



SHEFFIELD CITY COUNCIL Report to Council

Report of: Director of Legal and Governance (Monitoring Officer)

Date: 3rd March 2021

Subject: Proper Officer Designations Relating to the Functions of Returning Officer & Updated Leader's Scheme of Delegation

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Summary:

This report provides details of proposed changes to be made to Part 7 (Management Structure and Statutory/Proper Officers) of the Council's Constitution to transfer the functions of the Returning Officer for Local and Parliamentary elections from the Director of Policy, Performance and Communications to the Chief Executive.

The report also informs the Council that an updated Leader's Scheme of Delegation of Executive Functions has been approved by Councillor Bob Johnson following his recent appointment as Leader of the Council.

Recommendations:

That the Council (a) adopts the changes to Part 7 (Management Structure and Statutory/Proper Officers) of the Constitution, as set out in the report and Appendix A, which transfer the functions of the Returning Officer for Local and Parliamentary elections from the Director of Policy, Performance and Communications to the Chief Executive; and

(b) notes the approval of an updated Leader's Scheme of Delegation of Executive Functions, and the Leader's Notice of Appointment of Executive Members (attached as Appendix B).

Background Papers: Constitution of Sheffield City Council

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial & Commercial implications
NO – Cleared by Paul Schofield
Legal implications
YES – Cleared by Andrea Simpson
Equality of Opportunity implications
NO – Cleared by Adele Robinson
Tackling Health Inequalities implications
NO
Human Rights implications
NO
Environmental and Sustainability implications
NO
Economic impact
NO
Community Safety implications
NO
Human Resources implications
NO
Property implications
NO
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 be made to Part 7 (Management Structure and Statutory/Proper Officers) of the Council's Constitution to transfer the functions of the Returning Officer for Local and Parliamentary elections from the Director of Policy, Performance and Communications to the Chief Executive.
- 1.2 The report also informs the Council that an updated Leader's Scheme of Delegation of Executive Functions has been approved by Councillor Bob Johnson following his recent appointment as Leader of the Council.

2. Proper Officer Designations Relating to the Functions of Returning Officer – Changes to Part 7 of the Constitution – Management Structure and Statutory/Proper Officers

- 2.1 At its meeting held on 4th December 2019, the Council made an interim appointment to the post of Chief Executive. As part of those interim arrangements, approval was also given to several changes to the Proper Officer designations within Part 7 (Management Structure and Statutory/Proper Officers) of the Constitution, with effect from 1st January 2020, which included the transfer, from the Chief Executive to the Director of Policy, Performance and Communications, of the Proper Officer functions of the Returning Officer for Local and Parliamentary elections.
- 2.2 Now that a permanent Chief Executive is in post, it is proposed that the Proper Officer functions of the Returning Officer for Local and Parliamentary elections be transferred back to the Chief Executive and that this transfer is approved in time for the Chief Executive to be the Returning Officer for the forthcoming elections in May 2021.
- 2.3 The proposed changes to those Proper Officer designations within Part 7 of the Constitution are set out in Appendix A to this report (with the re-designations showing as tracked changes on pages 7 & 8). These changes to the Constitution are required to be made by Full Council.

3. Leader's Scheme of Delegation of Executive Functions

- 3.1 Section 1 (Arrangements for the Exercise of Executive Functions) of the Executive Procedure Rules within Part 4 of the Council's Constitution states that where the Leader of the Council amends the Scheme of Delegation of Executive Functions, a report be presented to a meeting of the Council as soon as practicable setting out the changes made by the Leader.

3.2 Following the appointment of a new Leader at the meeting of the Council held on 6th January 2021, a new Scheme of Delegation of Executive Functions has been made by the Leader (Councillor Bob Johnson). The Scheme is substantially the same as that operated by the former Leader, updated to reflect the appointment of the Leader and the Leader's appointment of Councillor Julie Grocutt as Cabinet Member for Transport and Highways.

3.3 The new Leader's Scheme of Delegation has been published on the Council's website and can be accessed at –
<https://democracy.sheffield.gov.uk/ecSDDisplayClassic.aspx?NAME=SD1261&ID=1261&RPID=3822718&sch=doc&cat=13170&path=13170>
The Leader's Notice of Appointment of Executive Members, is attached at Appendix B to this report.

4. Legal Implications

4.1 Variations to the Constitution may only be made by Full Council, except that 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.

4.2 Under section 9P of the Local Government Act 2000, the Council must prepare a constitution and keep it up to date. It must be available to the public and, under the Local Government Transparency Code 2015, be published on the Council's website. The proposed changes in this report will bring parts of the Constitution up to date to comply with the legislation.

5. Financial and Commercial Implications

5.1 There are no financial implications.

6. Equality of Opportunity Implications

6.1 There are no equalities implications.

7. Recommendations

7.1 That the Council:-

(a) adopts the changes to Part 7 (Management Structure and Statutory/Proper Officers) of the Constitution, as set out in the report and Appendix A, which transfer the functions of the Returning Officer for Local and Parliamentary elections from the Director of Policy, Performance and Communications to the Chief Executive; and

(b) notes the approval of an updated Leader's Scheme of Delegation of Executive Functions, and the Leader's Notice of Appointment of Executive Members (attached as Appendix B).

Gillian Duckworth
Director of Legal & Governance (and Monitoring Officer)