

MIDDLESBROUGH COUNCIL	
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Report of:	Corporate Director of Legal and Corporate Services, Charlotte Benjamin
Relevant Executive Member:	Not applicable
Submitted to:	Constitution and Member Development Committee
Date:	30 July 2026
Title:	Constitution Updates – Quarterly Report
Report for:	Decision
Status:	Public
Council Plan priority:	Delivering Best Value
Key decision:	No
Why:	Not applicable
Subject to call in?	No
Why:	Not a report under Executive Procedures

Proposed decision(s)
That Constitution and Members Development Committee APPROVES the schedule of suggested amendments to the Constitution to be taken to Full Council for consideration as set out at paragraph 4.3 of report. NOTES: - the amendments to the Constitution approved by Full Council on 20 May 2026 as set out at paragraph 4.4 of this report. - 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, as set out at paragraph 4.5 of this report, and which will be reported the next meeting of Full Council.

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 a schedule of suggested amendments for approval and recommendation to Full Council, amendments approved by Full Council since the last meeting of this Committee, and suggested minor amendments that will be actioned under the delegated authority given to the Monitoring Officer.

The Monitoring Officer will also undertake an annual review of the Constitution, the most recent of which was reported to Full Council on the 20th May 2026.

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 10 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 a schedule of suggested amendments for approval and recommendation to Full Council, amendments approved by Full Council since the last meeting of this Committee, and suggested minor amendments that will be actioned under the delegated authority given to the Monitoring Officer.
- 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

A healthy Place	good governance when making decisions to support the achievement of the Council Plan ambitions in all areas.
Safe and resilient communities	
Delivering best value	

2. Recommendations

2.1 That Constitution and Members Development Committee

2.1.1 **APPROVES** the schedule of suggested amendments to the Constitution to be taken to Full Council for consideration as set out at paragraph 4.3 of this report.

2.1.2 **NOTES:**

- the amendments to the Constitution approved by Full Council on 20 May 2026 as set out at paragraph 4.4 of this report.
- 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, as set out at paragraph 4.5 of this report, and which will be reported 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, 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.

4.3 Amendments for approval at Full Council

The Committee are asked to agree the following schedule of amendments to the Constitution for recommendation to Council:

Paragraph Number	Current Wording	Amended Wording	Reason for Change
4.8.10 (b)	If a quorum is not present within five minutes of the start of a Council meeting, the meeting will be abandoned. The business of the meeting will be considered at the next ordinary meeting or at an extraordinary meeting convened for that purpose.	If a quorum is not present within fifteen minutes of the start of a Council meeting, the meeting will be abandoned. The business of the meeting will be considered at the next ordinary meeting or at an extraordinary meeting convened for that purpose.	An amendment to the arrangements for inquorate meetings to allow a longer period of time

4.4 Amendments approved by Full Council

Following Full Council's approval of the Members' Scheme of Allowances on 20 May 2026, a number of amendments were required. The Committee is asked to note these amendments as follows:

Paragraph Number	Current Wording	Amended Wording	Reason for Change
5.10.8	No Member shall be entitled to pensions in accordance with this scheme.	Members can opt-in to the Local Government Pension Scheme in accordance with the Local Government	Members are eligible to opt into the scheme

		Pension Scheme (Amendment) (Elected Member Pensions) Regulations 2026.	
5.10 to 5.11	To update relevant parts of section 5 (Scheme of Allowances) namely; 5.10 It was adopted by Council on 25th May 2022; 5.10.1 (d) The Basic Allowance shall be £7,608 per year; 5.10.3 (d) - The allowance payable to a Member in respect of travel mileage shall be paid at the Inland Revenue approved rate (Footnote 25 £0.45 per mile as of 31 July 2025) And to add in the following paragraphs: 5.10.5 Independent Person - Audit Committee - Independent Persons co-opted onto the Audit Committee to provide expert advice shall be entitled to receive an allowance of £800; 5.10.8 - Pensions Members can opt-in to the Local Government Pension Scheme in accordance with the Local Government Pension Scheme (Amendment) (Elected Member Pensions) Regulations 2026.	5.10 It was adopted by Council on 20th May 2026 ; 5.10.1 (d) The Basic Allowance shall be £8,330 per year. 5.10.3 (d) - The allowance payable to a Member in respect of travel mileage shall be paid at the Inland Revenue approved rate (Footnote 25 £0.55 per mile as of June 2026); 5.10.5 Independent Person – Audit Committee Independent Persons co-opted onto the Audit committee to provide expert advice shall be entitled to receive an allowance of £800; 5.10.8 - Pensions Members can opt-in to the Local Government Pension Scheme in accordance with the Local Government Pension Scheme (Amendment) (Elected Member Pensions) Regulations 2026.	Scheme of allowances updated following IRP report.

