



**Hull**  

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**City Council**

# **THE CONSTITUTION**

**Part A – Articles of the Constitution**

**PART A**

**ARTICLES OF THE CONSTITUTION**

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**PART A****ARTICLES OF THE CONSTITUTION****1. The Constitution**

- 1.1 The Constitution of the City Council comprises Parts A to D of this document. The Council's executive arrangements are set out in Articles 3, 4, 6 and 7; paragraphs 12-14 of Part B; rule 1 of the Executive Procedure Rules set out in Part C2 and the Overview and Scrutiny Procedure Rules set out in Part C4 of this document<sup>1</sup>.

Purpose of the Constitution

- 1.2 The purpose of the Constitution is to:
- 1.2.1 Enable the Council to provide leadership in partnership with the public, businesses and other organisations.
  - 1.2.2 Provide a framework for decision-making in accordance with legal requirements for the discharge of the Council's functions.
  - 1.2.3 Support the involvement of citizens in decision-making in providing opportunities to present petitions and receive deputations.
  - 1.2.4 Help councillors to administer the whole of the Council's area and represent their constituents more effectively.
  - 1.2.5 Enable decisions to be taken efficiently and effectively.
  - 1.2.6 Create a means of holding decision-makers to public account.
  - 1.2.7 Ensure members do not scrutinise decisions in which they took part.
  - 1.2.8 Ensure those responsible for decisions are clearly identifiable and they give reasons for their decisions.
  - 1.2.9 Provide a means of improving service.

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<sup>1</sup> Together with the documents supporting the Constitution.

**2. The Council**Composition

- 2.1 The Council consists of 57 councillors elected by registered voters in each ward within the District in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State.

Eligibility

- 2.2 Only registered voters of the City or those living or working in the City are eligible to hold office as a councillor.<sup>2</sup>

Election and Term of Office of Councillors

- 2.3 The ordinary election of councillors is held on the first Thursday in May in each year, except that in 2013 and every fourth year thereafter there will be no ordinary election. The term of office of councillors is four years, commencing on the fourth day following election and finishing on the fourth day after the date of the ordinary election four years later.

Council Meetings

- 2.4 There are three types of Council meeting:

2.4.1 The Annual Meeting.

2.4.2 Ordinary meetings.

2.4.3 Extraordinary meetings.

- 2.5 Meetings will be conducted in accordance with the Council Procedure Rules set out in Part C1 of this Constitution.

The Lord Mayor

- 2.6 The Lord Mayor is elected at the Annual Meeting and has the following roles and functions:

Ceremonial Role

- 2.6.1 The Lord Mayor shall, subject only to any entitlement afforded to Her Majesty's Lieutenant, take precedence in and be the First Citizen of the City. The Lord Mayor may attend such civic and ceremonial functions as the Lord Mayor and the Council determine appropriate.

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<sup>2</sup> Section 79 of the Local Government Act 1972

Chair of Meetings of the Council

- 2.6.2 A chair shall be elected at the Annual Meeting and will be Lord Mayor for the ensuing year and shall:
- 2.6.2.1 Uphold and promote the purposes of the Constitution, and interpret it when necessary.
  - 2.6.2.2 Preside over meetings of the Council so that business can be carried out efficiently and with due regard to the rights of councillors and the interests of communities.
  - 2.6.2.3 Ensure that the Council meeting is a forum for the debate of matters of concern to the local community and a place at which councillors not in the Cabinet or chair of a committee are able to hold the Cabinet and chairs of committees to account.
- 2.6.3 In the absence of the Lord Mayor, the Deputy Lord Mayor has the above functions set out in 2.6.2.
- 2.6.4 The Lord Mayor and Deputy Lord Mayor must not be Members of the Executive.

Functions of the Council

- 2.7 The Council alone may exercise the following functions:
- 2.7.1 Adopt or amend this Constitution, except where otherwise provided within it or by resolution of the Council.
  - 2.7.2 Approve the budget policy framework.
  - 2.7.3 Subject to the urgency procedure contained in the Access to Information Procedure Rules set out in Part C5 of this Constitution, make decisions about any matter in the discharge of an executive function where the decision-maker is minded to take a decision that would be contrary to the policy framework or the budget.
  - 2.7.4 Elect the Leader of Council.
  - 2.7.5 Agree or amend the terms of reference for committees of the Council, determine their composition and make appointments.
  - 2.7.6 Appoint representatives to outside bodies unless the appointment is an executive function or has been delegated by

the Council as provided in paragraph 9 of the table in Article 2.7.11 below or otherwise.

