

| Section | Summary of content | Notes | Complete Yes/No | Legislation & section / or Local agreement |
|--|---|---|-----------------|---|
| Part 1 – Summary and Explanation | This sets the scene for what the Constitution is, and how it operates. It contains brief notes about the constitution, the Executive, decision-making and challenge, what rights citizens have, and who the statutory officers are. | Wording changes required for this section Review layout and numbering - remove reference to articles | No | The Local Government Act 2000 Section 37 requires each local authority to prepare, keep up to date and publicise a document referred to in that section and in this guidance as the local authority's constitution |
| Part 2 – Articles of the Constitution | The 'regulatory' parts of the Constitution, summarised below. | | | |
| Article 1 The Constitution | Establishes the primacy of the Constitution, and sets out its purpose. | Wording changes suggested | No | |
| Article 2 Members of the Council | Provides details of the composition of the Council, and the expected roles and duties of the Mayor and Councillors. | Add Group leader role | No | The Local Government Act 2000 Section 11 of the Act describes three forms of executive. The Local Government Act 2000 Sections 39 to 44 make provisions about elected mayors and elections for elected mayors |
| Article 3 Citizens and the Council | Sets out how Citizens of Middlesbrough can interact with the Council. | Wording changes | No | |
| Article 4 The Full Council | Defines the roles and decisions which are reserved to full Council, and the types of meetings Council can have. | | | policy framework -The Local Government Act 2000 Local Authorities (Functions and Responsibilities) (England) Regulations 2000 are made under section 13 of the Act. Schedule 13 to the Regulations identifies plans and strategies to be approved or adopted by the full council: |
| Article 5 Chairing the Council | Sets the parameters for the role of Chair of the Council. | part done | Yes | |

| | | | | |
|--|---|---|-----|--|
| Article 6 Overview and Scrutiny Committees | Defines the scope and work of OSB and Scrutiny Committees, and cross-references to Part 3 of the Constitution. | | Yes | |
| Article 7 The Executive | Defines the role of the Executive, its decision-making powers, and deals with appointments to, and removal from, the Executive. | review may 2019 | | The Local Government Act 2000 Section 13 requires that all functions of a local authority should be the responsibility of the executive unless otherwise specified in regulations. |
| Article 8 Policy and Regulatory and other Committees | Allows the Council to establish other committees. | | | The Local Government Act 2000 Sections 14 to 20 provide for ways in which functions can be delegated both within and outside the executive and outside the local authority. |
| Article 9 The Standards Committee | Defines the scope of the Standards Committee, and sets its composition and terms of reference. | review to include copting independent people also need to invite parish cllrs to participate? | | |
| Article 10 Joint Arrangements | Allows the Council to form joint arrangements with other local authorities or other bodies. | | | |
| Article 11 Officers | Establishes the primacy of the Head of Paid Service in relation to officers, and defines the roles and responsibilities of the Monitoring Officer and the Chief Finance Officer. | | | |
| Article 12 Decision Making | Sets the parameters for, and principles of, decision making in the Council, and provides guidance on types of decision to be recorded under Regulations. | possible update to level of key decision-ensure marries up with decision making classes | No | |
| Article 13 Finance, Contracts and Legal Matters | Establishes the basis for the Council's Standing Orders, and the execution of documents. See also separate document: The Middlesbrough Borough Council Financial and Contract Procedure Rules (Standing Orders). | | | |

| | | | | |
|---|---|---|-------------------------|--|
| Article 14 Review and Revision of the Constitution | Establishes the requirement for the Constitution to be regularly reviewed and revised. | MO to be able to make minor amendments - update legislation areas of responsibility structure charts - also structure changes | | |
| Article 15 Suspension, Interpretation and Publication of the Constitution | Sets the limits for how articles of the Constitution may be suspended by Full Council, and establishes the primacy of the Chair in interpreting the Constitution. | | | |
| Article 16 Other Committees of the Council | Provides details of the Corporate Affairs and Audit Committee. Note: this may be extended to include details of other committees. | add COAC independent panel for disciplinary matters for statutory officers | | |
| Article 17 Financial Procedure Rules (Standing Orders) | Incorporates the Middlesbrough Borough Council Financial and Contract Procedure Rules (Standing Orders) as a part of the Constitution. | | | |
| Article 18 Scheme of Delegation | Incorporates the Middlesbrough Borough Council Scheme of Delegation as a part of the Constitution. | officers to provide list of delgations to DS scheme to include committee delegations to officers | Ongoing - being updated | |
| Schedule 1 Description of Executive | Details those parts of the Constitution which form the Council's Executive arrangements. | Mayor - involvement | | |
| Schedule 2 Executive Portfolios | Provides details of the Executive Portfolios, and the Executive Members. | Annual renaewal or when portfolios change | | |
| Part 3 – Rules of Procedure | The 'procedural' parts of the Constitution, summarised below. | add something on political balance not to change a caluclation due to aa vacancy that has not cannot be filled i.e due to a death or resignation part way through the year? | | |

