

**MIDDLESBROUGH COUNCIL**

<b>Report of:</b>	Director of Legal and Governance Services
<b>Submitted to:</b>	Standards Committee
<b>Date:</b>	7 April 2025
<b>Title:</b>	Update on the review of the constitution
<b>Report for:</b>	Discussion
<b>Status:</b>	Public
<b>Council Plan priority:</b>	Delivering Best Value
<b>Key decision:</b>	No
<b>Why:</b>	Not applicable
<b>Subject to call in?:</b>	Not applicable
<b>Why:</b>	It is not an Executive Report

### **Executive summary**

The Council is continuing to deliver its governance improvement programme, which included reviewing its constitution and scheme of delegations. This work is being led by the Constitution and Member Development Committee (“CMDC”) in respect of the Non-executive functions and the Executive in respect of the Executive Functions.

Officers and Members each have a key role to play in this process to ensure the constitution and delegations reflect the law and local custom and practice. CMDC has set up a working group to ensure that the review of the constitution is delivered in a timely fashion and hits the timeline set out for the review.

It is intended that the refreshed constitution is presented to Annual Council on 21 May 2025 for adoption. This report invites Standards Committee to consider the proposed changes to the Constitution at Section 8 in respect of presentation of the Standards Function.

## **1. Purpose**

- 1.1 The Constitution and Member Development Committee ('CMDC') has been reviewing the provisions of the Constitution to remove duplication and improve its usability as far as possible. It is proposing to amend Section 8 of the Constitution (Standards) and seeks the input of the Standards Committee as a result.

## **2. Recommendations**

- 2.1 That the Standards Committee :
- 2.1.1 consider and discuss the proposed revised Standards Section of the Constitution;
  - 2.1.2 provide any comments in respect of the proposed revised Section 8 of the Constitution to the Constitution and Member Development Working Group forthwith;

## **3. Rationale for the recommended decision(s)**

- 3.1 The refreshed constitution provides a detailed glossary of terms and it is therefore important that the constitution applies these terms consistently throughout.
- 3.2 There is no requirement for Standards Hearings Arrangements to be included in the constitution therefore it is proposed these are extracted from the constitution and made available via the website.
- 3.3 The Member Code of Conduct is a cornerstone of good governance within the Council and therefore should be afforded greater visibility in the constitution, hence the suggestion it is included at Section 8 of the constitution.

## **4. Background and relevant information**

- 4.1 The Council has recognised that improvements can be made to its governance processes, as set out in the corporate governance improvement plan, with particular reference to the refresh of the Constitution to ensure that it is accurate and current.

### Constitution

- 4.2 The Council adopted a revised constitution format in May 2023, intended to make the constitution more accessible and user friendly. The Constitution is a living document that evolves continuously to reflect the ever changing environment in which the Council operates – nationally, regionally and locally. The Monitoring Officer therefore has ongoing responsibility for ensuring that the Constitution remains accurate and lawful, and has delegated authority to make some changes,

which are then reported to the next meeting of Council. More fundamental changes are approved by full Council.

- 4.3 Since the updated Constitution was adopted issues of duplication and inconsistency have been identified, which is usual given the dynamic and complex environment in which the Council operates. The whole Constitution is therefore being reviewed as one coherent document with a view to ironing out any duplication or inconsistency and ensuring that the Constitution appropriately reflects the Council’s governance and operating arrangements.
- 4.4 Most of the work on the constitution refresh is being reviewed through the Constitution and Member Development working group (CMDWG) however, where appropriate, views are also being sought from Officers and Members to ensure that any revisions are appropriate.
- 4.5 The views of Members will also be sought throughout the process to ensure they are comfortable with the proposals – this will be achieved via a member briefing before the Annual Council and the last CMDC, and by reports going to relevant committees in respect of proposed amendments.
- 4.6 To date, the CMDWG has considered and accepted:
  - (a) Section 1 – Introduction
  - (b) Section 2 – Constitution
  - (c) Section 3 – Citizens and the Council
  - (d) Section 4 – Council (including Council Procedure Rules)
  - (e) Section 7 – Overview & Scrutiny
  - (f) Section 8 – Standards

#### Section 8

- 4.7 Attached as Appendix 1 is the “roadmap” document approved by the CMDWG in respect of the section reflecting the Council’s Standards provisions, section 8. This sets out what the current provisions of the constitution are as well as the proposed provisions.
- 4.8 The Standards Committee is invited to consider the proposed Section 8 of the Constitution and provide comments on the same to the CMDWG.

### **5. Other potential alternative(s) and why these have not been recommended**

- 5.1 No alternative proposals have been identified by the CMDWG.

### **6. Impact(s) of the recommended decision(s)**

Topic	Impact
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Financial (including procurement and Social Value)	None
Legal	Ensures the constitution is more robust
Risk	None
Human Rights, Public Sector Equality Duty and Community Cohesion	None – save for presenting the document in a more streamlined and accessible format
Climate Change / Environmental	None
Children and Young People Cared for by the Authority and Care Leavers	None
Data Protection	None

## Appendices

1	Section 8 Roadmap
2	
3	

## Background papers

Body	Report title	Date

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