- 2.7.7 Adopt the Members’ Allowances Scheme set out in Part D2.
- 2.7.8 Change the name of the Council or the City or confer the title of honorary alderman and alderwomen or the freedom of the City.
- 2.7.9 Appoint the Head of Paid Service.
- 2.7.10 Make, amend, revoke, re-enact or adopt bylaws and promote or oppose the making of local legislation or private bills.
- 2.7.11 The local choice functions that the Council has determined shall be undertaken by the Council and not the Leader of the Council as set out in the left hand column of the table below subject to the arrangements for delegation of the function in the right hand column

<b>FUNCTION</b>	<b>DELEGATION</b>
1. The determination of an appeal against any decision made by or on behalf of the authority.	Members of the Appeals Committee
2. The appointment of Review Boards under regulations made under section 34(4) (Determination of Claims and Reviews) of the Social Security Act 1998.	Members of the Appeals Committee
3. The making of arrangements pursuant to sub-section 67(1) and Schedule 18 (Appeals Against Exclusion of Pupils) to the Schools Standards and Framework Act 1998.	Members of the Appeals Committee.
4. The making of arrangements pursuant to section 94(1) and (4) and Schedule 24 (Admission Appeals) of the 1998 Act.	Members of the Appeals Committee
5. The making of arrangements pursuant to section 95(2) and Schedule 24 to the 1998 Act (Children to whom section 87 applies – Appeals by Governing Bodies).	Members of the Appeals Committee
6. The making of arrangements under section 20 (Questions on Police Matters at Council Meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority	

<p>7. The making of appointments to the joint committee under paragraphs 2 to 4 (Appointment of Members by Relevant Councils) of Schedule 2 (Police Authorities established under Schedule 3) to the Police Act 1996.</p>	
<p>8. The passing of a resolution under Schedule 2 to the Noise and Statutory Nuisance Act 1993 (Consent for Operation of a Loudspeaker).</p>	
<p>9. The appointment of any individual at Annual Council:</p> <ul style="list-style-type: none"> <li>(a) to any office other than an office in which the person is employed by the authority.</li> <li>(b) to any body other than:             <ul style="list-style-type: none"> <li>(i) the authority</li> <li>(ii) a joint committee of two or more authorities; or</li> </ul> </li> <li>(c) to any committee or sub-committee of such a body,</li> </ul> <p>and the revocation of any such appointment.</p>	
<p>10. The provision of consent to the use of the armorial bearings of the Council and armorial bearings of the Admiralty of the Humber pursuant to section 44 of the Kingston upon Hull Act 1984.</p>	<p>Civic Committee</p>

2.7.12 Any other function or matter which by law must be reserved to the full Council.

**Roles and Functions of the Council**

2.8 All councillors are expected to:

2.8.1 Determine as the Council the policy framework of the Council and carry specified strategic and corporate management functions.

2.8.2 Contribute to the good governance of the area.

2.8.3 Represent the interests of their ward and of individual constituents.

2.8.4 Respond to constituents' enquiries and representations, fairly and impartially.

2.8.5 Participate in the governance and management of the Council.

2.8.6 Maintain the highest standards of conduct and ethics.

Rights and Duties

2.9 Councillors have a right of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions, in accordance with the Access to Information Procedure Rules set out in Part C5 of this Constitution and the law.

Conduct

2.10 Councillors undertake to observe the Members' Code of Conduct on accepting office.

Allowances

2.11 Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme in Part D2 of this Constitution.



**3. The Leader of the Council and the Cabinet**Leader of the Council

- 3.1 The Leader of Council is the senior executive member and has responsibility for the discharge of the executive functions set out in Article 3.11 below.
- 3.2 The Leader of Council may arrange for the discharge of an executive function by the Cabinet, a committee of the Cabinet, member of the Cabinet, an area committee established under Part B, a joint committee or under joint arrangements established pursuant to Article 6, a member in relation to the member's ward or an officer.
- 3.3 The Leader of the Council is responsible for the development and approval of the policies, strategies and plans of the Council, save that those policies, strategies and plans within the policy framework are subject to approval by the Council under Article 2.7.2 on the recommendation of the Leader of Council.

The Cabinet

- 3.4 The Cabinet shall take decisions in the discharge of executive functions delegated by the Leader of Council pursuant to paragraph 14.1 of Part B and in accordance with the Council's approved budget and policy framework.

