

COMMITTEE REPORT

CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE

11 NOVEMBER 2016

REVIEW OF THE COUNCIL'S CONSTITUTION

Strategic Director – Finance, Governance and Support

PURPOSE OF THE REPORT

1. To consider proposed amendments to the Council's Constitution, and to consider specific queries which have been raised.

BACKGROUND

2. Members will recall their meeting of 11 March 2016, which sought to make following minor revisions to the Constitution made earlier this year, and which indicated that a wider review of the Constitution was to be undertaken.
3. Further work on the Constitution has now been undertaken, and the proposed suite of documents are attached for Members' consideration.
4. By way of a general introduction to the proposed changes, the previous version of the Constitution has been split into three separate but interconnected documents: the Constitution; the Scheme of Delegation; and the Financial and Contract Procedure Rules. This change is intended to make locating information easier for the majority of users, and will allow for easier navigation of the main constitutional document.
5. In addition, however, a number of specific items require consideration:
 - a. Does the Council wish to retain the provisions of Article 10 of the Constitution (Area Committees and Forums) given that these have not been utilised in recent years;
 - b. Should the references in paragraph 30 of the Council Procedure Rules also incorporate the proceedings of the Overview and Scrutiny Board, thereby requiring questions for the Chair of OSB to be submitted by 5pm on the day before the Council meeting;
 - c. Should the references in paragraphs 40 and 42 of the Council Procedure Rules also include "businesses" rather than solely "electors";

- d. Should the reference in paragraph 42 of the Council Procedure Rules to “7 clear working days” be revised, to allow for public questions in relation to business reports to be considered at the Council meeting;
 - e. Should the reference in paragraph 63 of the Council Procedure Rules to “3 clear working days” be revised; and
 - f. Does the Council wish to retain the provisions of paragraph 18 of Officer Code of Conduct (freemasonry)?
6. Further clarification is also being sought by officers in relation to the provisions of paragraphs 11.7, 21.8, 26.2 and Appendix 1 of the Financial and Contract Procedure Rules, and subsequent amendments to these may be required. If this is the case, it is requested that authorisation for these changes be delegated to the Monitoring Officer in consultation with the Chair of the Committee.

FINANCIAL CONSIDERATIONS

7. There are no financial implications arising from this report

RECOMMENDATION

8. That:
- a. the views of the Committee on the proposed revisions to the Constitution, in accordance with paragraphs 4 and 5 above, are provided; and
 - b. approval to submit the revised constitution to Council be granted.

BACKGROUND PAPERS

9. The Middlesbrough Borough Council Constitution 2016; The Middlesbrough Borough Council Scheme of Delegation 2016; and The Middlesbrough Borough Council Financial and Contract Procedure Rules (Standing Orders).

AUTHOR

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