



Legal and Governance

CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE

Date: Thursday 26th March, 2026
Time: 4.30 pm
Venue: Mandela Room

AGENDA

1. Welcome and Fire Evacuation Procedure

In the event the fire alarm sounds attendees will be advised to evacuate the building via the nearest fire exit and assemble at the Bottle of Notes opposite MIMA.
2. Apologies
3. Declarations of Interest
4. Minutes of the Constitution and Members' Development Committee - 11 December 2025 3 - 6
5. Constitution Updates - Quarterly Report 7 - 14
6. Any other urgent items which in the opinion of the Chair, can be considered

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Wednesday 18 March 2026

MEMBERSHIP

Councillors J Banks (Chair), J Kabuye (Vice-Chair), D Coupe, D Jackson, L Lewis, T Livingstone, I Morrish, P Storey and L Young

Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Claire Jones, (01642) 729112, claire_jones@middlesbrough.gov.uk

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CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE

A meeting of the Constitution and Members' Development Committee was held on Thursday 11 December 2025.

PRESENT: Councillors J Kabuye (Vice-Chair), D Coupe, I Morrish, P Storey and L Young

OFFICERS: C Jones and A Wilson

APOLOGIES FOR ABSENCE: Councillors J Banks, D Jackson, L Lewis and T Livingstone

25/16 **WELCOME AND FIRE EVACUATION PROCEDURE**

The Chair welcomed all attendees to the meeting and explained the fire evacuation procedures.

25/17 **DECLARATIONS OF INTEREST**

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

25/18 **MINUTES OF THE CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE - 20 AUGUST 2025**

The minutes of the Constitution and Members' Development Committee meeting held on 20 August 2025 were submitted and approved as a correct record.

25/19 **CONSTITUTION UPDATES - QUARTERLY REPORT**

A report of the Director of Legal and Governance Services was presented, which set out the first quarterly update to the Constitution and Members' Development Committee (CMDC) on changes to the Constitution.

The Committee had reviewed the full Constitution, and the updated version was approved by Full Council on 10th September 2025. As per Section 2.3 of the Constitution, it is the Monitoring Officer's responsibility to monitor, review and update the Constitution. As part of the monitoring, it was agreed that a quarterly report would be provided to the Committee.

The Constitution is a living document that necessitates regular review and revision to ensure ongoing compliance with applicable legislation and established procedures, as well as to promote clarity and ease of use. The report therefore set out a schedule of suggested amendments for approval and recommendation to Full Council and minor amendments that would be actioned under the delegated authority given to the Monitoring Officer.

The Committee was asked to approve the following schedule of suggested amendments to the Constitution to be taken to Full Council for consideration:

Para Number	Current Wording	Amended Wording	Reason for Change
4.8.4 (d)	The Chair may, following consultation with the Monitoring Officer and Group Leaders, amend the order of business before or during the meeting.	The Chair may, following consultation with the Monitoring Officer, amend the order of business before or during the meeting.	Refers to Full Council. Remove words 'and group leaders'. Not reflective of current practice and does not provide parity for those not in a group.

4.8.17 (a)	The total time permitted for questions on notice from Members (apart from at the Budget Meeting) is 45 minutes, which may be extended by the Chair at their discretion for a further 15 minutes.	The total time permitted for questions with prior indication from Members (apart from at the Budget Meeting) is 45 minutes, which may be extended by the Chair at their discretion for a further 15 minutes.	Conflicts with 4.8.15 (g) which says 'A time limit of 30 minutes will apply to questions from Members on notice'. Change from questions 'on notice' to questions 'with prior indication' to ensure clarity. Where there is any other reference to 'questions with prior indication' the time limit will also be amended from "no limit" to 45 mins plus 15 min.
10.8.4	The Chief Officer Committee or its sub-committee may be required to convene as a matter of urgency to discharge disciplinary and dismissal procedures, as set out in the Officer Employment Procedure Rules (see paragraph 9.11).	New paragraph to be inserted at 10.8.5 and remaining section numbering adjusted: Where the establishment of a sub-committee is required, three members shall be appointed as follows: The Chair will serve as a member if available; if the Chair is unavailable, the Vice Chair will be contacted. Should both be unavailable, a Chair will be appointed at the meeting. The remaining two members shall be selected in rotational order from a predetermined list. Sub-committees are not required to reflect political proportionality.	To provide clarity as to how the sub-committees will be convened.