| | | | | |
|--|--|--|-----------|--|
| <p>COUNCIL PROCEDURE RULES</p> | <p>Establishes the rules for how meetings of Council and its committees will be run.</p> | <p>possibly add planning - right to comparative times for objectors - Legal to check is this a legal requirement areas to look at Motions rules of debate Complete Extra ordinary meetings Petitions - Complete Cllr calls for Action MO to be able to change meeting date with agreement of chair as long as papers have not been sent out - add to scheme of delagation</p> | <p>No</p> | |
| <p>COUNCIL MEETINGS Annual meeting timing and business (P 60) Ordinary meetings (61) Extra ordinary meetings (p62)</p> | | <p>Do we say that we can only have one extraordinary meeting following an ordinary meeting Arrangement for meetings the MO in consultation with the Chair will have the power to change the venue, day time etc</p> | | |
| <p>ARRANGEMENTS FOR MEETINGS Cancellation Notice of summons Chair of meetings Quorum of council Duration of Meeting</p> | | <p>electronic delivery</p> | | |
| <p>COUNCIL QUESTIONS Submitting Questions Withdrawing Questions Scope of Questions Record of Questions Questions/comments by members Questions/comments with Notice Reports Questions or comments without notice Responses Suplimentary Questions Loint Committees or outside bodies Questions general Questions by the public General</p> | | <p>p43 change procedure rules - can only submit 5 questions in any one rolling 12 month period questions or comments - possible rewording to give distinction comment on the detail in the report / - if Mayor doesn't give a report can be asked questions on anything-</p> | | |
| <p>Receipt of recommendations form the executive , committes and statutory Officers</p> | | | | |

| | | | | |
|--|---|---|------------|----------|
| <p>MOTIONS</p> <ul style="list-style-type: none"> Notice of Motion Motion set out in agenda Scope of motions Eligibility of motions Motions without Notice Urgent Motions Rules of Debate When a member may speak again Amendments to motions Alteration of a motion Right of reply Motions which may be moved during a debate Closure motions Withdrawal of motions | | <p>tighten up on motions - who can speak and when</p> | | <p>T</p> |
| <p>PETITIONS</p> | | <p>see p 61 - 5 g timeliness- when it has to be submitted and what a petition must contain - report to C&MD committee. 30/November 2018 agreed proposed new petitions scheme - needs to go to full council for approval?</p> | <p>Yes</p> | |
| <p>REPORTS</p> <ul style="list-style-type: none"> of the elected mayor of overview and scrutiny Executive | | | | |
| <p>RULES OF DEBATE</p> <ul style="list-style-type: none"> Point of order personal explanation | | | | |
| <p>VOTING</p> <ul style="list-style-type: none"> Majority Chairs casting vote Show of hands Ballots Recorded votes Right to have individual vote recorded Voting on appointments | | | | |
| <p>ACCESS TO INFORMATION RULES</p> | <p>Establishes the rules for the publication or withholding of information.</p> | <p>exempt info needs updating</p> | <p>No</p> | |

| | | | | |
|---|---|---|-------------------------|---|
| Budget and Policy Framework Procedure Rules | Establishes the rules for the annual budget-setting process, and for in-year changes to the budget. | is there a need to increase key thresholds to bring us in line with other authorities | | |
| Executive Procedure Rules | Establishes the rules for how meetings of the Executive and its committees will be run | Need for an Exec / scrutiny protocol | | |
| Overview and Scrutiny Procedure Rules | Establishes the rules for how meetings of OSB and its panels will be run | | | Local Government Act 2000 - Section 21 requires a local authority's executive arrangements to include arrangements for overview and scrutiny committees to review or scrutinise decisions of the executive and the local authority and to make reports and recommendations to the local authority or the executive. Council may also add to this list |
| Officer Employment Procedure Rules | Establishes the rules for the recruitment and dismissal of officers. | add statutory officer disciplinary procedure to consider adding attendance at shortlisting and interviewing clarity local agreement | Ongoing - being updated | |
| Part 4 –MEMBERS ALLOWANCES SCHEME | Provides details of the agreed basic and special responsibility allowances. | | Yes - annual review | |
| Part 5 – Management Structure | Provides the current Senior Management Structure. | | | |
| Part 6 – Codes and Protocols | Provides details of how members and officers are expected to behave. | | | |
| Members' Code of Conduct | Sets the standards for member conduct towards Citizens, Officers and Members. | need to add retention period for complaints and what information will be kept in the log | YES | |
| Officers' Code of Conduct | Sets the standards for Officer conduct and neutrality, and limits on outside working. | | | |

| | | | | |
|--|--|--|-----|--|
| Protocol for Members and Officers on Gifts and Hospitality | Provides guidance on the declaration of gifts received by Members and Officers. | need to review form and also make sure matches HR codes of conduct | yes | |
| Protocol on Member/Officer Relations | Provides guidance on the interaction between Members and Officers, and their respective roles. | | | |
| Political Assistants Protocol | | add this as new sections - | Yes | |
| Filming of Council Meetings | Provides guidance for those seeking to report on meetings. | amended for covid - revert back | Yes | |
| Part 7 – APPENDICES | Associated documents. | | | |
| Code of Corporate Governance | Determines the principles and procedures for appropriate corporate governance across Council actions and decision-making. | | Yes | |
| Monitoring Officer Protocol | Provides guidance on the role and responsibilities of the Monitoring Officer. | | | |
| Statutory Officer Profiles | Provides further details on the role of various statutory officers, including the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer, the Statutory Scrutiny Officer, and the Complaints Manager. | | | |
| Proper Officer Functions | Defines the Proper Officer for specified functions. | | | |
| | | | | |