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4.5 Amendments authorised by the Monitoring Officer under delegated powers

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

Paragraph Number	Current Wording	Amended Wording	Reason for Change
2.2	Meanings of Key terms used in the Constitution: “Chief Officer” Senior officers of the Council including the Statutory Chief Officers and the following non-statutory Chief Officers: (a) a person for whom the Head of Paid Service is directly responsible; (b) a person who is required to report directly, or is directly accountable, to the Head of Paid Service for the majority of their role; and (c) any person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the local authority themselves or any committee or sub-committee of the authority	To Add key term: "Deputy Chief Officer" Senior Officers of the Council who report directly or are directly accountable to one or more of the Chief Officers.	No definition of deputy chief officer included in the key terms
4.8.15 (b)	A question from the public may only be asked if notice of it has been given to the Proper Officer it in writing or by electronic mail to councilquestions@middlesbrough.gov.uk no later than 5.00 pm seven clear days before the date of the meeting.	A question from the public may only be asked if notice of it has been given to the Proper Officer in writing or by completing the Council Question form at (Public questions in meetings Middlesbrough Council) no later than 5.00 pm seven clear days before the date of the meeting.	The email address is to be replaced with a form – weblink will be added

4.8.15 (e)	A Member of the Council may ask the Mayor, an Executive Member or the Chair of any Committee a question on notice (including about the business of joint committees, joint authorities and outside bodies) at a Council meeting (apart from the Budget Meeting) provided that notice of the question is given to the Proper Officer in writing or by electronic mail to councilquestions@middlesbrough.gov.uk no later than 5.00 pm seven clear days before the date of the meeting.	A Member of the Council may ask the Mayor, an Executive Member or the Chair of any Committee a question on notice (including about the business of joint committees, joint authorities and outside bodies) at a Council meeting (apart from the Budget Meeting) provided that notice of the question is given to the Proper Officer in writing or by electronic mail no later than 5.00 pm seven clear days before the date of the meeting.	The email address referred to is going to be removed
4.8.15 (h)	A Member of the Council may ask the Mayor or an Executive Member a question on any update provided under paragraph 4.8.4(c)(vii) or 4.8.4.(c)(xi) provided that prior notification of the topic of the question is given to the Monitoring Officer in writing or by electronic mail to councilquestions@middlesbrough.gov.uk no later than 5.00 pm the day before the meeting.	A Member of the Council may ask the Mayor or an Executive Member a question on any update provided under paragraph 4.8.4(c)(vii) or 4.8.4.(c)(xi) provided that prior notification of the topic of the question is given to the	The email address referred to is going to be removed

		Monitoring Officer in writing or by electronic mail no later than 5.00 pm the day before the meeting.	
5.10.2	5.10.2 c	sub paragraphs should start with (a) not (c)	Sub section numbering incorrect - begins with c) rather than a)
6.17.14 (a)	(a) Members of the public may ask questions of the Mayor and Executive Members about any matter listed on the agenda for a meeting of the Executive. Notice of the question must be given by delivering it in writing or by electronic mail to the Proper Officer no later than 5.00 pm three clear days before the date of the meeting.	(a) Members of the public may ask questions of the Mayor and Executive Members about any matter listed on the agenda for a meeting of the Executive. Notice of the question must be given by delivering it in writing or by electronic mail to the Proper Officer, or by completing the Council Question form at (Public questions in meetings Middlesbrough Council) no later than 5.00 pm three clear days before the date of the meeting.	No details of where to submit question other than "the Proper Officer" Link to the form to be added
9.8.1	Table 6: Statutory Officers	Local Government Pension Scheme	Updated to include the LGPS Senior Officer into the table,