A discussion took place, and the Committee confirmed its agreement to the amendments at 4.8.4 (d) and 4.8.17 (a).

In respect of the suggested amendment at 10.8.4, Members queried whether the convening of the Chief Officer Appointments Committee or its sub-committee was consistent with the arrangements for appointments to the Staff Appeals Committee and, if so, whether the same principle be applied. The Head of Legal confirmed that this would be verified.

The Committee was asked to note the following schedule of amendments to the Constitution authorised by the Monitoring Officer under delegated powers:

Para Number	Current Wording	Amended Wording	Reason for Change
9.11.5	Employees graded above spinal column point 30 shall devote their whole-time service to the work of the, after consultation with the Monitoring Officer.	Employees graded above spinal column point 30 shall devote their whole-time service to the work of the Council, after consultation with the Monitoring Officer.	Word missing
4.8.7	The order of business at ordinary meetings of Full Council will be as follows: (vii) receive written updates from Executive Members, and deal with questions and answers arising therefrom from Members in accordance with CPR 4.8.15(h) to (j);	The order of business at ordinary meetings of Full Council will be as follows: (vii) receive written update from the Mayor and deal with questions and answers arising therefrom from Members in accordance with CPR 4.8.15 (h) to (j). (viii) receive written updates from Executive Members, and deal with questions and answers arising therefrom from Members in accordance with CPR 4.8.15(h) to (j);	To reflect the established practice of having a separate item for the Mayor on the agenda to enable questions to be asked from members on the content of the reports with prior indication. This is a minor change as it simply reflects current practice.

The Committee noted the amendment at 9.11.5.

In respect of the suggested amendment at 4.8.7, a member queried the purpose of having separate agenda items to consider the written updates from the Mayor and Executive Members. The member proposed combining these into a single item as follows: “receive written updates from The Mayor and Executive Members, and deal with questions and answers arising therefrom from Members in accordance with CPR 4.8.15(h) to (j).” It was agreed that the Head of Legal would consider this further.

The Committee put forward a further proposal that the agenda item ‘A.O.B’ be placed at the end of the agenda. It was agreed that the Head of Legal would consider this further.

Agreed that:

- The amendments at 4.8.4(d) and 4.8.17 (a) be approved.
- The query relating to 10.8.4 and the alignment with arrangements for the Staff Appeals Committee be verified by the Head of Legal.
- The amendment at 9.11.5 authorised by the Monitoring Officer under delegated powers, be noted.
- The proposal regarding 4.8.7, to combine written updates from the Mayor and Executive Members into a single agenda item, be considered further by the Head of Legal.
- The additional proposal to place ‘A.O.B’ at the end of the agenda be considered further by the Head of Legal.
- The Head of Legal would provide an update to the Committee by email on all the above matters, in advance of the final report to Council in January.

A member referred to a recent meeting of the Teesside Pension Fund Committee at which a quorum could not be achieved and suggested that either the quorum requirement be reviewed or the five-minute period before the meeting is abandoned (when inquorate) be amended. The Head of Legal advised that she would review the Committee's Terms of Reference and consider both points further.

MIDDLESBROUGH COUNCIL

Report of:	Corporate Director of Legal and Corporate Services – Charlotte Benjamin
Relevant Executive Member:	Not applicable
Submitted to:	Constitution and Member Development Committee
Date:	26 March 2026
Title:	Constitution Updates – Quarterly Report
Report for:	Decision
Status:	Public
Council Plan priority:	Delivering Best Value
Key decision:	Not applicable
Why:	Not applicable
Subject to call in?	Not applicable
Why:	Not a report under the executive procedures

Proposed decision(s)

That Constitution and Member Development Committee:

NOTES the amendments to be made to the Constitution by the Monitoring Officer under the delegated authority as set out at Section 2.4 of the Constitution, and which will be reported to the next meeting of Full council.

Executive summary

The Constitution and Member Development Committee ('CMDC') reviewed the Constitution and the updated version was approved by Full Council on 10th September 2025.

As per Section 2.3 of the Constitution, it is the Monitoring Officer's responsibility to monitor, review and update the Constitution. As part of the monitoring, it was agreed that a quarterly report will be provided to the CMDC.

