

## **ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION**

### **15.1 Duty to monitor and review the constitution**

The Standards Committee (on ethical issues) and the Monitoring Officer will monitor, review and evaluate the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

### **15.2 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.

### **15.3 Member initiated review and monitoring of Constitution and Executive Arrangements**

Any proposal from members about the Constitution and executive arrangements will only be considered formally as an agenda motion to the full Council. The Member initiating the review, and the Council, will be required to consult the Monitoring Officer and/or the Chief Executive and shall take account of any advice given.

### **15.4 Changes to the Constitution**

- a. **Approval.** Changes to the Constitution arising either from a review, a motion from Council or from the Monitoring Officer will only be approved by the full Council after consideration of the proposal by the Monitoring Officer and the Standards Committee (on ethical issues) and taking into account the views or recommendations offered.
- b. **Minor or inconsequential changes.** The Monitoring Officer (Solicitor to the Council) has delegated authority to update the Constitution arising from decisions of the Council or Cabinet or where legislation requires a change in wording or terminology, such changes to be reported to members of the Standards Committee.

- c. **Changes in the form of Executive.** Special procedures apply to changes in the form of Executive including (but not limited to) binding referendums when the law requires.
- d. **Delegations.** To reflect delegations lasting six months or more where a delegation is made to an Officer by the Council, a Committee, a Sub-Committee or the Cabinet, that delegation may need to be reflected within the Constitution (normally Part 3) in which case the Monitoring Officer (has authority to update the Constitution to reflect that change.
- e. **Changes that are predominantly managerial in their nature.** The Monitoring Officer (Director - Legal & Democratic Services) has the authority to amend the Constitution in relation to matters that are predominantly managerial in their nature where there is agreement from the other two statutory officers, namely the Chief Executive and the Section 151 Officer and where the matter has been subject to consultation with the appropriate Members (normally the relevant Cabinet Member and Group Leaders). Any such changes will be reported subsequently to the Standards Committee.