Form and Composition

- 3.5 The Cabinet shall consist of the Leader of Council together with at least two, but not more than nine, members as may be determined and appointed by the Leader of Council.
- 3.6 The Leader of Council may determine and allocate a portfolio of responsibilities to a member of the Cabinet and may delegate, subject to paragraph 14.10 of Part B of this Constitution, the authority to discharge executive functions that fall within that portfolio.
- 3.7 The quorum for a meeting of the Cabinet shall be three voting members.

Form and Composition

- 3.8 The Leader of Council shall be a member of Council elected by the Council to hold office until the Leader of Council's normal day of retirement as a councillor unless he/she:
- 3.8.1 Resigns as Leader of Council.
- 3.8.2 Ceases to be or is disqualified from being a councillor.

- 3.8.3 Is removed from office by resolution of the Council following a notice of a motion submitted in accordance with rule 17 of the Council Procedure Rules in Part C1 of this Constitution.

#### Members of the Cabinet

- 3.9 A member of the Cabinet shall hold office until he/she:
- 3.9.1 Resigns as a member of the Cabinet.
- 3.9.2 The Leader of Council ceases, to hold office.
- 3.9.3 Ceases to be or is disqualified from being a councillor.
- 3.9.4 Is removed from office by the Leader of Council following a notice served on the member confirming their removal from office and the withdrawal of any delegated authority to discharge executive functions pursuant to paragraph 14.12 of Part B.

#### Proceedings of the Cabinet

- 3.10 The proceedings of the Cabinet shall be conducted in accordance with the Executive Procedure Rules set out in Part C2 of this Constitution.

#### Executive Functions

- 3.11 The executive functions of the Council consist of all the functions of the Council except:
- 3.11.1 Functions for which the full Council is responsible under Article 2.7 or by legislation.
- 3.11.2 Functions excluded from being the responsibility of the Cabinet by legislation.
- 3.11.3 Those local choice functions which are not allocated to the Leader of Council under Article 3.12 below.
- 3.12 The Leader of Council may discharge the local choice functions contained in Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 set out in the left hand column of the table below table below subject to the limitations in the right hand column.

<b>FUNCTION</b>	<b>LIMITATION</b>
1. Any function under the Kingston upon Hull Act 1984 or any local act except for:  (a) a function specified or referred to in Schedule 1 of the Local Authorities	None.

<p>(Functions and Responsibilities) (England) Regulations 2000 as amended ("Schedule 1").</p> <p>(b) the giving of consent to use the armorial bearings of the Council under section 44 of the Kingston upon Hull Act 1984.</p>	
<p>2. Any function relating to contaminated land other than a function referred to in Schedule 1.</p>	<p>None.</p>
<p>3. The discharge of any function relating to the control of pollution or the management of air quality other than a function referred to in Schedule 1.</p>	<p>None.</p>
<p>4. The service of an Abatement Notice in respect of a Statutory Nuisance.</p>	<p>None.</p>
<p>5. The inspection of the authority's area to detect any statutory nuisance.</p>	<p>None.</p>
<p>6. The investigation of any complaint as to the existence of a statutory nuisance.</p>	<p>None.</p>
<p>7. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.</p>	<p>None.</p>
<p>8. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>None.</p>
<p>9. The making of agreements for the execution of highways works.</p>	<p>None.</p>
<p>10. The appointment of any individual:</p> <p>(a) to any office other than an office in which the person is employed by the authority.</p> <p>(b) to any body other than:</p> <p>(i) the authority</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body,</p> <p>and the revocation of any such appointment.</p>	<p>In the case only of all those appointments that fall to be made between each Annual Meeting of the Council following consultation with political group leaders.</p>
<p>11. Functions under sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007 relating to local area agreements.</p>	<p>None.</p>

**4. Overview and Scrutiny**The Role of Overview and Scrutiny Committees

- 4.1 The Council will appoint overview and scrutiny committees to have responsibility for the discharge of overview and scrutiny functions.

Composition

- 4.2 The committees shall be constituted in accordance with the terms of reference set out in paragraphs 1 and 2 of Part B of this Constitution.

