

MIDDLESBROUGH COUNCIL



Report of: Chair of Constitution and Members' Development Committee, Councillor Jack Banks

Relevant Executive Member: Not applicable

Submitted to: Full Council

Date: 14 January 2026

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)

That Full Council

APPROVES the schedule of suggested amendments to the Constitution.

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.

Executive summary

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

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 the CMDC.

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 which have been agreed by CMDC for approval at 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, with any agreed amendments to be brought before Full Council for approval.

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 which have been agreed by CMDC for approval at 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 Full Council:

APPROVES the schedule of suggested amendments to the Constitution.

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.

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 Full Council are asked to approve the following schedule of suggested amendments to the Constitution:

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 minutes, which may be extended by the Chair at their discretion for a further 15 minutes.	The total time permitted for questions with prior indication from Members (apart from at the Budget Meeting) is 45 minutes, which may be extended by the Chair at their discretion for a further 15 minutes.	Change from questions 'on notice' to questions 'with prior indication' to ensure clarity. 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.
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).	New paragraph to be inserted at 10.8.5 and remaining section numbering adjusted: Where the establishment of a sub-committee is required, three members shall be appointed as follows: The Chair will serve as a member if available; if the Chair is unavailable,	To provide clarity as to how the sub-committees will be convened.

		<p>the Vice Chair will be contacted. Should both be unavailable, a Chair will be appointed at the meeting.</p> <p>The remaining two members shall be selected in rotational order from a predetermined list, with at least one being an executive member as per 10.8.3.</p> <p>Sub-committees are not required to reflect political proportionality.</p>	
--	--	--	--

AMENDMENTS AUTHORISED BY MONITORING OFFICER UNDER DELEGATED POWERS

4.4 Full Council 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>

	<ul style="list-style-type: none"> (iv) approve the minutes of the last meeting; (v) receive any announcements from the Chair of the Council; (vi) receive any announcement from the Head of Paid Service; (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); (viii) receive questions from, and provide answers to, the public in accordance with the provisions of CPR 4.8.15 (a) to (d); (ix) receive petitions in accordance with CPR 4.8.32 to 4.8.33; (x) receive reports, questions from Members (in accordance with CPR 4.8.15 (h) to (j)) and answers arising therefrom, from: <ul style="list-style-type: none"> a. the Executive; b. Non-executive Committees; c. Overview and Scrutiny Board; d. Governance Statutory Chief Officers (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 	<ul style="list-style-type: none"> (iv) approve the minutes of the last meeting; (v) receive any announcements from the Chair of the Council; (vi) receive any announcement from the Head of Paid Service; (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). (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); (ix) receive questions from, and provide answers to, the public in accordance with the provisions of CPR 4.8.15 (a) to (d); (x) receive petitions in accordance with CPR 4.8.32 to 4.8.33; (xi) receive reports, questions from Members (in accordance with CPR 4.8.15 (h) to (j)) and answers arising therefrom, from: <ul style="list-style-type: none"> a. the Executive; b. Non-executive Committees; c. Overview and Scrutiny Board; d. Governance Statutory Chief Officers 	
--	---	---	--

	<p>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 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>(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> <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>	
9.11.5	Employees graded above spinal column point 30 shall devote their whole-time service to the work of the , after consultation with the Monitoring Officer.	Employees graded above spinal column point 30 shall devote their whole-time service to the work of the Council , after consultation with the Monitoring Officer.	Missing word 'Council' added
9.7	<p>g) Director of Regeneration.</p> <ul style="list-style-type: none"> - Growth and Investment; - Digital; - Property; - Culture; - Housing; - Marketing and Communications 	<p>g) Director of Regeneration.</p> <ul style="list-style-type: none"> - Growth and Investment; - Planning - Digital; - Property; - Culture; - Housing; - Marketing and Communications 	<p>Refers to the main roles of individual Chief Officers.</p> <p>Planning incorrectly assigned to the Director of Environment and Community Services, should be the Director of Regeneration</p>

5. Ward Member Engagement if relevant and appropriate

5.1 Not applicable – Any suggested amendments to the Constitution are considered by the Constitution and Member Development Committee who then 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 the Authority and Care Leavers	There is no change to the impact on Children and Young People Cared for by the Authority and Care Leavers.
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 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

Contact: Charlotte Benjamin – Director of Legal and Governance Services
Email: charlotte_benjamin@middlesbrough.gov.uk