

MIDDLESBROUGH COUNCIL	
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Report of:	Director of Legal & Governance Services – Charlotte Benjamin
Relevant Executive Member:	Not applicable
Submitted to:	Constitution and Member Development Committee
Date:	11 December 2025
Title:	Constitution Updates – Quarterly Report
Report for:	Decision
Status:	Public
Council Plan priority:	Delivering Best Value
Key decision:	Not applicable
Why:	Not applicable
Subject to call in?	Not applicable
Why:	Not a report under the executive procedures

Proposed decision(s)
<p>That Constitution and Member Development Committee:</p> <p>APPROVES the schedule of suggested amendments to the Constitution to be taken to Full Council for consideration.</p> <p>NOTES the amendments to be made to the Constitution by the Monitoring Officer under the delegated authority as set out at Section 2.4 of the Constitution, and which will be reported to the next meeting of Full council.</p>

Executive summary
<p>The Constitution and Member Development Committee ('CMDC') reviewed the Constitution and the updated version was approved by Full Council on 10th September 2025.</p>

As per Section 2.3 of the Constitution it is the Monitoring Officer's responsibility to monitor, review and update the Constitution. As part of the monitoring, it was agreed that a quarterly report will be provided to this committee.

The Constitution is a living document that necessitates regular review and revision to ensure ongoing compliance with applicable legislation and established procedures, as well as to promote clarity and ease of use.

This report sets out the suggested minor amendments that will be actioned under the delegated authority given to the Monitoring Officer, and a schedule of suggested amendments for approval and recommendation to Full Council.

The Monitoring Officer will also undertake an annual review of the Constitution, which shall be reported to Full Council

The implications of the recommendations have been considered by the appropriate officers of the Council and are set out in the main body of the report.

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') reviewed the full Constitution and the updated version was approved by Full Council on 10th September 2025.

1.2 In order to ensure continued clarity and usability it was agreed that a regular quarterly report would be presented to CMDC to consider any suggested amendments

1.3 This report sets out the suggested minor amendments that will be actioned under the delegated authority given to the Monitoring Officer, and a schedule of suggested amendments for approval and recommendation to Full Council.

1.4 Its contribution to the achievement of the Council Plan ambitions is as follows:

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 Constitution and Member Development Committee:

- **APPROVES** the schedule of suggested amendments to the Constitution to be taken to Full Council for consideration.
- **NOTES** the amendments to be made to the Constitution by the Monitoring Officer under the delegated authority as set out at Section 2.4 of the Constitution, and which will be reported to the next meeting of Full Council.

3. Rationale for the recommended decision(s)

3.1 The Constitution is a living document that necessitates regular review and revision to ensure ongoing compliance with applicable legislation and established procedures, as well as to promote clarity and ease of use.

4. Background and relevant information

4.1 Section 2.3 of the Constitution sets out how and when the Constitution is monitored and reviewed, and says as follows:

2.3.1 It is the Monitoring Officer's responsibility to monitor, review and update the Constitution in accordance with the requirements of this Section 2 and any authority

delegated to them. The Monitoring Officer should undertake an annual review of the Constitution, which shall be reported to Council.

2.3.2 Revisions to the Constitution will have regard to:

- (a) the effectiveness of the Council's decision-making processes and its operation;*
- (b) issues raised by the Mayor, Councillors, Officers, the public and other relevant stakeholders;*
- (c) changes in legislation or statutory guidance;*
- (d) best practice across the public sector, and / or*
- (e) any other relevant information.*

2.4 When can the Constitution be changed and by whom?

Full Council delegates authority to the Monitoring Officer to amend the Constitution if the change is:

- (a) minor or required to remove an inconsistency, ambiguity or typographical error;*
- (b) required to put into effect any decision of the Council or its Committees; or*
- (c) required to comply with a legislative provision,*

provided that the change is reported to the next meeting of Full Council.

The change will take effect on the date decided by the Monitoring Officer or, where appropriate, the date set out in the relevant legislation.

