

# CONSTITUTION COMMITTEE

## AGENDA



**14 May 2024**

**at 4.00 p.m.**

**Committee Room “B”,  
Civic Centre, Hartlepool.**

CONSTITUTION COMMITTEE:

Councillors Dodds, Hall, Harrison, Lindridge, Little, Moore and Young

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**
  - 3.1 To confirm the minutes of the meeting held on 13 November 2024
- 4. ITEMS REQUIRING DECISION**
  - 4.1 Periodic Review of the Council’s Constitution – Update (*Monitoring Officer*)
- 5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

#### CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

# CONSTITUTION COMMITTEE

## MINUTES AND DECISION RECORD

13 November 2023

The meeting commenced at 4.00 p.m. in the Civic Centre, Hartlepool

### **Present:**

Councillor Moore (In the Chair)

Councillors Cowie, Hall, Harrison, Howson, Lindridge, Little and Young

Officers: Denise McGuckin, Managing Director  
Hayley Martin, Director of Legal, Governance and Human Resources.  
Amanda Whitaker, Legal and Democratic Services Team Manager

### **6. Apologies for Absence**

Councillor Dodds

### **7. Declarations of interest by Members**

None

### **8. Minutes**

The minutes of the meeting held on 26 June 2023 were confirmed.

### **9. Periodic Review of the Council's Constitution**

*(Monitoring Officer/Director of Legal, Governance and HR)*

The report set out details of the following issues which had been referred to the Committee for consideration, since the last meeting of the Committee:-

#### **Addition of Names on War Memorials**

It was reported that the Constitution is currently silent on the delegation to approve a request for a name to be added to a War Memorial. The

Committee was asked to consider the inclusion of this function under the delegation of the Executive Director of Adult and Community Based Services.

**Recommended** – That the inclusion of this function under the delegation of the Executive Director of Adult and Community Based Services be approved by Full Council.

### **Appointment of Ceremonial Mayor**

The Director reported that currently, the Ceremonial Mayor is appointed following nominations from any Member at the Annual Meeting of Council. A request had been received for the appointment to be the 'longest serving elected member' (excluding any breaks in service).

It was proposed at the meeting that the following be included in the Constitution:-

*“The Mayor is a Member of the Council and is elected by Councillors at the Annual Meeting of the Council.*

*Each year the Councillor with the longest cumulative service on the Council will normally be nominated to serve as Deputy Mayor (unless that Councillor has previously served as Mayor).*

*When appointed by Council as Deputy Mayor, the Councillor concerned will usually be agreed as the person nominated to serve as Mayor for the following Municipal Year.*

*Where, in any year, more than one Councillor satisfies the criterion as the Councillor with the longest cumulative service on the Council, and no one agreed nominee has been chosen, nominations will be submitted and voted upon at the Annual Meeting of the Council for the position of Deputy Mayor for the forthcoming municipal year.*

*If in any year the Councillor with the longest cumulative service, or chosen nominee, decides not to agree to their name being put forward as nominee to the Annual Meeting of the Council, this will not preclude that Councillor from being re-considered for nomination in future years.”*

Elected members debated issues arising from the proposal, with particular reference to the roles of Ceremonial Mayor and Chair of Council.

Following a vote, it was:-

**Recommended** – That the proposal be approved by Full Council.

### **Appointment and Removal of Leader and Deputy Leader**

It was reported that the Leader/Deputy Leader position is appointed at the Annual Meeting of Council following nominations from any Member. The appointment is made for the 'municipal year' with no current provision for their removal other than where they resign from the position of their own accord or where they have become 'disqualified' from being an elected member. A request had been received for Members to consider the inclusion of a provision to enable the Council to remove the Leader/Deputy Leader by resolution within the Municipal year.

Member's views were sought on the following proposed wording:

*"Appointment and Removal of Leader and Deputy Leader*

*The Council shall at its Annual Meeting appoint a Leader and a Deputy Leader for a period of one year. If the Council fails to elect the Leader at the relevant Annual Meeting, the Leader is to be elected at a subsequent meeting.*

*The Leader, and/or the Deputy Leader may be removed from office by resolution of the Council.*

*Where there is a vacancy in the office of Leader, the Deputy Leader will assume the responsibilities of the Leader until a new Leader is appointed at an ordinary meeting of the Council. Where both the Leader and Deputy Leader cease to hold office at the same time, the Ceremonial Mayor shall call a meeting of the Full Council as soon as possible, to appoint a new Leader and Deputy Leader."*

