

**CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE**

A meeting of the Constitution and Members' Development Committee was held on 11 March 2016.

**PRESENT:** Councillors S E Bloundele (Chair); R Brady (Vice-Chair); T Harvey and N J Walker

**OFFICERS:** B Carr and B Roberts

**APOLOGIES FOR ABSENCE** Councillor J Brunton, Councillor J Hobson, Councillor T Mawston, Councillor C M Rooney, Councillor J Sharrocks.

**DECLARATIONS OF INTERESTS**

There were no Declarations of Interest made at this point of the meeting.

15/1 **MINUTES - CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE - 25 MARCH 2015**

The minutes of the Constitution and Members' Development Committee held on 25 March 2015 were taken as read and approved as a correct record.

15/2 **REVIEW OF THE COUNCIL'S CONSTITUTION**

The Head of Legal Services submitted a report, the purpose of which was to note minor amendments made to the Constitution under delegated powers; to consider proposed revisions to the Council's Constitution, required as a result of the creation of the Tees Valley Combined Authority; and to give consideration to other amendments as were considered necessary and appropriate.

Members were reminded that following a comprehensive review, the revised Constitution was approved by Council on 1 April 2015. Various minor amendments had been made since the Constitution was approved, pursuant to the delegated powers of the Monitoring Officer. A list of the amendments was attached at Appendix A.

In relation to amendment to Council Procedure Rule 88, it was suggested that the wording of Paragraph 91 be amended as follows:

"The Mayor or the Executive Councillor who has responsibility for the subject of the petition may speak, but the presentation of and discussion in relation to each petition received is limited to no more than 5 minutes".

In addition to the above, Members were advised that the creation of the Tees Valley Combined Authority (TVCA) would have an impact on Middlesbrough Council and as a consequence, would require changes to the Council's Constitution. In particular, any powers or duties that were to be transferred to the TVCA would need to be removed from Middlesbrough Council's Constitution and a reference to any powers which would be jointly exercised, would need to be included in the Middlesbrough Constitution.

The TVCA was due to come into force on 1 April 2016 and it was anticipated that the AGM would be held in June 2016. It was therefore necessary for the Middlesbrough Constitution to be amended in advance of the above dates. A list of the suggested amendments to the Constitution as a result of the creation of the TVCA was attached at Appendix B to the report. A report would be submitted to Council on 30 March 2016, seeking approval to amend the Constitution in line with the suggestions outlined above.

It was acknowledged that the current Constitution had been in operation for over a year, and it was therefore considered appropriate to carry out a review to consider if any of the existing elements required amending. It was suggested that Members of the Council be provided with the opportunity to propose any amendments they considered appropriate prior to the review of the Constitution. The suggestions put forward by Members would be considered along with proposals suggested by Officers, at a future meeting of the Constitution and Members

Development Committee.

The Chair advised that when the Constitution had been reviewed in 2015, Members were emailed and asked to put forward any suggested amendments to the Head of Democratic Services. It was suggested that the same process be followed and that following receipt of any proposals for amendment, a report be compiled for submission to a meeting of the Constitution and Members Development Committee to be scheduled for September 2016.

The Head of Legal Services also suggested that the Chief Officers Appointments Committee Terms of Reference should be amended.

The Chief Officers Appointments Committee currently had delegated powers to:

1. Make appointments to the posts of Chief Executive, Directors and statutory officers.
2. To undertake disciplinary procedures in relation to statutory officer appointments: Head of Paid Service, Monitoring Officer and Chief Finance Officer.

The power to commence redundancy proceedings against any of the above statutory officers was currently delegated to the full Council. It was suggested that this power could be delegated to the Chief Officers Appointments Committee.

The Head of Legal Services advised that if Members were in agreement with the proposal to amend the remit of the Chief Officers Appointments Committee, a proposal to amend the Terms of Reference of the Chief Officers Appointments Committee as follows:-

- To undertake disciplinary and/or dismissal procedures in relation to Chief Officers, other than the Head of Paid Service, Monitoring Officer, and Chief Finance Officer.
- To consider grievances, submitted by Chief Officers, at Stage 2 of the Council's grievance policy in circumstances where, in the opinion of the Monitoring Officer, following consultation with the Head of Democratic Services and Head of Human Resources, it would be prejudicial to the fair consideration of the grievance for it to be considered by an Executive Director or the Chief Executive.

The proposed changes could be included in the report of the Head of Legal Services, to be submitted to Council on 30 March 2016.

The proposed amendments would allow the Council to deal with Chief Officer dismissals other than by way of a meeting of full Council, and would provide for exceptional circumstances associated with Chief Officer grievances.

A Member queried whether it would be possible to record the time in the minutes, every time a Member left a Committee before the business of that Committee had concluded. It was pointed out that it would be difficult to keep a track of times when Members left a Committee as the Governance Officer would be busy noting what was said at the meeting and may miss the point at which a Member left the room. It was suggested that in terms of the full Council meeting, where a Member only attended part of a meeting, that a reference to the fact that they had only attended part, be included within the minutes.

**AGREED** as follows:

1. That a report be submitted to the Council meeting scheduled for 30 March 2016 setting out the proposed changes to the Constitution in respect of the implications of the creation of the TVCA and the changes to the Constitution pursuant to the delegated powers of the Monitoring Officer.
2. That the Head of Legal Services submit a report to Council suggesting that the Terms of Reference of the Chief Officers Appointments Committee be amended, in line with the proposals outlined above.
3. That the Head of Democratic Services email all Members of the Council inviting them to

submit any views they might have with regard to future amendments to the Constitution.

4. That a meeting of the Constitution and Members Development Committee be scheduled for September 2016.

5. That where possible, in respect of meetings of full Council, where a Member only attended part of the meeting, a reference to the fact that they had only attended part, be included within the minutes.