Role and Functions

- 4.3 The committees shall undertake the following:

**GENERAL**

- 4.3.1 Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions.
- 4.3.2 Make reports and/or recommendations to full Council, Cabinet or other appropriate body or officer as may be determined by a committee arising from the outcome of the scrutiny process, the internal and external audit process or external inspections.
- 4.3.3 Consider any matter affecting the area or its inhabitants as it deems appropriate.
- 4.3.4 Exercise overall responsibility for any finances made available to them.
- 4.3.5 Report annually to Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.
- 4.3.6 Exercise overall responsibility for the work programme of the officers employed to support their work.
- 4.3.7 Conduct the proceedings of the committees in accordance with the Overview and Scrutiny Procedure Rules set out Part C4 of this Constitution.

- 4.4 The committees may undertake the following:

**POLICY DEVELOPMENT AND REVIEW**

- 4.4.1 Assist the Council and Cabinet in the development of the budget and policy framework.

- 4.4.2 Conduct research, community and other consultation in the analysis of policy issues and possible options.
- 4.4.3 Question members of the Cabinet with a portfolio and/or committee chairs and chief officers about their views on issues and proposals affecting the area.
- 4.4.4 Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are served.

**SCRUTINY**

- 4.4.5 Review and scrutinise the decisions made by and the performance of Cabinet and/or committees and officers both in relation to individual decisions and over a period of time.
  - 4.4.6 Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas, including the Council's Local Strategic Partnership and its Partnership strategy and Partnership Delivery Framework.
  - 4.4.7 Question members of the Cabinet, chairs of committees and chief officers and other appropriate officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.
  - 4.4.8 Make recommendations to Cabinet, committees and/or the Council arising from the outcome of the scrutiny process.
- 4.5 Overview and scrutiny committees will take decisions in accordance with the Overview and Scrutiny Procedures Rules set out in Part C4.

**5. Citizen Engagement**Rights of Members of the Public

- 5.1 Members of the public have legal rights to information and to contribute to the running of the Council. These are contained in the Access to Information Procedure Rules set out in Part C5 of this Constitution.

Voting, Petitions and Deputation

- 5.2 Members of the public may present a petition in accordance with the Council's Petition Scheme or participate in a deputation to the Council.

Information

- 5.3 Members of the public have qualified rights to:

- 5.3.1 Attend meetings of the Council and its committees, except where confidential or exempt information is likely to be disclosed and the meeting is held in private.
- 5.3.2 Attend meetings of the Cabinet when key decisions are being considered.
- 5.3.3 Find out from the Forward Plan what key decisions the Cabinet, an area committee or officer will take and when it is proposed they are taken.
- 5.3.4 See reports and background papers, except where classified confidential or exempt, and any records of decisions made by the Council, its committees and sub-committees and the Cabinet.
- 5.3.5 Inspect the Council's accounts and make representations to the external auditor.

Responsibilities of Members of the Public

- 5.4 Members of the public must not be violent, abusive or threatening to councillors or officers and must not wilfully harm the property of the Council, councillors or officers. If a member of the public disrupts the proceedings of a meeting of the Council, committee or sub-committee the chair of the meeting may order their removal in accordance with rules 26 and 41 of the Council Procedure Rules.

Participation

- 5.5 Members of the public may, where appropriate and as may be determined by an overview and scrutiny committee, contribute to

reviews and investigations undertaken or instigated an overview and scrutiny committee.

### Complaints

- 5.6 Members of the public have the right to complain to:
- 5.6.1 The Council itself under the complaints procedure.
  - 5.6.2 The Local Government Ombudsman after using the Council's complaints procedure.
  - 5.6.3 The Monitoring Officer about a complaint that involves an allegation that a councillor has acted in breach of the Member Code of Conduct.

**6. Joint Arrangements**Arrangements to Promote Well-Being

- 6.1 The Council or Cabinet, in order to promote the economic, social or environmental well-being of its area, may:
- 6.1.1 Enter into arrangements or agreements with any person or body.
  - 6.1.2 Co-operate with, or facilitate or co-ordinate the activities of, any person or body.
  - 6.1.3 Exercise on behalf of that person or body any functions of that person or body.

Joint Arrangements

- 6.2 The Council may establish joint arrangements with one or more local authorities to exercise non-executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee.
- 6.3 The Cabinet may establish joint arrangements with one or more local authorities to exercise executive functions. Such arrangements may involve the appointment of a joint committee.
- 6.4 The Cabinet, except as provided below in Article 6.5, may only appoint a member of the Cabinet to a joint committee and the appointment need not reflect the political composition of the Council.
- 6.5 The Cabinet may appoint a member to a joint committee who is not also a member of the Cabinet where the joint committee exercises functions for a part only of the area of the City and that area comprises less than two-fifths of the City by either or both of area or population. In these circumstances the Cabinet may appoint any member who is a member for a ward which is wholly or partly within the area for which the joint committee exercises functions. The requirement to reflect the political composition of the Council does not apply in making any such appointment.

