

2. About the Constitution

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2.1 Status of this Constitution

The Council will follow this Constitution unless it conflicts with the law.

2.2 Interpreting the constitution

When the Constitution and the law allow the Council to do more than one thing, the Council will do what is closest to the purpose of the Constitution (2.3).

At Council meetings, the Lord Mayor's interpretation of the Constitution will be final. When interpreting the Constitution, the Lord Mayor will consider the purpose of the Constitution (2.3) and the advice of the Monitoring Officer.

If the Constitution has no procedures for a meeting, or if there is a gap in the procedures for a meeting, the Chair will decide what to do. This must be consistent with the purpose of the Constitution (2.3)

2.3 Purpose of the Constitution

The Constitution exists so that the Council can take its decisions and do its work effectively. It will help councillors to represent their wards and help the Council to:

- provide clear leadership for the city
- carry out proper consultation and take professional advice
- act openly except when there are strong reasons not to (Part 15)
- hold decision takers to account and make sure no one reviews their own decisions
- respect human rights
- act proportionately (European law defines this as doing no more than is necessary in a democratic society to achieve a legitimate aim).

2.4 Monitoring and reviewing the Constitution

The Monitoring Officer will monitor and review the Constitution and may recommend changes.

Where an annual review of the Constitution is undertaken, any changes recommended by the Monitoring Officer will be considered by a cross-party Constitution Working Group for recommendation to Council for adoption. The membership of the Constitution Working Group will be 8 members and adhere to political balance requirements. The Constitution Working Group will agree its own meeting dates and times and substitutes will be permitted.

Where changes are recommended for standalone issues, the Monitoring Officer will submit a report to Council setting out the recommended change(s) for agreement without convening a Constitution Working Group meeting.

2.5 Changing the Constitution

The Monitoring Officer can change the Constitution if it is to put right clerical mistakes or to make it follow the law. The Monitoring Officer can also change Part 4 (who carries out executive responsibilities) and Part 6 (roles of Cabinet members) to reflect the wishes of the Leader. The Monitoring Officer may also change Part 3 Annex 1 to reflect amendments agreed by Cabinet.

Any other changes must be agreed by Council after considering a report from the Monitoring Officer.

2.6 Changing governance arrangements

The Council may, by resolution, change the form of its executive arrangements or change to a different permitted model of governance. The Council may choose to hold a referendum in that event.

2.7 Suspending the Constitution

The Constitution can only be suspended where it says so (Part 11.26).

2.8 Publishing the Constitution

The Monitoring Officer will keep an up to date version of the Constitution and publish it on the Council's website. A paper copy for reference only will be made available and remain in the Council offices. Additional paper copies may be made available to members of the public for personal use in exchange for the payment of a fee.