

MIDDLESBROUGH COUNCIL	
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Report of:	Corporate Director of Legal and Corporate Services – Charlotte Benjamin
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Relevant Executive Member:	Not applicable
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Submitted to:	Constitution and Member Development Committee
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Date:	26 March 2026
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Title:	Constitution Updates – Quarterly Report
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Report for:	Decision
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Status:	Public
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Council Plan priority:	Delivering Best Value
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Key decision:	Not applicable
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Why:	Not applicable
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Subject to call in?	Not applicable
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Why:	Not a report under the executive procedures
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Proposed decision(s)	<p>That Constitution and Member Development Committee:</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>
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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> <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 the CMDC.</p>
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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. There are no amendments within this report that require 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. There are no amendments within this report that require 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 Constitution and Member Development Committee:

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 There are no suggested amendments that require approval at Full Council for the purposes of this report.

4.4 We have identified a challenge in regard to how Deputy Chief Officers are defined and referred to within the constitution, specifically with reference as to how they are recruited, and the role of Chief Officer Committee. This will be considered further and a solution will be updated to this committee in due course, and in advance of the Full Council meeting in May.

AMENDMENTS AUTHORISED BY MONITORING OFFICER UNDER DELEGATED POWERS

4.5 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
ALL	Amend all Director titles to reflect the changes further to the SMT review effective 01.01.26	All titles to be updated	Minor – Clarity Incorrect titles
4.8.4 (f) (iv)	The business to be considered at the Budget Meeting shall be limited to the budget reports, subject to the Chair having discretion to accept additional items other than those relating to the budget in exceptional or urgent circumstances. Accordingly the following items shall be excluded from the Council Budget Meeting agenda set out at 4.8.4(c) unless the Chair agrees otherwise for the efficient discharge of Council business: (i) (iv); (ii) (vii) to (x); (iii) (xi b-d); (iv) (xii) to v).	The business to be considered at the Budget Meeting shall be limited to the budget reports, subject to the Chair having discretion to accept additional items other than those relating to the budget in exceptional or urgent circumstances. Accordingly the following items shall be excluded from the Council Budget Meeting agenda set out at 4.8.4(c) unless the Chair agrees otherwise for the efficient discharge of Council business: (i) (iv); (ii) (vii) to (x); (iii) (xi b-d); (iv) (xii) to xv).	Minor – Incorrect numbering Reference at this para to (iv) (xii) to v) is incorrect. Correct reference is (iv) (xii) to (xv)
5.11.14 (a)	a) If a Member or an Officer receives an offer on behalf of the Council which falls outside the general consents set out	a) If a Member or an Officer receives an offer on behalf of the Council which falls outside the general consents set out	Minor – Incorrect numbering

	in paragraph 5.12.5 , regardless of value, they must:	in paragraph 5.11.12 regardless of value, they must:	Reference at this para to 5.12.5 is incorrect as this para does not exist. Correct reference is 5.11.12.
9.3.2	Deputy: Head of Legal Services (People) Head of Policy, Governance and Information	Deputy: Head of Legal Services (People)	Minor – Clarity Head of Policy, Governance and Information is no longer a Deputy Monitoring Officer. Job title is also incorrect, but as this is being removed, is not relevant.

ANNUAL REVIEW

4.6 As per the constitution, the order of business at the Annual Meeting of Council includes the following:

4.8.3 (b) (ix) (ix) receive the Monitoring Officer’s annual review of the constitution and agree the Non-executive Scheme of Delegations;

4.7 It is intended that the report to Full Council for the Annual Meeting will include all of the updates that have been brought before this committee, including those that have been authorised by the Monitoring Officer under the delegated authority, and those recommended to and approved by Full Council since the introduction of new constitution in September 2025.

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
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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 the changes approved by the Monitoring Officer	Ann-Marie Wilson – Head of Legal Services (People)	30 th April 2026
Online version of the Constitution to be updated to reflect the changes	Ann-Marie Wilson – Head of Legal Services (People)	7 th May 2026
Report to Full Council for a decision on the approved recommendations	Charlotte Benjamin – Corporate Director of Legal & Corporate Services	20 th May 2026
Constitution to be updated with any changes approved by Full Council	Ann-Marie Wilson – Head of Legal Services (People)	3 rd June 2026
Online version of the Constitution to be updated to reflect the changes.	Ann-Marie Wilson – Head of Legal Services (People)	17 th June 2026

Appendices

1	None
2	

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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