Part H

Review, Revision, Suspension, Interpretation, Publication and Breach
REVIEW, REVISION, SUSPENSION, INTERPRETATION
AND PUBLICATION

1. Monitoring and Reviewing the Constitution

1.1 The Council’s Monitoring Officer is responsible for monitoring and reviewing 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 amended in order better to achieve its purpose. In order to do this, the Monitoring Officer may:

1.2.1 observe meetings of different parts of the Member and employee structures;

1.2.2 undertake regular audit trails of sample decisions taken at both Member and officer level;

1.2.3 record and analyse issues raised with him/her by Members, employees, the public and other relevant stakeholders;

1.2.4 compare practices in the authority with those in other comparable authorities, or national examples of best practice.

2. Changes

2.1 Changes to the Constitution will only be approved by the Assembly after consideration of the proposal by the Chief Executive in consultation with the Monitoring Officer, and the Chief Financial Officer (Section 151 Officer) in relation to the financial aspects. The Chief Executive is authorised to make minor administrative changes to the Constitution, again in consultation with the said officers.

2.2 Where the change involves a change from the Leader and Cabinet model to other executive arrangements, the Council will take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

2.3 Subject to an annual review and any minor administrative amendments or changes required by new legislation, the Constitution (Part B Articles – The Political Structure and Meetings) will be reconsidered after three years of the incoming Council to see if any changes are required in the light of experience.

3. Suspension

3.1 Limit to suspension - The Articles of this Constitution may not be suspended except by the Assembly in exceptional circumstances and if lawful to do so.
3.2 Procedure to suspend

3.2.1 A motion with or without notice to suspend any provisions of Part B, Article 1 (Member Meetings General) and Article 2 (The Assembly), will only be allowed at the Assembly, if at least one half of the whole number of members of the Council is present (twenty six) and agree to the suspension. Suspension can only be for the duration of the Assembly meeting.

3.2.2 The power to suspend cannot be used where the matter is subject to overriding legal provisions or in relation to:

(a) the method of voting as set out in Article 1 paragraph 9 and Article 2 paragraphs 9 and 10, or

(b) the required meeting quorum

3.2.3 The Chair of the Assembly will consult the Monitoring Officer before any vote is taken to suspend.

4. Interpretation

4.1 Any reference to a statute, statutory instrument, regulation or directive, shall be deemed to automatically include a reference to any subsequent amendment, modification or re-enactment in respect of them.

4.2 The ruling of the Chair of the Assembly as to the construction or application of this Constitution or as to any proceedings of the Assembly shall not be challenged at any meeting of the Assembly. Such interpretation will have regard to the purposes of this Constitution and to the law.

5. Publication

5.1 The Chief Executive is responsible for:

5.1.1 ensuring that copies of the Constitution are available for inspection at Council offices and the Council's website (www.barking-dagenham.gov.uk). Copies can be obtained by members of the local press and the public for which a fee may apply; and

5.1.2 ensuring that the summary of the Constitution (Part A) is made widely available within the area and that it is updated as necessary.

6. Breaches of the Constitution

6.1. A breach of the Constitution by a Member should be reported in writing to the Council’s Monitoring Officer, Civic Centre, Dagenham, who will decide how the matter should be dealt with. Where any breach of the Constitution constitutes a breach of the Members’ Code of Conduct, the Monitoring Officer will refer the matter to a Standards Sub-Committee for assessment.
6.2. The Monitoring Officer will acknowledge receipt of the breach within five working days and give an indication of how it is proposed to deal with it.

6.3. In instances of a breach by an employee, the matter will be dealt with through the Council's disciplinary or other relevant employee related procedures.

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