

MIDDLESBROUGH COUNCIL	
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Report of:	Councillor Banks, Chair of the Constitution and Member Development Committee.
Relevant Executive Member:	Not applicable
Submitted to:	Full Council
Date:	10 September 2025
Title:	Refresh of the Constitution
Report for:	Decision
Status:	Public
Council Plan priority:	Delivering Best Value
Key decision:	No
Why:	Decision does not reach the threshold to be a key decision
Subject to call in?	No
Why:	Decision of full council

Proposed decision(s)
<p>That Council</p> <ul style="list-style-type: none"> • APPROVES the proposed constitution

Executive summary
<p>The Council is continuing to deliver its Continuous Improvement Plan, which includes reviewing its Constitution and scheme of delegations. This work has been led by the Constitution and Member Development Committee (“CMDC”).</p> <p>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 set up a working group to ensure that the refreshed Constitution is presented to Full Council for adoption.</p> <p>This report recommends the approval by Full Council of a refreshed Constitution following extensive engagement with Members in relation to the work undertaken.</p>

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

- 1.1 The Constitution and Member Development Committee ('CMDC') has led a review of the provisions of the Constitution to remove duplication where possible and improve its usability. The current draft document in its entirety is now presented to Full Council for approval.

Our ambitions	Summary of how this report will support delivery of these ambitions and the underpinning aims
A successful and ambitious town	A regularly reviewed and up to date constitution is required to reflect the law, local custom and practice, and to ensure good governance when making decisions to support the achievement of the council plan ambitions in all areas.
A healthy Place	
Safe and resilient communities	
Delivering best value	

2. Recommendations

- 2.1 That the Council

- **APPROVES** the proposed constitution

3. Rationale for the recommended decision(s)

- 3.1 The Council is continuing to deliver its Continuous Improvement Plan, which includes reviewing its Constitution and scheme of delegations. This decision is being recommended to deliver the action as agreed.
- 3.2 A regularly reviewed and up to date constitution is required to reflect the law, local custom and practice, and to ensure good governance.
- 3.3 Extensive work has been carried out by the CMDC working group to ensure that the refreshed Constitution reflects the extensive engagement with Members in relation to the work undertaken.

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 Continuous Improvement Plan, with particular reference to the refresh of the Constitution to ensure that it is accurate and current.

4.2 Details of the engagement conducted, the new layout of the Constitution and the amendments made are set out in Appendix 2 to this report: the Report to Constitution and Member Development Committee on 20 August 2025.

4.3 In addition to noting some technical amendments and typographical changes, the Constitution and Member Development Committee made the following further substantive amendments:

Chairs and vice chairs will be appointed by Committees;
The frequency of full council meetings will be 8 weekly (a change from 6 weekly meetings);

An additional provision is added in to the member code of conduct at (d) below:

8.9.18 As a Member:

- (a) I do not bully any person.
- (b) I do not harass any person.
- (c) I promote equalities and do not discriminate unlawfully against any person.
- (d) I do not intimidate or attempt to intimidate any person who is involved in any complaint about any alleged breach of this Code.

5. Ward Member Engagement if relevant and appropriate

5.1 CMDC set up a working group to ensure that the refreshed Constitution is presented to Full Council for adoption.

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

6.1 The Constitution and Member Development Working Group has discussed and considered a variety of options for the Constitution throughout the evolution of the refresh. The proposed refreshed Constitution is considered to meet the Council's statutory duties and responsibilities, and to be more user friendly. While changes could be made to any of the content of the draft Constitution following further discussion and consultation, no alternative document has been prepared.

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

Topic	Impact
Financial (including procurement and Social Value)	No direct financial impacts are anticipated however it is recommended that the Council consider the existing provisions for procurement and authorisation limits to ensure they are proportionate to the current circumstances of the council.
Legal	<p>The proposed changes address the issues identified with the existing Constitution to make it more robust and fit for purpose. However, the desired outcome can only be achieved if the implementation of the new Constitution is supported by appropriate buy-in from Members and Officers alike.</p> <p>The requirement to have a document containing the "standing orders" of the Council is set out in is set out in</p>

	<p>the Local Authorities (Standing Orders) (England) Regulations 2001.</p> <p>Further, the Council has acknowledged the need to update its Constitution and scheme of delegation within its recent Annual Governance Statements. Adopting the proposed Constitution will ensure that positive progress is made to strengthen the governance arrangements of the Council.</p>
Risk	Failing to adopt the proposed refreshed Constitution may open the Council to increased risk of successful challenge to its decision.
Human Rights, Public Sector Equality Duty and Community Cohesion	None – save for presenting the document in a more streamlined and accessible format
Reducing Poverty	There is no impact in this area as a result of the decision being request.
Climate Change / Environmental	There is no impact in this area as a result of the decision being request.
Children and Young People Cared for by the Authority and Care Leavers	There is no impact in this area as a result of the decision being request.
Data Protection	There is no impact in this area as a result of the decision being request.

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

Action	Responsible Officer	Deadline
Updated constitution will be added to relevant pages on the intranet/internet	Charlotte Benjamin	End of September 25

Appendices

1	Proposed Constitution
2	Report to Constitution and Member Development Committee 20 August 2025
3	

Background papers

Body	Report title	Date
Full Council	Review of the Constitution	18 September 2023

Contact: Charlotte Benjamin, Monitoring Officer
Email: charlotte_benjamin@middlesbrough.gov.uk