

## **Part 7 – Review, Revision, Suspension, Interpretation and Publication of the Constitution**

### **1. Duty to monitor and review the Constitution**

- 1.1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect.
- 1.2 A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution and to make recommendations to the Assembly on ways in which it could be enhanced to better achieve its purpose. In order to do this, the Monitoring Officer may:
- observe meetings of different parts of the Member and officer structure;
  - undertake an audit trail of a sample of decisions taken at both Member and officer level;
  - record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders;
  - compare practices in this Authority with those in other comparable authorities or national examples of best practice.

### **2. Revisions to the Constitution**

- 2.1 All changes to the Constitution shall be approved by the Assembly, with the exception of the following which may be made by the Monitoring Officer:
- a) changes to give effect to any decisions of the Council;
  - b) changes in the law;
  - c) minor amendments such as to correct errors; and
  - d) to ensure that the Constitution is maintained up-to-date.
- 2.2 Any such changes will be communicated to all Councillors.
- 2.3 In the event of a proposed change from the current strengthened Leader and Cabinet form of executive, the Council will take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.
- 2.4 The Monitoring Officer shall consult with relevant officers, including the Chief Finance Officer on any finance related issues, prior to making, or recommending the making of, any amendments to the Constitution.

### **3. Suspension of the Constitution**

- 3.1 The rules and protocols within the Constitution may not be suspended except in exceptional circumstances. The power to suspend cannot be used where the matter is subject to overriding legal provisions or in respect of voting,

including in relation to the election of or no confidence in the Leader, or regarding the required meeting quorum.

- 3.2 Other rules and protocols may be suspended by the body to which they apply (or if no such body then by the Assembly) to the extent permitted within those rules and the law.
- 3.3 The extent and duration of suspension should be proportionate to the result to be achieved.

#### **4. Interpretation**

- 4.1 The ruling of the Chair as to the construction or application of this Constitution or as to any proceedings of the meeting shall not be challenged at any meeting. Such interpretation will have regard to the purposes of this Constitution and the law. Before making a ruling the Chair shall have regard to the advice of the Monitoring Officer.

#### **5. Publication**

- 5.1 The Monitoring Officer will ensure that:
  - a) each Member of the Council is provided with the Constitution at the commencement of his/her term of office and with any subsequent updates;
  - b) copies are available for inspection at the Town Hall, Barking, the Council's website ([Council Constitution](#)) and can be purchased by the press and public on payment of a reasonable fee;
  - c) the summary of the Constitution is made widely available within the area and is updated as necessary.