

CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE

A meeting of the Constitution and Members' Development Committee was held on Friday 4 March 2022.

PRESENT: Councillors , A Bell (Vice-Chair), B Cooper, A Hellaoui, D Rooney, M Storey and J Thompson

OFFICERS: C Benjamin, S Reynolds, C Breheny, J McNally and A. Glover

APOLOGIES FOR ABSENCE: Councillors J Hobson, B Hubbard, M Saunders and C Wright

17 **DECLARATIONS OF INTEREST**

There were no declarations made at this point in the meeting.

18 **MINUTES CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE - 10 DECEMBER 2021**

The minutes of the Constitution and Members' Development Committee held on 10 December 2021 were approved as an accurate record.

19 **VERBAL UPDATE - REVIEW OF CONSTITUTION**

The Head of Marketing and Communications attended the meeting and provided a verbal update to members on the review of the Constitution.

The Committee heard that the Head of Marketing and Communications had been asked by Democratic Services to review the Constitution to see if it could be presented in a different way and to make it easier to understand. The Committee heard that while some of the language used in the Constitution needed to be legally watertight, other sections could be made simpler to understand.

The Head of Marketing and Communications suggested that a potential approach would be to focus on the first 40 pages of the Constitution it was advised that this could be a summary or introduction to the Constitution. In summary it would be "What the Council does and how it works". This section would focus on the roles and structures of the Council as well as the rights of residents.

Members were advised that plain English would be used throughout with a maximum of 15 words per sentence. The aim would be for the text to be understandable by a 14 year old. The Head of Marketing and Communications suggested that the finished product would be approximately 4 pages long with imagery.

The review of the full Constitution would be a longer a piece of work and would require a clear approval process before coming back to Committee. The Head of Marketing and Communications stated that the summary document could be used as a tool to promote involvement with the democratic process which would be a useful tool with the upcoming elections in May 2023.

Members agreed that the proposals were a positive step and agreed with the plain English approach. The Head of Democratic Services stated that the links contained in the Constitution would also be reviewed as part of the review process and that best practice from other Local Authorities would be taken into account when reviewing the Constitution.

AGREED as follows:-

The Head of Marketing and Communications would produce a draft summary to present at the next meeting of the Constitution and Members' Development Committee.

CONSTITUTION UPDATE

The Head of Democratic Services presented the report and advised the Committee and Members of the public watching the broadcast that the Constitution was a live document that was continually updated.

The Committee were advised that occasionally amendments were needed to reflect changes in policy and legislation whilst others dealt with inconsistencies and presentational issues that had no effect on the agreed procedural rules. Other minor amendments were required to deal with the results of new legislation and did not require a change in Council processes.

Members heard that the changes to the Constitution fell within three broad areas, which are described as follows:-

- a. Alterations made as a result of decisions of either the Council or the Executive.
 - b. Alterations made under the delegated powers given to the Monitoring Officer to deal with changes required as a result of legislative changes.
 - c. Alterations to improve the working of the Council or, to attempt to resolve ambiguities or amend typographical or drafting errors.
1. The following amendments to the Council Procedure Rules are proposed under paragraph (c) above.

1. Council Procedure Rules

Recorded vote

Amendment to Paragraph 65

If 12 councillors present at the meeting demand it, or if a motion related to a decision with regard to the approval of the annual budget, **the council tax or the issuing of the precept**, the names for and against the motion or amendment or abstaining from voting will be recorded and entered into the minutes. A demand for a recorded vote will override a demand for a secret ballot (which can be used when voting for positions on committees).

2. Cancellation of Council Meetings

In order to provide clarity it is proposed that the text to be amended to include Once the proper officer has given notice and summons of a meeting, the Chair, or the Vice Chair in the Chair's absence, (or the Monitoring Officer if they are satisfied that there is no appropriate business to be considered at the meeting), can postpone, re-arrange or cancel a meeting of Council, provided:

- (a) twenty four hours-notice of the cancellation of the meeting is given; and
- (b) that the reason for cancellation is given.

Chairs, or Vice-Chairs in the Chair's absence, of the relevant committee can postpone, re-arrange or cancel meetings of a committee. A meeting of the Council or its committees or sub-committees may not be cancelled or postponed after the meeting has been duly convened.

3. Inclusion of Group Leader Role Profiles within the Constitution

At the Constitution and Members' Development Committee held on 4 February 2020, consideration was given to a draft Group Leader Role Profile, to provide

clarity and guidance for political group leaders. Further work to develop the role profile of Group Leaders had been carried out and group leaders contacted for their comments, and the revised role profile is now submitted for endorsement by the Committee for inclusion within the Council's Constitution.

The Committee requested that the following amendments be made to the Group Leader role profiles:

- Point 1 – the make-up of Middlesbrough Council to be expanded
- Point 3 – To liaise with other local and regional representatives of the party to be changed to:
 - To liaise with other local and regional representatives as appropriate.
- Point 8 – To advise the Mayor and Council of the group's position on issues to be expanded to include presenting alternative suggestions regarding policy/procedure

4. Replacement of Senior Management Chart

The updated version of the Senior Management Chart should be inserted into the Constitution.

5. Key Decision Threshold

In order to provide clarity, the amount of the key decision threshold, £150,000 taking into account the lifetime costs or savings of the project, had been included within the Constitution, for clarification purposes.

AGREED as follows:-

- a) That the amendment to paragraph 65 - If 12 councillors present at the meeting demand it, or if a motion related to a decision with regard to the approval of the annual budget, **the council tax or the issuing of the precept**, be approved and referred to full Council
- b) That the change of wording for the Cancellation of Meetings be amended to include **Once the proper officer has given notice and summons of a meeting**, be approved and referred to full Council
- c) That the inclusion of Group Leader Role Profiles be amended and circulated to the Committee prior to being referred to full Council for inclusion in the Constitution.
- d) That the updated version of the Senior Management Chart should be inserted into the Constitution.
- e) In order to provide clarity, the amount of the key decision threshold, £150,000 taking into account the lifetime costs or savings of the project, had been included within the Constitution, for clarification purposes.