Committee of their authority where the business relates to a decision made (whether implemented or not) or action taken by the Council's Cabinet or another of the authority's committees, sub-committees, joint committees or joint sub-committees and at the time of the decision was taken that Member was a Member of the Cabinet or Committee which made the decision and was present at any of the above.

10.04 Members of the Cabinet on area committees and forums

A member of the Cabinet may serve on or attend an area committee or forum if otherwise eligible to do so as a councillor.

Article 11 – Joint Arrangements

11.01 Arrangements to promote well being

The 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.

11.02 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Cabinets to exercise functions which are not Cabinet functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) The Cabinet may appoint members to a joint committee from outside the Cabinet in the following circumstances:
 - the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area;

The political balance requirements do not apply to such appointments.
- (e) 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.

11.03 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.
- (c) If the joint committee contains members who are not on the Cabinet of any participating authority then the access to information rules of the Local Government Act 1972 will apply.

11.04 Delegation to and from other local authorities

- (a) The Council may delegate non-Cabinet functions to another local authority or, in certain circumstances, the Cabinet of another local authority.
- (b) The Cabinet may delegate Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.05 Contracting out

The Cabinet 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, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 12 - Officers

12.01 Management structure

- (a) **General.** The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The full Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers)</p> <p>Together with the Monitoring Officer and Chief Finance Officer, provision of professional advice to all parties in the decision making process and responsibility for a system of record keeping for all the Council's decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p> <p>With particular responsibility for Performance Management</p>
Chief Officer - Resources	<p>Accountancy and Exchequer Audit and Risk Human Resources Performance Property Services Revenues and Benefits Services</p>
Chief Officer - Information	<p>Customer Services, Communications, Democratic Services ICT Services Legal Services Electoral Services</p>
Chief Officer - Environment	<p>Environmental Strategy and Policy Building Control Conservation, Design and Landscape Development Control Planning Enforcement Environmental Health - Commercial Environmental Protection Environmental Services - Waste and Cleansing</p>

Chief Officer - Community	Active Communities Policy Community Safety and ASBO North Norfolk Community Partnership Youth Voluntary Services Project Countryside Museums Arts Health Sports Coastal Services Economic and Tourism Development Leisure and Culture Planning Policy Strategic Housing
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- (c) **Head of paid service, monitoring officer and chief financial officer.**
The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Legal & Democratic Services Manager	Monitoring Officer
Financial Services Manager	Chief Finance Officer

Such posts will have the functions described in Article 12.02–12.04 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. This is set out at Part 7 of this Constitution.

12.02 Functions of the head of paid service

- (a) **Discharge of functions by the Council.** The head of paid service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (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.

12.03 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 consultation by members, 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 or to the Cabinet in relation to an Cabinet 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 Standards Committee.** The monitoring officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receiving reports.** The monitoring officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (e) **Conducting investigations.** The monitoring officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
- (f) **Proper officer for access to information.** The monitoring officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Advising whether Cabinet decisions are within the budget and policy framework.** The monitoring officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- (h) **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.
- (i) **Restrictions on posts.** The monitoring officer cannot be the chief finance officer or the head of paid service.
- (j) The monitoring officer will discharge their functions in accordance with the protocol set out in Part 5.

12.04 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 or to the Cabinet in relation to an Cabinet 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 chief finance officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The chief finance officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **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.
- (e) **Give financial information.** The chief finance officer will provide financial information to the media, members of the public and the community.

(f)

12.05 **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.

12.06 **Conduct**

Officers will comply with the Employee Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

12.07 **Employment**

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

Article 13 – Decision Making

13.01 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.02 Principles of decision making

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

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights (see below for further details);
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.

13.03 Types of decision

- (a) Decisions reserved to 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.
 - (i) A key decision is a decision which is likely: -
 - to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
 - to be significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.
 - (ii) A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.
 - (iii) The Council has decided that expenditure or savings of £50,000 or more shall be regarded as significant for the purposes of paragraph (i) above, save where such expenditure or saving is specifically identified in the Council's Budget

13.04 Decision making by the full Council

Subject to Article 13.08, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.05 Decision making by the Cabinet

Subject to Article 13.08, the Cabinet will follow the Cabinet Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.06 Decision making by the Scrutiny Committee

The Scrutiny Committee will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.07 Decision making by other committees and working parties established by the Council

Subject to Article 13.08, other Council committees and working parties will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

13.08 Decision making by Council bodies acting as tribunals

The Council, 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.

Article 14 – Finance, Contracts and Legal Matters

14.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Part 4 of this Constitution.

14.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

Article 15 – Review and Revision of the Constitution

15.01 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. Such monitoring and review shall take place at least annually and reported to Full Council.

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 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 him/her by members, 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.

15.02 Changes to the Constitution

- (a) **Approval.** Changes to the constitution will only be approved by the full Council after consideration of the proposal by the monitoring officer.
- (b) **Change from a leader and cabinet form of Cabinet to alternative arrangements, or vice versa.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

Article 16 – Suspension, Interpretation and Publication of the Constitution

16.01 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council, a Committee or Working Party to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least two thirds of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of suspension.** Standing Orders may be suspended in accordance with Standing Order 48.

16.02 Interpretation

The ruling of the chairman of Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.03 Publication

- (a) The monitoring officer will give a printed (or if they prefer an electronic) copy of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- (b) The monitoring officer will ensure that copies are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The monitoring officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.