

CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE

A meeting of the Constitution and Members' Development Committee was held on Monday 20 February 2023.

PRESENT: Councillors J Hobson (Chair), A Hellaoui, D Rooney, M Saunders, C Hobson and L Mason

ALSO IN ATTENDANCE: M Humphrey

OFFICERS: C Benjamin and J McNally

APOLOGIES FOR ABSENCE: Councillors A Bell, M Storey, T Higgins and Z Uddin

227 WELCOME AND EVACUATION PROCEDURE

The Chair welcomed everyone to the meeting and explained the fire evacuation procedure.

228 DECLARATIONS OF INTEREST

There were no declarations of interest received at this point in the meeting.

229 MINUTES CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE - 15 JUNE 2022

The minutes of the Constitution and Members' Development Committee held on 15 June 2022 were submitted and approved as a correct record.

2210 MIDDLESBROUGH CONSTITUTION PROGRESS UPDATE

Members were advised that CIPFA had been asked to review and update the Council's Constitution as part of the Council's Governance Improvement journey. CIPFA's appointment, and the scope of this work, was approved by the Monitoring Officer and the Constitution Task and Finish Working Group, which was one of the sub-groups to which the Governance Improvement Board had delegated the delivery of Governance Improvement actions.

Members heard that having looked at several examples of local authority Constitutions, the Constitution Working Group, whose membership was agreed at Full Council in November 2022, agreed that Denbighshire County Council provided a good template on which to base the new Middlesbrough Constitution. This "model" had been used as a guide when redrafting the Constitution

The general principle applied to updating the Constitution had been to simplify it where possible. In most instances, references to legislation had been removed from the text although they are currently footnoted so that this information is not lost. A list of defined terms had been introduced to provide consistency. The aim was to create a Constitution that was accessible to Members, Officers, and members of the public.

The Constitution and Members' Development Committee were asked to consider the following:

1. Endorsement of the approach taken to review the Constitution

Agreed:- To endorse the approach taken to review the Constitution.

2. Endorsement of the proposed structure of the new Constitution

Agreed:- To endorse the proposed structure of the new Constitution.

3. Endorsement of the removal of statutory references in most cases and the

introduction of footnotes to relevant positions.

Agreed:- To endorse the removal of statutory references and the introduction of footnotes.

4. To provide a view on whether legislation footnotes should be in the public facing version of the constitution.

Agreed:- That legislation footnotes be included in the public facing version of the Constitution for transparency.

5. To provide views on whether Statutory Officer Role Profiles were required as appendices.

Agreed:- That Statutory Officer Role Profiles be included as appendices

6. To provide a view on whether role descriptions should be included for key Member positions for example Chair, Committee Chair.

Agreed:- That role descriptions for key Member positions be included in the Constitution.

7. To provide a view on how Councillors Call for action should be dealt with.

Agreed:- That a simpler approach would make Councillors Call for Action more accessible and agreed that the approach that Wiltshire Council had taken was an example of good practice.

8. To provide a view on whether the Financial and Contract Procedure Rules and the Scheme of Delegations should be included in the main Constitution document.

Agreed:- That the Financial and Contract Procedure Rules and Scheme of Delegations should be included in the Constitution.

9. To provide a view on whether the summary document of the Member/Officer Protocol should be linked in the Constitution.

Agreed:- That the summary document of the Member/Officer Protocol was an internal document only and should not be linked in the Constitution.

10. To provide a view on how the Constitution should be published on the Council website. Members were provided with an example from Sandwell Council on how the Constitution could be published.

Agreed:- That the example of Sandwell Council provided good accessibility and a clear breakdown of the Constitution.

11. To provide views on the process of approving the Constitution.

Agreed:-

- That the revised Constitution could be submitted to full Council during the pre-election period.
- That a Member Briefing is held to brief Members on the proposed changes to the Constitution
- That a provisional Constitution and Members' Development Committee is arranged if further changes to the Constitution are to be considered following the Member Briefing.

Members discussed the following proposed change to the Constitution:

- An amendment to a motion must be submitted two (2) days before the meeting at which the motion will be debated.

Members did not agree to this change as Members felt that an amendment should be able to

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be submitted during the Council meeting when the Motion was being debated.