The Constitution is a living document that necessitates regular review and revision to ensure ongoing compliance with applicable legislation and established procedures, as well as to promote clarity and ease of use.

This report sets out the suggested minor amendments that will be actioned under the delegated authority given to the Monitoring Officer. There are no amendments within this report that require approval and recommendation to Full Council.

The Monitoring Officer will also undertake an annual review of the Constitution, which shall be reported to Full Council.

The implications of the recommendations have been considered by the appropriate officers of the Council and are set out in the main body of the report.

1. Purpose of this report and its contribution to the achievement of the Council Plan ambitions

1.1 The Constitution and Member Development Committee ('CMDC') reviewed the full Constitution and the updated version was approved by Full Council on 10th September 2025.

1.2 In order to ensure continued clarity and usability, it was agreed that a regular quarterly report would be presented to CMDC to consider any suggested amendments.

1.3 This report sets out the suggested minor amendments that will be actioned under the delegated authority given to the Monitoring Officer. There are no amendments within this report that require approval and recommendation to Full Council.

1.4 Its contribution to the achievement of the Council Plan ambitions is as follows:

Our ambitions	Summary of how this report will support delivery of these ambitions and the underpinning aims
A successful and ambitious town	A regularly reviewed and up to date Constitution is required to reflect the law, local custom and practice, and to ensure good governance when making decisions to support the achievement of the Council Plan ambitions in all areas.
A healthy Place	
Safe and resilient communities	
Delivering best value	

2. Recommendations

2.1 That Constitution and Member Development Committee:

NOTES the amendments to be made to the Constitution by the Monitoring Officer under the delegated authority as set out at Section 2.4 of the Constitution, and which will be reported to the next meeting of Full council.

3. Rationale for the recommended decision(s)

3.1 The Constitution is a living document that necessitates regular review and revision to ensure ongoing compliance with applicable legislation and established procedures, as well as to promote clarity and ease of use.

4. Background and relevant information

4.1 Section 2.3 of the Constitution sets out how and when the Constitution is monitored and reviewed, and says as follows:

2.3.1 It is the Monitoring Officer's responsibility to monitor, review and update the Constitution in accordance with the requirements of this Section 2 and any authority delegated to them. The Monitoring Officer should undertake an annual review of the Constitution, which shall be reported to Council.

2.3.2 Revisions to the Constitution will have regard to:

- (a) the effectiveness of the Council's decision-making processes and its operation;*
- (b) issues raised by the Mayor, Councillors, Officers, the public and other relevant stakeholders;*
- (c) changes in legislation or statutory guidance;*
- (d) best practice across the public sector, and / or*
- (e) any other relevant information.*

2.4 When can the Constitution be changed and by whom?

Full Council delegates authority to the Monitoring Officer to amend the Constitution if the change is:

- (a) minor or required to remove an inconsistency, ambiguity or typographical error;*
- (b) required to put into effect any decision of the Council or its Committees; or*
- (c) required to comply with a legislative provision,*

provided that the change is reported to the next meeting of Full Council.

The change will take effect on the date decided by the Monitoring Officer or, where appropriate, the date set out in the relevant legislation.

4.2 This report details the proposed changes to the Constitution, both those that require approval of Full Council, and those that can be authorised by the Monitoring Officer, under the delegated powers as outlined in the Constitution at Section 2.4 of the Constitution.

AMENDMENTS FOR APPROVAL AT FULL COUNCIL:

4.3 There are no suggested amendments that require approval at Full Council for the purposes of this report.

4.4 We have identified a challenge in regard to how Deputy Chief Officers are defined and referred to within the constitution, specifically with reference as to how they are recruited, and the role of Chief Officer Committee. This will be considered further and a solution will be updated to this committee in due course, and in advance of the Full Council meeting in May.

