

CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE

A meeting of the Constitution and Members' Development Committee was held on Friday 13 May 2022.

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

OFFICERS: S Reynolds and J McNally, A M Wilson

APOLOGIES FOR ABSENCE: Councillors C Wright and C Benjamin

21 DECLARATIONS OF INTEREST

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

22 MINUTES CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE - 4 MARCH 2022

The minutes of the Constitution and Members' Development Committee held on 4 March 2022 were approved as an accurate record.

23 MEMBER DEVELOPMENT

The Head of Democratic Services presented a report on Member Development. The purpose of the report was to provide the committee with an outline of the 2021/22 Member Development Programme and to seek feedback and recommendations on the 2022/23 Member Development Programme and consider the content of the Member Induction Programme that would be delivered following the all-out local elections in May 2023.

Following a discussion Committee Members agreed that the importance of attending training courses and a session on Member/Officer Protocol should be included in the Member Induction Programme.

Agreed as follows:-

1. Members noted the training sessions held as part of the Member Development Programme for 2021/22.
2. Members noted the proposed Member Development Programme for 2022/23
3. That the importance of attending training courses and sessions on Member/Officer Protocol be included in the Member Induction Programme

24 REVIEW OF THE FORMAT OF THE CONSTITUTION

The Head of Marketing and Communication presented a first draft of the review of the format of the Constitution to the Committee. The Committee were advised that the document was intended to provide an overview and introduction to the Constitution and therefore changes to legislative protocols and instructions would not be changed. Members heard that hyperlinks to sections and procedure rules would be included to make it more user friendly to navigate.

Following discussions Members felt that a section on petitions and a link or sentence on how to vote should be included. Members agreed that the title should include "your council" to make it more personal to the reader.

A Member queried if the work that was being undertaken by Councillor Luke Mason to introduce young people to government overlapped, the Head of Marketing agreed to contact Councillor Mason to discuss the work he is undertaking. Overall Members were happy with the first draft and felt that it would be beneficial to be included in an edition of Middlesbrough News in the run up to the election alongside information on what services the council provide.

CONSTITUTION UPDATE REPORT

The Deputy Monitoring Officer presented the report and advised the Committee 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 were 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.

The following amendments were proposed under paragraph (c)

a) Standards Committee – Changes to the Terms of Reference

Terms of Reference - Standards Committee

Restrictions: Cannot include the Elected Mayor or Executive Leader and may not be chaired by an Executive Member

To make reports or recommendations to the Council in relation to:-

- the approval by the Council of local codes of conduct for Members and officers, codes of practice, standing orders and protocols, taking account of national models and guidance or case tribunals.
- the implementation of local codes of conduct etc, and the dissemination throughout the Authority of information and guidance on their operation.
- consideration of any reports relating to the conduct of Members or officers which may be referred to it by the Council's Chair, Monitoring Officer or by the Chief Finance Officer under section 114 of the Local Government Finance Act 1988 in consultation with the Monitoring Officer, including issues relating to Members' and officers' interests and the maintenance and management of any relevant registers of interests.
- consideration of relevant reports referred by the Monitoring Officer and Chief Finance Officer and make recommendations thereon to the Council as necessary.

Grant dispensations to Councillors, Co-opted Members and Parish Council Members from the requirements relating to declarations of interest as set out in Section 32 of the Localism Act 2011. **The Monitoring Officer may grant a dispensation where the matter is urgent and report it to the next available Standards Committee.**

The determination, following an investigation, of allegations of breaches of Members' Codes of Conduct within such statutory provisions or guidance as

may exist **and the imposing of any relevant sanctions.**

Discharge of all of the above functions required by the Localism Act 2011 in relation to Parish Councils.

b) Revision of the Access to Information Procedure Rules

It is some years since the Access to Information Procedure Rules have been revised. A copy of the suggested revised version of the Access to Information Procedure Rules is attached at Appendix 1.

c) Substitutions

Following a request from the Chair of the Corporate Affairs and Audit Committee the committee are asked to consider a proposed amendment to the required notification period from 24 hours before the meeting as it currently appears in the Constitution to 3 hours before the meeting. This is a locally determined matter and therefore within the purview of the Council to amend.

AGREED as follows:-

- a) That the amendment to the Terms of Reference of the Standards Committee be approved and referred to full Council
- b) That the revised Access to Information Procedure Rules be approved and referred to full Council
- c) That more evidence be presented to the Constitution and Members' Development Committee regarding how many meetings have been inquorate over the previous 2 years. The committee will then determine if the amendment to the required notice period from 24 hours to 3 hours should be approved.

26

EXECUTIVE MEMBER REPORTS

A discussion took place on Executive Member reports and how they are reported to full Council. Members felt that reports should be in a written format so that they could be scrutinised and considered before a meeting to allow for questions to be prepared in advance.

The Head of Democratic Services informed the Committee that a report on the Mayors Executive Scheme of Delegation would be presented at the Council AGM meeting on 25 May 2022 which would detail the new Executive portfolios and suggested reporting format.

The committee considered the following paragraph from the Council Procedure Rules in particular:

5. (j) to consider Executive matters including reports of Executive members;

The committee proposed a change to the constitution to add the word **written** into the above paragraph to read- to consider Executive matters including written reports of Executive members.

There was a discussion as to how this would interact with the Executive Scheme of Delegation, and whether the Executive could choose which format they wished to submit Executive reports to Council or whether they could be compelled to present written reports, as proposed by the committee.

The Deputy Monitoring Officer agreed to seek advice from the Monitoring Officer on - **Would adding the word 'written' into Council Procedure Rule 5(j) in the constitution mean that regardless of what is in the Executive Scheme of Delegation, the reports of the Executive for full Council would need to be written?**

HOLDING OF MULTIPLE CHAIRS POSITIONS

A Committee member requested a discussion on introducing into the Constitution that only one Chairs position could be held by a member. The member stated that to hold the position of Chair carried great responsibility and required time and input to carry-out the role effectively.

Following a debate it was agreed to take a vote on members being restricted to hold one chairmanship. The outcome of the vote was 3 votes for and 4 against and therefore the proposal was rejected.