



SHEFFIELD CITY COUNCIL Report to Council

7

Report of: Deputy Chief Executive

Date: 7 September 2011

Subject: Changes to the Constitution

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Summary:

This report provides details of proposed changes to the Constitution.

Recommendations:

That Council is recommended to approve the proposed changes to the following Parts of the Constitution:

- (a) Part 2 - Article 8 (as set out in paragraph 3.2); and
 - (b) Part 4 - Council Procedure Rules 5.3 and 10.1 (as set out in paragraphs 3.5 and 3.6).
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Background Papers:

Revised Constitution January 2011.

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial implications
NO
Legal implications
YES
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
Not applicable
Is the item a matter which is reserved for approval by the City Council?
Yes
Press release
NO

CHANGES TO THE CONSTITUTION

1. Introduction

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

2. Background

- 2.1 At the Council Meeting on 5 January 2011 a significant number of changes to the Constitution were approved. Council also agreed to delegate to the Director of Legal Services, in consultation with the Lord Mayor, the authority to make any minor and consequent drafting changes to the Constitution.
- 2.2 A number of minor changes were approved under delegated authority in January, April and May and were reported for information to the Council Meeting on 6 July 2011.

3. Proposed Changes and Reasons

- 3.1 Since the report to Council in January 2011, a number of further changes are proposed to the Constitution relating to Article 8 and the Council Procedure Rules. The appendix to the report shows the changes in full with additional text in bold.

Part 2 - Article 8

- 3.2 This is a consequential change owing to a previous change in Article 2 of the Constitution and which removes "Sub-Committees" from Article 8, as only Committees can establish ad hoc Committees without Full Council amending Part 3 of the Constitution. It is proposed that Article 8 is amended by the deletion of the word "Sub-Committees" to read:

"8.01 Regulatory and other Committees

The Council will appoint the Committees set out in Part 3 of this Constitution to discharge the functions there described. Ad hoc Committees may be established at any time by the Council and decisions taken by them within their terms of reference will be effective, notwithstanding that Part 3 of this Constitution has not been updated to reflect their establishment."

Part 4 - Council Procedure Rule 5.3

- 3.3 Section 5 sets how 'Meetings of the Council and Other Bodies' will operate. Council Procedure Rule 5.3, in particular, deals with the frequency of Council Meetings and the format for business and Scrutiny style Council Meetings.
- 3.4 As the Annual Council Meeting decides the frequency of Council Meetings, it is proposed that the wording is changed to reflect this. The format of two general business meetings to one alternate 'scrutiny' style Council meeting does not reflect current practice. The Corporate Members Governance Group has been discussing options for the operation of Council Meetings and has agreed to remove the alternate scrutiny style meetings. It is suggested that reference to the alternate format is removed from the Council Procedure Rules. However, as work is continuing on how to build a scrutiny element into Council meetings and involve

the Scrutiny Management Committee in setting the agenda for this, a further amendment to the Council Procedure Rules could be brought to Council at a later date.

3.5 It is proposed that Council Procedure Rule 5.3 is amended to read:

“5.3 Ordinary meetings of the Council shall be held in the Town Hall at 2.00 p.m. on the first Wednesday in months to be determined at the Annual Council Meeting, or in particular circumstances, at such other dates and venues as may be determined by the Lord Mayor or the City Council.”

Part 4 - Council Procedure Rule 10.1

3.6 Section 10 deals with Notices of Motion. Council Procedure Rule 10.1 does not reflect current practice as the written Notices of Motion are not signed by the Member of the Council giving notice of the Motion. It is proposed that Council Procedure Rule 10.1 is amended by removing that reference and clarifying the deadline when there is a Bank Holiday:

“10 Notices of Motion to Council

10.1 Deadline for receipt of

Except for motions which can be moved without notice, as set out under Council Procedure Rule 11, written notice of every motion must be delivered to the Chief Executive not later than 12.00 noon on the Tuesday in the week prior to the next meeting of the Council or the day earlier where a Bank Holiday falls within the intervening period.”

4. Legal Implications

4.1 Except where delegated by Council (see paragraph 2.1 above), variations to the Constitution may only be made by Full Council.

5. Recommendations

5.1 That Council is recommended to approve the proposed changes to the following Parts of the Constitution:

(a) Part 2 - Article 8 (as set out in paragraph 3.2); and

(b) Part 4 - Council Procedure Rules 5.3 and 10.1 (as set out in paragraphs 3.5 and 3.6).

Lee Adams, Deputy Chief Executive

Appendix – Amended Sections of the Constitution

Part 2 - Article 8

“8.01 Regulatory and other Committees and ~~Sub-Committees~~

The Council will appoint the Committees set out in Part 3 of this Constitution to discharge the functions there described. Ad hoc Committees ~~and Sub-Committees~~ may be established at any time by the Council and decisions taken by them within their terms of reference will be effective, notwithstanding that Part 3 of this Constitution has not been updated to reflect their establishment.”

Part 4 - Council Procedure Rule 5.3

“Ordinary meetings of the Council shall be held in the Town Hall at 2.00 p.m. on the first Wednesday in ~~each months~~ **to be determined at the Annual Council Meeting** or, in particular circumstances, at such other dates and venues as may be determined by the Lord Mayor or the City Council. ~~Ordinary monthly Council meetings shall alternate between a general ‘business’ meeting format, with provision for Members’ Questions and Notices of Motion at such meetings, and a format under which Members’ Questions and Notices of Motion are replaced by a debate on a topic or topics chosen by a Scrutiny Committee and/or the Scrutiny Management Committee on a ratio of two general business meetings to one alternate ‘scrutiny’ style.~~”

Part 4 - Council Procedure Rule 10.1

10 Notices of Motion to Council

10.1 Deadline for receipt of

Except for motions which can be moved without notice, as set out under Council Procedure Rule 11, written notice of every motion, ~~signed by the member of the Council giving the notice,~~ must be delivered to the Chief Executive not later than 12.00 noon on the Tuesday in the week prior to the next meeting of the Council **or the day earlier where a Bank Holiday falls within the intervening period.**