AMENDMENTS AUTHORISED BY MONITORING OFFICER UNDER DELEGATED POWERS

4.5 The committee are asked to note the following schedule of amendments to the Constitution authorised by the Monitoring Officer under delegated powers:

Para Number	Current Wording	Amended Wording	Reason for Change
ALL	Amend all Director titles to reflect the changes further to the SMT review effective 01.01.26	All titles to be updated	Minor – Clarity Incorrect titles
4.8.4 (f) (iv)	The business to be considered at the Budget Meeting shall be limited to the budget reports, subject to the Chair having discretion to accept additional items other than those relating to the budget in exceptional or urgent circumstances. Accordingly the following items shall be excluded from the Council Budget Meeting agenda set out at 4.8.4(c) unless the Chair agrees otherwise for the efficient discharge of Council business: (i) (iv); (ii) (vii) to (x); (iii) (xi b-d); (iv) (xii) to v).	The business to be considered at the Budget Meeting shall be limited to the budget reports, subject to the Chair having discretion to accept additional items other than those relating to the budget in exceptional or urgent circumstances. Accordingly the following items shall be excluded from the Council Budget Meeting agenda set out at 4.8.4(c) unless the Chair agrees otherwise for the efficient discharge of Council business: (i) (iv); (ii) (vii) to (x); (iii) (xi b-d); (iv) (xii) to xv).	Minor – Incorrect numbering Reference at this para to (iv) (xii) to v) is incorrect. Correct reference is (iv) (xii) to (xv)
5.11.14 (a)	a) If a Member or an Officer receives an offer on behalf of the Council which falls outside the general consents set out	a) If a Member or an Officer receives an offer on behalf of the Council which falls outside the general consents set out	Minor – Incorrect numbering

	in paragraph 5.12.5 , regardless of value, they must:	in paragraph 5.11.12 regardless of value, they must:	Reference at this para to 5.12.5 is incorrect as this para does not exist. Correct reference is 5.11.12.
9.3.2	Deputy: Head of Legal Services (People) Head of Policy, Governance and Information	Deputy: Head of Legal Services (People)	Minor – Clarity Head of Policy, Governance and Information is no longer a Deputy Monitoring Officer. Job title is also incorrect, but as this is being removed, is not relevant.

ANNUAL REVIEW

4.6 As per the constitution, the order of business at the Annual Meeting of Council includes the following:

4.8.3 (b) (ix) (ix) receive the Monitoring Officer’s annual review of the constitution and agree the Non-executive Scheme of Delegations;

4.7 It is intended that the report to Full Council for the Annual Meeting will include all of the updates that have been brought before this committee, including those that have been authorised by the Monitoring Officer under the delegated authority, and those recommended to and approved by Full Council since the introduction of new constitution in September 2025.

5. Ward Member Engagement if relevant and appropriate

5.1 Not applicable – Constitution and Member Development Committee is the relevant committee to consider any amendments to the Constitution and make recommendations to Full Council.

6. Other potential alternative(s) and why these have not been recommended

6.1 Do nothing – If the Constitution remains unchanged, it risks becoming outdated and failing to reflect current working practices. The proposed revisions aim to enhance clarity and improve usability.

7. Impact(s) of the recommended decision(s)

Topic	Impact
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Financial (including procurement and Social Value)	There is no direct financial impact as the amendments recommended improve clarity and usability only.
Legal	There are no legal implications as the amendments recommended improve clarity and usability only and are still in line with relevant legislation.
Risk	The amendments recommended provide clarity in the identified areas and therefore improve the risk associated with governance and decision making.
Human Rights, Public Sector Equality Duty and Community Cohesion	There is no change to the impact on Human Rights, Public Sector Equality Duty and Community Cohesion.
Reducing Poverty	There is no change to the impact on Reducing Poverty.
Climate Change / Environmental	There is no change to the impact on Climate Change / Environmental.
Children and Young People Cared for by the Authority and Care Leavers	There is no change to the impact on Children and Young People Cared for by the Authority and Care Leavers.
Data Protection	There is no change to the impact on Data Protection.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Constitution to be updated with the changes approved by the Monitoring Officer	Ann-Marie Wilson – Head of Legal Services (People)	30 th April 2026
Online version of the Constitution to be updated to reflect the changes	Ann-Marie Wilson – Head of Legal Services (People)	7 th May 2026
Report to Full Council for a decision on the approved recommendations	Charlotte Benjamin – Corporate Director of Legal & Corporate Services	20 th May 2026
Constitution to be updated with any changes approved by Full Council	Ann-Marie Wilson – Head of Legal Services (People)	3 rd June 2026
Online version of the Constitution to be updated to reflect the changes.	Ann-Marie Wilson – Head of Legal Services (People)	17 th June 2026

Appendices

1	None
2	

3

Background papers

Body	Report title	Date
Full Council Report	Refresh of the Constitution	10 th September 2025

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