

MIDDLESBROUGH COUNCIL	
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Report of:	Director of Legal and Governance Services (Monitoring Officer)
Submitted to:	Full Council
Date:	21 May 2025
Title:	Appointment of Committee Chairs and Vice-Chairs
Report for:	Decision
Status:	Public
Council Plan Priority:	Delivering Best Value
Key decision:	No
Why:	Not applicable
Subject to call in?	No
Why:	Not an Executive decision

Proposed decision(s)
<p>That Full Council approves the amendment to the Constitution at paragraph 4.59 of the Constitution to read as follows:</p> <p>4.59 How are Committee chairs appointed?</p> <p>4.59.1 All Committee chairs and vice chairs will be appointed by each committee of the council at its first meeting following the annual council meeting. In order to facilitate the election of the chair, the first meeting of any committee will be chaired by a member of that committee elected to be chair pro tem by the committee members simply for the purpose carrying out the vote for the chair. When the chair is elected, they will take over chairing of the meeting.</p> <p>4.59.2 Where there is a Committee chair vacancy, the relevant vice chair shall act as the chair until a replacement is appointed by the Committee members.</p> <p>4.59.3 A chair or vice chair may resign from their post by written notice to the Monitoring Officer. Their resignation will take effect when the Monitoring Officer receives the notice.</p> <p>4.59.4 If the chair and the vice chair of a Committee are absent from a meeting, the Committee members will appoint a chair for the meeting. The person presiding at the meeting may exercise any power of the chair. If the chair or the vice chair joins the</p>

meeting part-way through, they will act as chair for the remainder of the meeting, save for at the first meeting of the Committee as per the provisions of paragraph 4.59.1.

4.59.5 Chairs and vice chairs of sub-committees shall be appointed by their parent Committee.

4.59.6 The Committee may at any time remove the chair or vice chair of a Committee.

4.59.7 An Executive Member may not chair any meeting of the Council, the Overview and Scrutiny Board, a Scrutiny Panel, the Standards Committee, the Corporate Affairs Committee or the Audit Committee.

4.59.8 Where the Council Procedure Rules apply to Committee meetings, references to the Chair should instead be read as references to the chair of that Committee

Executive summary

Whereas at present the Council's Constitution provides that chairs and vice chairs are voted in by Full Council, Full Council is asked to consider an amendment to the Constitution to provide that chairs and vice chairs of committees are voted in by members of the committee. In practical terms this proposed amendment would mean that chairs and vice chairs would be voted in at the first meeting of the committee in any new municipal year, by those Committee members in attendance at that first meeting.

Upon the resignation or removal of any chair or vice chair during the municipal year, the committee would be responsible for voting in a replacement chair or vice chair from within the existing committee membership.

1. Purpose of this report and its contribution to the achievement of the Council Plan

- 1.1 The purpose of this report is to seek a decision from Full Council as to whether to amend the Constitution in relation to the provisions for electing chairs and vice chairs of committees of the council.
- 1.2 At present, the Constitution at paragraph 4.59 provides that Full Council is responsible for electing chairs and vice chairs onto committees.
- 1.3 In the context of wider discussion about cross party involvement in decision-making and a review of the Constitution, it is timely as we move into the new municipal to invite Full Council to consider its preference in relation to the election of committee chairs and vice chairs: specifically whether the preference is to give committees the responsibility for voting their own chairs and vice chairs.
- 1.4 Whilst the Constitution currently provides that Committee chairs and vice-chairs are elected by Full Council, there has previously been custom and practice in

Middlesbrough Council for Committees to elect their chairs and vice chairs. There is no prescribed approach in law; the matter is one upon which councils can choose. Practice is mixed around the country.

- 1.5 It could be said that to allow Committees to vote their own chairs and vice chairs allows for more nuance, and a greater focus on and consideration of the skills of Committee members and their suitability for the role, in the context of the purpose and terms of reference of the committee.
- 1.6 The following motion was carried by Full Council on 16 October 2024:

The people of Middlesbrough voted for a mix of Labour, Independent, Conservative and Liberal Democrat Councillors. The Mayor promised the people of Middlesbrough that he would ensure fairness and scrutiny. Accordingly, this Council resolves to assess how minority voices can be given a significant formalised role within the scrutiny process, as part of broader constitutional reforms which will be explored over the coming year through Constitution and Members' Development Committee. These reforms would be subject to consultation and the concurrent introduction of measures to improve standards in key areas such as attendance, standards of behaviour, and other reasonable expectations of members. In line with our commitment to learning from best practice across the country, we will look to successful measures implemented by other councils to inform this process, such as formalised 'opposition lead' positions and other solutions. This is to ensure that the people of Middlesbrough are fairly and conscientiously represented and their voices are heard.

- 1.7 It could be said that the proposed changes in this report are in the spirit of the motion.

Our ambitions	Summary of how this report will support delivery of these ambitions and the underpinning aims
A successful and ambitious town	Not relevant for this proposed decision
A healthy Place	Not relevant for this proposed decision
Safe and resilient communities	Not relevant for this proposed decision
Delivering best value	The proposed decision supports robust and effective corporate governance by enabling council committees to appoint their own chairs and vice-chairs and thereby promoting an increased focus on the terms of reference, role and purpose of those committees when appointing to the chair and vice chair role.

2. Recommendations

- 2.1 It is recommended that Full Council amends the Constitution at paragraph 4.59 to read as follows:

4.59 How are Committee chairs appointed?

4.59.1 All Committee chairs and vice chairs will be appointed by each committee of the council at its first meeting following the annual council meeting. In order to facilitate

the election of the chair, the first meeting of any committee will be chaired by a member of that committee elected to be chair pro tem by the committee members simply for the purpose carrying out the vote for the chair. When the chair is elected, they will take over chairing of the meeting.