		Senior Officer ⁵⁹ ⁵⁹ The Local Government Pension Scheme (Governance) Regulations 2026 (SI 2026 545)	including the footnote to explain where the designation comes from
10.14.2	The Staff Appeals Committee is authorised to consider and determine any appeal made by an officer below the grade of Chief Officer ¹¹⁶ regarding: (a) disciplinary action; (b) grievances; (c) grading.	The Staff Appeals Committee is authorised to consider and determine any appeal made by an officer below the grade of Chief Officer ¹¹⁶ regarding: (a) disciplinary action; (b) grievances;	This is incorrect as the Staff Appeals Committee does not consider grading - Delete para 10.14.2 (C)
10.25.8	The Council has delegated to the Chief Finance Officer the following Non Executive functions: (e) the day to day management and administration of Teesside Pension Fund matters including ensuring arrangements for investments of assets and administration of contributions and benefits, excluding matters delegated to the Teesside Pension Fund Committee	None - Para deleted	Under the Pensions Act 2026, The Local Government Pension Scheme (Amendment) (Governance) Regulations 2026 (SI 2026 545) this function will become the responsibilities of the LGPS senior Officer – delete para (e)
10.27	Statutory Officer Delegations 10.27.1 The Statutory Officers who are not Chief Officers (see paragraph 9.8) are as set out at Table 6. They are responsible for discharging the following functions:	(d) LGPS Senior Officer The LGPS Senior Officer has	To include the LGPS Senior Officer in the delegations

		responsibility across all pension functions in accordance with guidance issued by the Secretary of State including the day to day management and administration of Teesside Pension Fund matters including ensuring arrangements for investments of assets and administration of contributions and benefits, excluding matters delegated to the Teesside Pension Fund Committee.	
12.6.121	What are the Chief Finance Officer's delegated powers in relation to the Pension Fund? The Chief Finance Officer is authorised to manage the Pension Fund on a day-to-day basis, including the exercise of the Council's functions as Administering Authority, the power to seek advice from professional advisers, and to devolve the handing of the Pension Fund's investment to appropriate fund managers.	What are the Local Government Pension Scheme (LGPS) Senior Officer's delegated powers in relation to the Pension Fund? The LGPS Senior Officer is authorised to manage the Pension Fund on a day-to-day basis, including the exercise of the Council's functions as Administering	Pensions Act 2026, The Local Government Pension Scheme (Amendment) (Governance) Regulations 2026 (SI 2026 545) - these powers will become the responsibilities of the LGPS Senior Officer. Change the title from Chief Finance officer to Local Government Pension

		Authority, the power to seek advice from professional advisers, and to devolve the handing of the Pension Fund's investment to appropriate fund managers.	Scheme Senior Officer
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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 Social Value)	There is no direct financial impact as the amendments recommended improve clarity and usability only.
Procurement	There is no impact on Procurement 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.
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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	Charlotte Benjamin – Corporate Director of Legal and Corporate Services	10 August 2026
Online version of the Constitution to be updated to reflect the changes	Charlotte Benjamin – Corporate Director of Legal and Corporate Services	10 August 2026
Report to Full Council for a decision on the approved recommendations Charlotte Benjamin – Corporate Director of Legal & Corporate Services	Charlotte Benjamin – Corporate Director of Legal and Corporate Services	9 September 2026
Constitution to be updated with any changes approved by Full Council	Charlotte Benjamin – Corporate Director of Legal and Corporate Services	18 September 2026
Online version of the Constitution to be updated to reflect the changes.	Charlotte Benjamin – Corporate Director of Legal and Corporate Services	18 September 2026

Appendices

1	None
2	
3	

Background papers

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

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