



Report to Council

Report of: Chief Executive

Date: 6 December 2017

Subject: Changes to the Constitution

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Summary:

This report provides details of proposed changes to the Constitution.

Recommendations:

That the Council considers adopting the changes to the following Parts of the Constitution, as set out in the report and appendices:-

- (a) Part 4 – Contracts Standing Orders
- (b) Part 5 - Monitoring Officer Protocol
- (c) Part 5 – Procedure For Dealing With Complaints Regarding City, Parish And Town Councillors And Co-Opted Members (Appendix to the Monitoring Officer Protocol)
- (d) Part 7 – Management Structure and Statutory/Proper Officers

Background Papers: NONE

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial implications
NO - Cleared by Paul Foster
Legal implications
YES – Cleared by Gillian Duckworth
Equality of Opportunity implications
NO
Tackling Health Inequalities implications
N/A
Human rights implications
N/A
Environmental and Sustainability implications
N/A
Economic impact
N/A
Community safety implications
N/A
Human resources implications
N/A
Property implications
N/A
Area(s) affected
None
Relevant Scrutiny Committee if decision called in
N/A
Is the item a matter which is reserved for approval by the City Council?
YES
Press release
NO

1. Introduction

- 1.1 This report provides details of proposed changes to the Council's Constitution.

2. Background

- 2.1 To ensure that the Constitution is kept up to date, where changes are required these are submitted to Full Council for approval.
- 2.2 In addition, the Director of Legal and Governance, in consultation with the Lord Mayor, has delegated authority to make any minor and consequential drafting changes to the Constitution.

3. Proposed Changes and Reasons**3.1 Part 4 – Contracts Standing Orders**

- 3.1.1 A change is proposed to be made to Section C.4.5 (Contract Value £50,000 Or More For Works) of the Contracts Standing Orders in Part 4 (Rules of Procedure) of the Constitution.
- 3.1.2 The threshold for obtaining competitive quotations for Works was raised from £50k to £164k in January 2017. This has enabled officers to tender more works directly to Sheffield-based contractors, rather than advertising them to national contractors. It has also enabled works to be kept within the local area and also to prioritise smaller contractors where they have the necessary skills and experience.
- 3.1.3 The proposed change is to further increase this threshold, from £164k to £500k, so more works can follow this route, delivering further benefits for local businesses and the Sheffield economy. The thinking behind the approach is wholly in line with the procurement work being undertaken on Social Value and the 'Ethical, Effective & Efficient' procurement strategy.
- 3.1.4 The proposed changes to Section C.4.5 of the Contracts Standing Orders are set out in Appendix A to this report.

3.2 Part 5 - Monitoring Officer Protocol

- 3.2.1 The Monitoring Officer Protocol, contained in Part 5 (Codes and Protocols) of the Constitution, was last amended in April 2015. The Protocol has been reviewed and several proposed revisions were endorsed by the Audit and Standards Committee, at its meeting held on 16 November 2017.

3.2.2 The revisions relate to allowing the Deputy Monitoring Officers to act in the absence of the Monitoring Officer (previously this was only permitted for urgent actions) and authorising the Monitoring Officer to deal with any issues that may arise in the course of business that concern the conduct or alleged conduct of Members, in the absence of a complaint.

3.2.3 The proposed changes to the Protocol are set out in Appendix B to this report.

3.3 Part 5 - Procedure For Dealing With Complaints Regarding City, Parish And Town Councillors And Co-Opted Members (Appendix to the Monitoring Officer Protocol)

3.3.1 The Procedure For Dealing With Complaints Regarding City, Parish And Town Councillors And Co-Opted Members is an appendix to the Monitoring Officer Protocol. The Procedure had been revised by the Audit and Standards Committee in January 2017 in the light of the experience of dealing with complaints since the Procedure had first been approved by full Council in March 2015. Arising from complaints considered during 2017, the Procedure has again been reviewed and several proposed revisions to the Procedure were recommended to the Audit and Standards Committee, at its meeting held on 16 November 2017. The Committee endorsed the proposals and recommended that Full Council adopts the revised Procedure.

3.3.2 The revised Procedure is attached as Appendix C.

3.4 Part 7 - Management Structure and Statutory/Proper Officers

3.4.1 Part 7 of the Constitution (Management Structure and Statutory/Proper Officers) has been updated. The management structure has been updated to reflect the Portfolio changes made over the 2017 summer period, and the updated version is attached as Appendix D. The list of Statutory and Proper Officers has been updated to reflect updated officer post titles, and the proposed changes are set out in Appendix E to this report.

4. **Legal Implications**

4.1 Except where delegated by Council as indicated at paragraph 2.2, variations to the Constitution may only be made by Full Council.

5. **Financial Implications**

5.1 Section 3.1 of this report refers to a change to Contracts Standing Orders. The threshold for obtaining competitive quotations for works rises from £164k to £500k. The procurement professional will at all times exercise their discretion to ensure effective competitive tension is maintained.

6. **Equality of Opportunity Implications**

6.1 There are no equalities implications.

7. Recommendations

7.1 That the Council considers adopting the changes to the following Parts of the Constitution, as set out in the report and appendices:-

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Chief Executive

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