4.59.2 Where there is a Committee chair vacancy, the relevant vice chair shall act as the chair until a replacement is appointed by the Committee members.

4.59.3 A chair or vice chair may resign from their post by written notice to the Monitoring Officer. Their resignation will take effect when the Monitoring Officer receives the notice.

4.59.4 If the chair and the vice chair of a Committee are absent from a meeting, the Committee members will appoint a chair for the meeting. The person presiding at the meeting may exercise any power of the chair. If the chair or the vice chair joins the meeting part-way through, they will act as chair for the remainder of the meeting, save for at the first meeting of the Committee as per the provisions of paragraph 4.59.1.

4.59.5 Chairs and vice chairs of sub-committees shall be appointed by their parent Committee.

4.59.6 The Committee may at any time remove the chair or vice chair of a Committee.

4.59.7 An Executive Member may not chair any meeting of the Council, the Overview and Scrutiny Board, a Scrutiny Panel, the Standards Committee, the Corporate Affairs Committee or the Audit Committee.

4.59.8 Where the Council Procedure Rules apply to Committee meetings, references to the Chair should instead be read as references to the chair of that Committee

3. Rationale for the recommended decision(s)

3.1 The Constitution at paragraph 2.5 provides as follows, regarding proposed changes to the Council's Constitution:

2.5 When can the Constitution be changed and by whom?

Any change to the Constitution must be approved by Full Council after consideration of a proposal by the Monitoring Officer, unless:

- (a) it is, in the reasonable opinion of the Monitoring Officer, a minor change or is required to remove an inconsistency, ambiguity or typographical error;
- (b) it is required to put into effect any decision of the Council or its Committees; or
- (c) it is required to comply with a legislative provision, in which case, the change may be made by the Monitoring Officer, who will report the change at the next Full Council meeting. The change will take effect on the date decided by the Monitoring Officer or, where appropriate, the date set out in the relevant legislation.

- 3.2 Therefore the approval of Full Council is required to amend the Constitution to reflect the proposal in this report. The report on this discrete issue is brought forward now, rather than with other amendments to the Constitution that will be brought to Full Council later in the year, because of the timeliness of the proposed change since it relates to election of chairs at the start of the new municipal year.

4. Background and relevant information

- 4.1 At present the provision in the Constitution at paragraph 4.59 relating to the election of committee chairs and vice-chairs reads as follows (direct extract from the Constitution, including numbering):

4.59 How are Committee chairs appointed?

4.59.1 The Council will appoint all Committee chairs and vice chairs at its Annual Meeting.

4.59.2 Where there is a Committee chair vacancy, the relevant vice chair shall act as the chair until a replacement is appointed at the next ordinary meeting of the Council.

4.59.3 A chair or vice chair may resign from their post by written notice to the Monitoring Officer. Their resignation will take effect when the Monitoring Officer receives the notice.

4.59.4 If the chair and the vice chair of a Committee are absent from a meeting, the Committee members will appoint a chair for the meeting. The person presiding at the meeting may exercise any power of the chair. If the chair or the vice chair joins the meeting part-way through, they will act as chair for the remainder of the meeting.

4.59.5 Chairs and vice chairs of sub-committees shall be appointed by their parent Committee.

4.59.6 The Council may at any time remove the chair or vice chair of a Committee.

4.59.7 An Executive Member may not chair any meeting of the Council, the Overview and Scrutiny Board, a Scrutiny Panel, the Standards Committee, the Corporate Affairs Committee or the Audit Committee.

4.59.8 Where the Council Procedure Rules apply to Committee meetings, references to the Chair should instead be read as references to the chair of that Committee

- 4.2 If Full Council is minded to support the proposed amendments set out in this report the Constitution should read as follows,

4.59 How are Committee chairs appointed?

4.59.1 All Committee chairs and vice chairs will be appointed by each committee of the council at its first meeting following the annual council meeting. In order to facilitate the election of the chair, the first meeting of any committee will be chaired by a member of that committee elected to be chair pro tem by the committee members simply for the

purpose carrying out the vote for the chair. When the chair is elected, they will take over chairing of the meeting.

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5. Ward Member Engagement if relevant and appropriate

5.1 Not relevant.

6. Other potential alternative(s) and why these have not been recommended

6.1 The alternative is to maintain the status quo, that is to vote in committee chairs and vice chairs at the annual council meeting.

7. Impact(s) of the recommended decision(s)

Topic	Impact
Financial (including procurement and Social Value)	No implications.
Legal	The proposal is not prohibited in law, subject to the amendment of the Council's Constitution.
Risk	No implications.
Human Rights, Public Sector Equality Duty and Community Cohesion	The subject of this report is not a policy, strategy, function or service that is new or being revised. It is considered that an equality impact assessment is not required.

Reducing Poverty	The proposal has no implications on poverty reduction as it is purely a procedural matter that concerns council governance arrangements.
Climate Change / Environmental	The proposal has no implications on climate change as it is purely a procedural matter that concerns council governance arrangements.
Children and Young People Cared for by the Authority and Care Leavers	The proposal has no implications on children and young people cared for the council, or care leavers, as it is purely a procedural matter that concerns council governance arrangements.
Data Protection	The proposal has no implications on data protection as it is purely a procedural matter that concerns council governance arrangements.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Amend and republish the Constitution	Monitoring Officer	As soon as practicable

Appendices

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Background papers

Body	Report title	Date

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