

Article 16 - Suspension, Interpretation and Publication of the Constitution

16.01 Suspension of the Constitution

This Article ensures that the articles of the Constitution may not be suspended. This provides certainty and stability to the fundamental aspects of the Council's governance. However, it does provide for rules of procedure to be suspended provided this is to achieve an effect consistent with the purposes of the Constitution set out in Article 1. This might apply, for example, to rules of debate in Council where particular circumstances arise.

- (a) **Limit to Suspension** - The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the Full Council 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 one half of the whole number of councillors are present and consent. 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.** The following Rules may be suspended in accordance with this Article:
 - Council Procedure Rules
 - Access to Information Procedure Rules
 - Budget and Policy Framework Procedure Rules
 - Executive Procedure Rules
 - Scrutiny Procedure Rules
 - Financial Rules, Regulations and Procedures.
 - Contracts Procedure Rules
 - Officer Employment Procedure Rules

16.02 **Interpretation**

The ruling of the person presiding at any meeting of the 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 Director - Governance will ensure that a copy of the current version of the Constitution is available for public examination on the Council's website.

- (b) The Monitoring Officer will give a printed copy of relevant, practical parts of the Constitution, such as Council Procedure Rules, the Member's Code of Conduct, Members Allowances, 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. Any member will be entitled to receive a hard copy of the full Constitution upon request.

- (c) The Director - Governance will ensure that copies of the Constitution are available for inspection at the Sandwell Council House, Freeth Street, Oldbury, and at other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.