Access to Information

- 6.6 The Access to Information Procedure Rules set out in Part C5 of this Constitution shall apply.
- 6.7 If all the members of a joint committee are members of the executive in each of the participating authorities, the access to information regime to be applied is the same as that applied to the Cabinet



- 6.8 If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 shall apply.

Delegation to and from other Local Authorities

- 6.9 The Council may delegate non-executive functions to another local authority or, in certain circumstances<sup>3</sup>, the executive of another local authority
- 6.10 The Cabinet may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.<sup>4</sup>
- 6.11 The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council.

Contracting Out

- 6.12 The Council (in the case of non-executive functions) and the Cabinet (in the case of executive functions) 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 standard contracting principles, provided there is no delegation of the Council's discretionary decision-making.

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<sup>3</sup> The circumstances are set out in the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000.

<sup>4</sup> As above.

**7. Decision Making**Responsibility for Decision Making

- 7.1 The Council will maintain a record of the body or person within the Council having responsibility for a decision or decisions relating to a function or functions of the Council and the executive.

Principles of Decision Making

- 7.2 All decisions taken in the discharge of a function of the Council or the executive shall have regard to the following matters:
- 7.2.1 The principle of proportionality which dictates that the action proposed or contemplated by the decision is proportionate to the desired outcome to be achieved.
- 7.2.2 The need for consultation with interested parties.
- 7.2.3 The need to take account of relevant professional advice from appropriate officers.
- 7.2.4 The need to take full account of human rights.
- 7.2.5 The presumption in favour of openness and transparency.
- 7.2.6 The need for clarity of aims and desired outcomes.
- 7.2.7 The need to identify the range of options considered.
- 7.2.8 The need to give reasons and explanation for a decision.
- 7.2.9 The need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Equality Act 2010 (or any statutory re-enactment or Regulations);
  - (b) advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
  - (c) foster good relations between people who share a protected characteristic and people who do not share it.

Written Reports and Decision Records

- 7.3 The Council, Cabinet, member of the Cabinet or a committee shall not take any decision without first having received a written report from the officer having responsibility for the matter. The report shall include the advice and opinion of the Chief Finance Officer and Town Clerk.
- 7.4 The Chief Finance Officer and the Town Clerk, where both are in agreement and with the approval of the chair of the member body concerned, may in exceptional circumstances dispense with the need for a written report in which case all verbal advice and opinion provided shall be noted and recorded, as the case may be, in the minutes of the meeting or in the decision record.

**8. Interpretation and Definitions**

8.1 The '**policy framework**' means the following plans and strategies:

8.1.1 Sustainable Community Strategy (the "City Plan")

8.1.2 Corporate Plan

8.1.3 Children and Young People's Plan

8.1.4 Youth Justice Plan

8.1.5 Crime and Disorder Reduction Strategy

8.1.6 Development plan documents

8.1.7 Plans and alterations which together comprise the Development Plan

8.1.8 Directions approved by the Executive and agreed by Council for inclusion within the policy framework pursuant to Article 4 of the Town and Country Planning (General Development)(England) Order 2015

8.1.9 Local Transport Plan

8.1.10 Licensing Authority Policy Statement

8.1.11 Health and Well being Strategy

8.1.12 Street Trading Policy

8.2 The '**budget**' means the calculations required by section 32 of the Local Government Finance Act 1992 prior to setting the level of Council Tax and decisions relating to the control of the Council's borrowing requirements, capital expenditure and the setting of any virement limits.

8.3 '**Housing land transfer**' means the making of an application:-

(a) under section 135(5) of the Leasehold Reform, Housing and Urban Development Act 1993, or for the inclusion of a disposal in a disposals programme, or

(b) for consent to that disposal under sections 32 or 43 of the Housing Act 1985

- 8.4 A **'key decision'**<sup>5</sup> is an executive decision that satisfies either of the following criteria:
- 8.4.1 It will result in expenditure or savings with a full year effect of more than £250,000, but does not include any decision:
    - 8.4.1.1 Taken as a consequence of implementing an earlier key decision.
    - 8.4.1.2 Concerning a bid for funding.
  - 8.4.2 It is likely to have a significant impact on communities in an area comprising two or more wards.