**Recommended** – That the proposed wording be approved by Full Council.

### **Budget and Policy Framework Rules**

The Committee was advised that the virement rules in regard capital set out at section 7 within the Budget and Policy Framework Procedure Rules require Full Council approval over certain limits of any resources. This is considered restrictive within grant regimes where small schemes may require virement, including from unallocated contingency to maximise use of grant. It is also out of step with the Revenue virement approvals, whereby a higher virement is allowed, but with the safeguard built in that cross Directorate virements require Finance and Policy Committee approval. It was therefore proposed to amend the virement rules to make them consistent with the Revenue rules as follows:-

*"Capital budget – The Managing Director and Directors may approve virement of capital budget up to £100,000 (cumulatively up to £200,000 over the financial year) per scheme and proposed virement of any resources in excess of that limit will require the approval of Full*

*Council. Any virement that has an increased borrowing implication will require the approval of Full Council.*

*No virement of capital budget transfer between ‘Directorates’ is permitted without approval of the Finance and Policy Committee.”*

**Recommended** – That the proposed amendment be approved by Full Council.

### **Proportionality**

It was highlighted that currently where an Elected Member is part of a political group and resigns from a seat on a Committee, the group are unable to replace the Member until Full Council has approved the appointment. Members were asked to consider the inclusion of a delegation for the allocation of seats in accordance with wishes of a political group as follows:-

*“That any in-year informal, ad hoc vacancies on Committees, Partnerships or Boards normally appointed by Council be delegated to the Director of Legal, Governance and Human Resources in accordance with the agreed proportionality for the committee/body and Group wishes.”*

**Recommended** – That the proposed delegation be approved by Full Council.

### **Decision**

That the recommendations of the Committee be forwarded to Full Council

The meeting concluded at 4.25 p.m.

CHAIR

# CONSTITUTION COMMITTEE

14 May 2024



**Report of:** Monitoring Officer

**Subject:** PERIODIC REVIEW OF THE COUNCIL'S  
CONSTITUTION - UPDATE

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## 1. COUNCIL PLAN PRIORITY

<b>Hartlepool will be a place:</b>
- with a Council that is ambitious, fit for purpose and reflects the diversity of its community.

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## 2. PURPOSE OF REPORT

- 1.1 To seek a view from the Committee regarding proposed changes to the Constitution prior to consideration of changes by Full Council.

## 3. BACKGROUND

- a. The Council's Constitution at Article 13 ("Review and Revision of the Constitution") requires that the Monitoring Officer "will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect." It goes on to say that "Changes to the Constitution Changes to the Constitution will only be approved by Full Council after consideration of the proposal through recommendations of the Constitution Committee."

## 4. PROPOSALS

### 4.1 PART 3 – Responsibility for Functions

The functions currently the responsibility of the Economic Growth and Regeneration Committee are as follows:

Economic Growth and Regeneration Committee Membership			
Membership	7 Councillors	Quorum	3 Councillors

No	Economic Growth and Regeneration Committee Function
1	Inward Investment and Economic Growth (EDDNRs)

It is proposed to move the following functions from the Finance and Policy Committee to the Economic Growth and Regeneration Committee:

- Communications and Marketing
- Strategic Procurement
- Capital Programme Delivery and Monitoring
- Estates and Asset Management
- Business Growth and Engagement
- Approval of any Grant Aided Schemes related to Economic Growth and Regeneration
- To receive and examine quarterly reports on the monitoring and outcome of contract letting procedures, including outputs, values, value for money considerations and performance (incorporating if necessary, provider comparative analysis) where lowest/highest price is not payable/receivable

Furthermore, it is proposed that the following functions be moved from Adult and Community Based Services Committee to the Economic Growth and Regeneration Committee:

- Culture and Events
- Learning and Skills

#### 4.2 Other Proposals

Members are asked to discuss the Constitution and any further proposals for immediate change to the Constitution to be considered by Full Council.

### 5. RECOMMENDATION

- 5.1 That the Committee consider the proposals and makes recommendations for submission to Full Council.

### 6. REASONS FOR RECOMMENDATIONS

- 6.1 It is the responsibility of the Monitoring Officer to monitor the Constitution to ensure that the aims and principles of the Constitution are given full effect.

## 7. BACKGROUND PAPERS

Hartlepool Borough Council's Constitution

## 8. CONTACT OFFICERS

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