

Article 15 - Review and Revision of the Constitution

15.01 Duty to Monitor and Review the Constitution

The Council has a duty under Section 37 of the Local Government Act 2000 to keep its Constitution up to date. The responsibility for monitoring and reviewing the Constitution on behalf of the Council will be undertaken by the Director - Governance/the Monitoring Officer.

The Director – Governance/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. The Protocol on the Discharge of the Functions of the Monitoring Officer requires the Monitoring Officer to monitor and uphold the Council's Constitution.

A key role for the Director - Governance/ 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 to better achieve the purposes set out in Article 1. In undertaking this task, the Director - Governance/the Monitoring Officer may personally, or through arrangements with other officers:-

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.

The Director - Governance/Monitoring Officer will also take account of changes in legislation and Government advice and directives and their consequent impact on the responsibilities of the Council and the content of its Constitution.

15.02 **Changes to the Constitution**

This Article sets out minimum requirements for constitutional changes. Changes may be prompted not only from internal reviews and evaluation of their governance, but from changes in public opinion triggering a mayoral referendum.

Proposals to change from one form of executive to another require proper consultation, and change from leader/cabinet to an elected mayor form, or vice versa, requires a referendum. However, other changes may require limited or no consultation. The consultation required should be proportionate to the scale, scope and extent of the change proposed.

(a) Approval

Changes to the Constitution will only be submitted to the Full Council for approval after consideration of the proposal by the Director - Governance /Monitoring Officer and other officers as necessary, and after any procedural steps which the Director - Governance/Monitoring Officer deems necessary have been taken.

(b) Change from a leader and cabinet form of executive to alternative arrangements, or vice versa

The Council must take reasonable steps, including the holding of a referendum, to consult with local electors and other interested persons in the area when drawing up proposals.