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<sup>5</sup> The definition of a 'key decision' is contained in regulation 8 of the Local Authorities (Executive Arrangements (Access to Information) (England) Regulations 2000.

**9. Finance, Contracts and Legal Matters**Financial Management

- 9.1 The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part C6 and Contract Procedure Rules set out in Part C7.

Contracts

- 9.2 The Contract Procedure Rules set out in Part C7 of this Constitution apply to contracts made by the Council.

Legal Proceedings

- 9.3 The Town Clerk is authorised to institute, defend or participate in the institution or defence of any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Town Clerk, following consultation with the Leader of Council, appropriate member of the Cabinet or chair of a committee, the Chief Executive and Chief Finance Officer, considers that such action is necessary to protect the Council's interests.

Legal Advice

- 9.4 The Chief Legal Officer is responsible for legal advice given to Council. Where that advice is informed by the opinion of external legal advisers the Executive or the Committee responsible for the function to which the advice is relevant (including Overview and Scrutiny Committee exercising a review function in relation to an Executive decision) will be entitled to view the advice that the Chief Legal Officer relies upon. Where the Chief Legal Officer provides legal advice to Group Leaders which is informed by the opinion of external legal advice they shall have a similar right to view the advice that the Chief Legal Officer relies upon.

Common Seal of Council and Authentication of Documents

- 9.5 The Common Seal of the Council will be kept in a safe place in the custody of the Town Clerk. A decision of the Council, or of any body or officer taken in accordance with Part B of this Constitution, shall be sufficient authority for sealing any document necessary to give effect to a decision. The Common Seal will be affixed to those documents which in the opinion of the Town Clerk should be sealed. The affixing of the Common Seal will be attested by the Town Clerk or some other person authorised by him/her.
- 9.6 A record of every sealing must be entered and consecutively numbered in a book and signed by the officer who witnessed the sealing.

- 9.7 The Town Clerk and such officers as are named by him/her are authorised generally to seal, sign, authenticate, attest and issue any notice, order or other document (including documents required for legal proceedings) on the Council's behalf including by electronic means unless an Act of Parliament requires some other person to do so, or the Council gives authority to some other person and this is expressed to exclude these general powers. This general authorisation is in addition to the delegation of any function to an officer.
- 9.8 All officers who are authorised to discharge functions on behalf of the Council are authorised to sign and issue on the Council's behalf any notice or other document required to give effect to a decision taken in the discharge of a function

**10. Review, Revision and Publication of the Constitution**Duty to Monitor and Review the Constitution

- 10.1 The Monitoring Officer will monitor and review the operation of the codes and protocols in the Constitution which relate to conduct, ethics and probity and the operation of the Constitution.

Protocol for Monitoring and Review of the Constitution by the Monitoring Officer

- 10.2 The Monitoring Officer shall take steps to make him/herself aware of the strengths and weaknesses of the Constitution adopted by the Council, and make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1.2. In undertaking this task the Monitoring Officer may:
- 10.2.1 Observe meetings of different parts of the member and officer structure.
  - 10.2.2 Undertake an audit trail of a sample of decisions.
  - 10.2.3 Record and analyse issues raised with her/him by members, officers, the public and other relevant persons.
  - 10.2.4 Compare practices in this authority with those in other comparable authorities and recognised best practice.

Changes to the Constitution

- 10.3 Changes to the Constitution will only be made following approval by the full Council on the basis of a majority of those members present and voting in favour, or by the Town Clerk acting as Monitoring Officer, and in accordance with the authority granted by the Council pursuant to paragraph 16.17 of Part B of this Constitution or otherwise.
- 10.4 The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals to change from a leader and cabinet executive to a different form as provided by the Local Government Act 2000.

Publication

- 10.5 The Town Clerk will provide a printed copy of this Constitution to each councillor on delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- 10.6 The Town Clerk 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.

- 10.7 The Town Clerk will ensure that a summary of the Constitution is made available within the area and is updated as necessary.

**11. Suspension of the Constitution**Suspension of the Constitution

- 11.1 The full Council, unless otherwise provided and to the extent permitted by law, may suspend specific provisions of the Constitution.
- 11.2 A motion to suspend a specific provision may not be moved at a meeting of Council without notice unless at least 29 members of Council are present. The extent and duration of suspension will be proportionate to the result to be achieved having regard to the purposes of the Constitution set out in Article 1.2.