4.2 This report details the proposed changes to the Constitution, both those that require approval of Full Council, and those that can be authorised by the Monitoring Officer, under the delegated powers as outlined in the Constitution at Section 2.4 of the Constitution.

AMENDMENTS FOR APPROVAL AT FULL COUNCIL:

4.3 The committee are asked to approve the following schedule of suggested amendments to the Constitution to be taken to Full Council for consideration:

Para Number	Current Wording	Amended Wording	Reason for Change
4.8.4 (d)	The Chair may, following consultation with the Monitoring Officer and Group Leaders, amend the order of business before or during the meeting.	The Chair may, following consultation with the Monitoring Officer, amend the order of business before or during the meeting.	Refers to Full Council. Remove words 'and group leaders'. Not reflective of current practice and does not provide parity for those not in a group.
4.8.17 (a)	The total time permitted for questions on notice from Members (apart from at the Budget Meeting) is 45	The total time permitted for questions with prior indication from Members (apart from at the Budget	Conflicts with 4.8.15 (g) which says

	minutes, which may be extended by the Chair at their discretion for a further 15 minutes.	Meeting) is 45 minutes, which may be extended by the Chair at their discretion for a further 15 minutes.	<p>'A time limit of 30 minutes will apply to questions from Members on notice'.</p> <p>Change from questions 'on notice' to questions 'with prior indication' to ensure clarity.</p> <p>Where there is any other reference to 'questions with prior indication' the time limit will also be amended from "no limit" to 45 mins plus 15 min.</p>
10.8.4	The Chief Officer Committee or its sub-committee may be required to convene as a matter of urgency to discharge disciplinary and dismissal procedures, as set out in the Officer Employment Procedure Rules (see paragraph 9.11).	<p>New paragraph to be inserted at 10.8.5 and remaining section numbering adjusted:</p> <p>Where the establishment of a sub-committee is required, all members shall be notified. The first three members who confirm their availability will be appointed. Sub-committees are not required to reflect political proportionality.</p>	To provide clarity as to how the sub-committees will be convened.

AMENDMENTS AUTHORISED BY MONITORING OFFICER UNDER DELEGATED POWERS

4.4 The committee are asked to note the following schedule of amendments to the Constitution authorised by the Monitoring Officer under delegated powers:

Para Number	Current Wording	Amended Wording	Reason for Change
4.8.7	<p>The order of business at ordinary meetings of Full Council will be as follows:</p> <p>(i) elect a person to preside if the Chair of the Council and Vice Chair are not present;</p> <p>(ii) receive any apologies for absence;</p> <p>(iii) receive any declarations of interest from Members;</p>	<p>The order of business at ordinary meetings of Full Council will be as follows:</p> <p>(i) elect a person to preside if the Chair of the Council and Vice Chair are not present;</p> <p>(ii) receive any apologies for absence;</p> <p>(iii) receive any declarations of interest from Members;</p>	<p>To reflect the established practice of having a separate item for the Mayor on the agenda to enable questions to be asked from members on the content of the reports with prior indication.</p> <p>This is a minor change as it simply reflects current practice.</p>

