

## **Middlesbrough Borough Council Constitution Review Progress Update to the Constitution and Member Development Committee**

CIPFA has 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 is one of the sub-groups to which the Governance Improvement Board has delegated the delivery of Governance Improvement actions.

CIPFA is not providing legal advice in relation to the Constitution but is providing a "common sense" review to develop a more accessible, simpler, consistent document.

This note covers the following:

1. the approach taken to the review of the Constitution;
2. the main changes that have been made;
3. the scope of the review; and
4. progress to date and next steps.

### Approach taken to the review of the Constitution

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" has been used as a guide when redrafting the Constitution. You can find the Denbighshire Constitution [here](#).

The Members of the Constitution Working Group are:

- Cllr Barrie Cooper
- Cllr Julia Rostron
- Cllr John Hobson
- Cllr Denise Rooney
- Erik Scollay
- Andrew Perriman
- Ann-Marie Wilson
- Sylvia Reynolds
- Judith Hedgley
- Susan Lightwing
- Gemma Cooper

At the request of the Monitoring Officer, the Constitution takes a "Q&A" format to make it easier to understand and navigate.

The general principle applied to updating the Constitution has been to simplify it where possible. This means, for example, that instances of over-explanation, or attempting to cover every possible scenario, have been removed. In most instances, references to legislation have also been removed from the text (although they are currently footnoted so that this information is not lost). A list of defined terms has been introduced to provide consistency. The aim is to create a Constitution that is accessible to Members, Officers and members of the public.

Part of the review has been to ensure that the Constitution does not contradict itself, and that the rules it contains make sense. To this end, CIPFA has worked closely with the Monitoring

Officer and Interim Head of Strategy, Information and Governance to work through certain provisions. This process is ongoing.

### Main changes to the Constitution

As mentioned above, the aim of the review has been to simplify the Constitution and changes have been made to achieve that aim. There has not been a significant number of substantive changes. Those that have been made have either been to make things clearer or to make a necessary update. Any substantive changes have been, or will be, discussed with the Monitoring Officer and the Interim Head of Strategy, Information and Governance and articulated to this committee and full Council in supporting documentation for transparency. Changes made to date have also been recorded in a table of amendments, which has been shared with the Committee.

The most significant changes have been to the structure of the Constitution (and this is why it looks quite different to the current version). In particular, the Procedure Rules have been moved to sit with the relevant section of the Constitution. For example, the Council Procedure Rules sit in section 4 (Full Council) of the Constitution and the Executive Procedure Rules sit in section 6 (The Mayor and the Executive). This is to make it easier to follow the Constitution as all the relevant rules now sit together.

### Scope of the review

There are certain sections of the Constitution that are outside the scope of CIPFA's review:

1. The Members' Code of Conduct – this was reviewed recently by the Council and a new version was accepted. However, wording to cover the Council's Values and their applicability to Members will be added as part of this review. This change will be sent to the Constitution Working Group for sign-off.
2. The Standards Procedure Rules – again, these were reviewed recently by the Council and a new version was accepted. CIPFA has made minor changes in order to incorporate these Procedure Rules into the Constitution (e.g., defined terms, numbering, position within the document). A revised version of the Rules will be circulated to the Constitution Working Group for sign-off.
3. The Protocol on Member / Officer Relations – this has been reviewed by the Roles and Responsibilities Task and Finish Working Group as part of the Governance Improvement action plan. CIPFA has made similar changes to those made to the Standards Procedure Rules to ensure consistency with the rest of the Constitution. A revised version will be circulated to the Working Group for sign-off.

A light touch has been taken to other codes and protocols e.g., Gifts and Hospitality, Filming of Council Meetings and to the Appendices.

### Progress to date and next steps

<b>Task</b>	<b>Expected completion date</b>
Committee meeting to discuss Constitution and approve draft (in principle)	20 February
CIPFA to finish review of Constitution and provide final draft	End of February

Constitution to go to Full Council for approval	TBC

CIPFA welcomes input from the Committee on the drafting of the Constitution. A revised version of the Constitution, and the table setting out substantive changes, will be circulated with the papers for the 20 February meeting. If Committee members have comments or queries about specific sections of the Constitution, please could they email them to [madeleine.humphrey@cipfa.org](mailto:madeleine.humphrey@cipfa.org).