

**CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE**

A meeting of the Constitution and Members' Development Committee was held on 25 March 2015.

**PRESENT:** Councillors R Kerr (Chair), R Brady (Vice-Chair), J Brunton, P Cox, J Hobson, R Lowes and T Mawston

**OFFICERS:** B Carr, B Roberts and K Whitmore

**APOLOGIES FOR ABSENCE** An apology for absence was received on behalf of Councillor D Budd.

**DECLARATIONS OF INTERESTS**

There were no declarations of interest at this point of the meeting.

14/1 **MINUTES - CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE - 13 NOVEMBER 2014**

The minutes of the Constitution and Members' Development Committee held on 13 November 2014 were taken as read and approved as a correct record.

14/2 **REVIEW OF THE COUNCIL'S CONSTITUTION**

The Chair advised that the Committee were mindful of the work carried out by officers in revising the Council's Constitution and he wished to place on record the thanks of the Members of the Committee to the officers concerned.

The Assistant Director of Organisation and Governance provided an overview of the changes to the Constitution as follows:

**General Review and Update**

The Assistant Director of Organisation and Governance provided details of sections of the Constitution that had been reviewed but would now appear in the Members Handbook.

In addition, Members were advised that the Members Code of Conduct had been revised to provide clearer guidance on the circumstances in which members would be covered by the Code of Conduct, the declaration of non-pecuniary interests, and the Code had been re-written so that it was easier to understand. In addition, it was proposed to introduce a six-month time limit for complaints under the Code of Conduct to ensure that complaints were submitted in a timely fashion.

**Necessary Alterations to the scheme of delegation arising as a result of the Council's new Management Structure**

Following the implementation of the revised Management Structure, responsibilities for functions were reviewed and the changes had been reflected under Part 3 - Responsibility for Functions (Page 47 - 66) of the Constitution.

**Changes to Council policies to reflect the introduction of the Middlesbrough Manager Model**

Members were advised that the Head of Human Resources was currently reviewing the Employee Code of Conduct and the Protocol for Officers on Gifts and Hospitality and it was requested that the alterations made be approved under the delegated authority given to the Monitoring Officer to deal with minor alterations and changes.

**Alterations made under the delegated powers given to the Monitoring Officer to deal with changes as a result of legislative changes**

The Assistant Director of Organisation and Governance outlined the changes made to Article 13 (Page 41) and the Access to Information Procedure Rules (Page 140) as a result of the introduction of The Openness of Local Government Bodies Regulations 2014 which requires officers to produce and publish a written record of certain decisions they may take.

Reference was also made to the new Code on Conduct on the Filming of Public meetings which was introduced as a result of the above legislation, and Members were advised that the Code of Conduct had been incorporated into the Constitution at Page 283.

Members were advised that the Government had issued draft legislation (Local Authorities (Functions and Responsibilities) (England) Regulations 2015 which would consolidate the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and 15 subsequent amending Regulations.

The Regulations would also take account of current circumstances and policies, delete references to legislative provisions that had been revoked or were otherwise no longer required, reference new legislation as appropriate, and give effect to current Government policies. The Government had not given an indication with regard to when the legislation was likely to come into force; however it was anticipated that the legislation could have an impact upon a number of sections of the Constitution.

Members were advised that it was proposed that any alterations to the Constitution as a result of the new legislation be dealt with under the delegated authority given to the Monitoring Officer to deal with changes as a result of legislative changes. A report confirming any substantive changes would be submitted to the Council for information.

#### **Changes to improve the working arrangements of the Council**

The Committee was advised that the Council's Policy Framework had been revised to reflect the working arrangements of the Council and remove any plans that were obsolete.

It was highlighted that any substantial changes to the Constitution would be submitted to the Constitution and Members Development Committee first for consideration before being submitted to Council.

**AGREED** that a report recommending that the revised Constitution be approved, be submitted to the Council meeting scheduled for 1 April 2015 and that if approved at that meeting, the changes would come into effect immediately.