	<p>(iv) approve the minutes of the last meeting;</p> <p>(v) receive any announcements from the Chair of the Council;</p> <p>(vi) receive any announcement from the Head of Paid Service;</p> <p>(vii) receive written updates from Executive Members, and deal with questions and answers arising therefrom from Members in accordance with CPR 4.8.15(h) to (j);</p> <p>(viii) receive questions from, and provide answers to, the public in accordance with the provisions of CPR 4.8.15 (a) to (d);</p> <p>(ix) receive petitions in accordance with CPR 4.8.32 to 4.8.33;</p> <p>(x) receive reports, questions from Members (in accordance with CPR 4.8.15 (h) to (j)) and answers arising therefrom, from:</p> <ul style="list-style-type: none"> a. the Executive; b. Non-executive Committees; c. Overview and Scrutiny Board; d. Governance Statutory Chief Officers <p>(xi) receive any reports about, or minutes from, and receive questions and answers arising therefrom (in accordance with CPR 4.8.15 (h) to (j)) on the business of joint arrangements and external organisations</p> <p>(xii) consider any other business specified in the summons to the meeting;</p> <p>(xiii) deal with questions on notice from Members in</p>	<p>(iv) approve the minutes of the last meeting;</p> <p>(v) receive any announcements from the Chair of the Council;</p> <p>(vi) receive any announcement from the Head of Paid Service;</p> <p>(vii) receive written update from the Mayor and deal with questions and answers arising therefrom from Members in accordance with CPR 4.8.15 (h) to (j).</p> <p>(viii) receive written updates from Executive Members, and deal with questions and answers arising therefrom from Members in accordance with CPR 4.8.15(h) to (j);</p> <p>(ix) receive questions from, and provide answers to, the public in accordance with the provisions of CPR 4.8.15 (a) to (d);</p> <p>(x) receive petitions in accordance with CPR 4.8.32 to 4.8.33;</p> <p>(xi) receive reports, questions from Members (in accordance with CPR 4.8.15 (h) to (j)) and answers arising therefrom, from:</p> <ul style="list-style-type: none"> a. the Executive; b. Non-executive Committees; c. Overview and Scrutiny Board; d. Governance Statutory Chief Officers <p>(xii) receive any reports about, or minutes from, and receive questions and answers arising therefrom (in accordance with CPR 4.8.15 (h) to (j)) on the business of joint arrangements and external organisations</p>	
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	<p>accordance with CPR 4.8.15 (e) to (g); and</p> <p>(xiv) consider any motions submitted in accordance with CPR 4.8.22 to 4.8.31.</p>	<p>(xiii) consider any other business specified in the summons to the meeting;</p> <p>(xiv) deal with questions on notice from Members in accordance with CPR 4.8.15 (e) to (g); and</p> <p>(xv) consider any motions submitted in accordance with CPR 4.8.22 to 4.8.31.</p>	
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5. Ward Member Engagement if relevant and appropriate

5.1 Not applicable – Constitution and Member Development Committee is the relevant committee to consider any amendments to the Constitution and make recommendations to Full Council.

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

6.1 Do nothing – If the Constitution remains unchanged, it risks becoming outdated and failing to reflect current working practices. The proposed revisions aim to enhance clarity and improve usability.

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

Topic	Impact
Financial (including procurement and Social Value)	There is no direct financial impact as the amendments recommended improve clarity and usability only.
Legal	There are no legal implications as the amendments recommended improve clarity and usability only and are still in line with relevant legislation.
Risk	The amendments recommended provide clarity in the identified areas and therefore improve the risk associated with governance and decision making.
Human Rights, Public Sector Equality Duty and Community Cohesion	There is no change to the impact on Human Rights, Public Sector Equality Duty and Community Cohesion.
Reducing Poverty	There is no change to the impact on Reducing Poverty.
Climate Change / Environmental	There is no change to the impact on Climate Change / Environmental.
Children and Young People Cared for by	There is no change to the impact on Children and Young People Cared for by the Authority and Care Leavers.

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Data Protection	There is no change to the impact on Data Protection.

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

Action	Responsible Officer	Deadline
Constitution to be updated with the changes approved by the Monitoring Officer	Ann-Marie Wilson – Head of Legal Services (People)	18 th December 2025
Online version of the Constitution to be updated to reflect the changes.	Ann-Marie Wilson – Head of Legal Services (People)	24 th December 2025
Report to Full Council for a decision on the approved recommendations	Charlotte Benjamin	14 th January 2025
Constitution to be updated with any changes approved by Full Council	Ann-Marie Wilson – Head of Legal Services (People)	21 st January 2025
Online version of the Constitution to be updated to reflect the changes.	Ann-Marie Wilson – Head of Legal Services (People)	28 th January 2025

Appendices

1	None
2	
3	

Background papers

Body	Report title	Date
Full Council Report	Refresh of the Constitution	10 th September 2025

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