



SHEFFIELD CITY COUNCIL Report to Council

Report of: Director of Legal and Governance

Date: 6 October 2021

Subject: Updates to the Constitution

Author of Report: Jason Dietsch, Head of Democratic & Member Services

Summary:

This report provides details of changes to the Constitution as a result of the establishment of Local Area Committees, Transitional Committees and the Governance Committee, and changes to the number and remits of Scrutiny and Policy Development Committees, in this municipal year.

Recommendations:

That the Council approves the amendments to Part 3 (Responsibility For Functions) and Part 4 (Rules of Procedure) of the Constitution made by the Director of Legal and Governance by the insertion of Committee Terms of Reference and Procedure Rules attached to this report as Appendices:

Appendix A: Area Committee Terms of Reference

Appendix B: Governance Committee Terms of Reference

Appendix C: Overview and Scrutiny and Policy Development Committees Terms of Reference

Appendix D: Transitional Committees Terms of Reference

Appendix E: Area Committee Procedure Rules

Background Papers: NONE

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
No Cleared by:
Legal Implications
YES Cleared by: Andrea Simpson
Equality of Opportunity Implications
NO Cleared by:
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
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

1. Introduction

- 1.1 This report provides details of changes to the Constitution as a result of resolutions made by the Council in respect of the establishment of Local Area Committees, Transitional Committees and the Governance Committee, and changes to the number and remits of Scrutiny and Policy Development Committees, in this municipal year.

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 At its Extraordinary Meeting on 18 March 2021 the Council established Local Area Committees and resolved:

That this Council: (a) approves the establishment of seven Local Area Committees and approves the draft Area Committee Terms of Reference and Area Committee Procedure Rules attached to this report at Appendix 1 and 2 as changes to the Constitution, together with any minor consequential amendments, to take effect from the Annual Meeting of the Council.

- 3.2 At the Annual Meeting on 19 May, four Transitional Committees were established, the number of Scrutiny and Policy Development Committees reduced from five to three, and the names and composition of the Local Area Committees were approved. It was resolved that Council:

(c)(i) agrees that the terms of reference of Council Committees in the Municipal Year 2021/22 be as currently set out in the Council's Constitution, subject to (A) the amendment of the terms of reference/remits of the Scrutiny and Policy Development Committees to reflect the changes now made to the number of those Committees, (B) the addition of the draft terms of reference for the Transitional Committees set out in the note circulated at the meeting, and (C) the inclusion of the terms of reference for the Local Area Committees which were approved at the Extraordinary Council meeting on 18th March 2021, and (ii) requests the Director of Legal and Governance to amend Part 3 of the Constitution (Responsibility For Functions) to reflect these changes to the terms of reference of the Committees, and to make any minor consequential amendments that may be necessary

(d) approves the names and composition of the Local Area Committees, in accordance with the details circulated at the meeting and requests the Director of Legal and Governance to amend the Area Committee

Procedure Rules in the Constitution to incorporate the names and composition of the Committees, and to make any minor consequential amendments that may be necessary;

3.3 At the Council meeting on 16 June, proposals for the operation of the Transitional Committees, and the theme areas for each of them, were approved, and the Governance Committee was established as a politically proportionate member steering group to guide the transition to a committee system of governance and to set the parameters for stakeholder engagement. It was resolved that Council:

(c) Requests the Director of Legal and Governance to amend Part 3 of the Constitution (Responsibility for Functions) by updating the Transitional Committee Terms of Reference to reflect their areas of responsibility, adding Terms of Reference for the Governance Committee once agreed by the Committee and to make any minor consequential amendments that may be necessary.

3.4 At its meeting on 20 September the Governance Committee approved its draft Terms of Reference.

3.5 The Director of Legal and Governance has made the requested changes. The final versions of the various Committee Terms of Reference and Area Committee Procedure Rules are attached as Appendices to this report as listed below at paragraph 3.6. The Council is asked to approve their inclusion in Part 3 (Responsibility For Functions), at Section 3.3.5, and Part 4 (Rules of Procedure) of the Constitution.

3.6 Part 3 - Responsibility For Functions
Appendix A: Area Committee Terms of Reference
Appendix B: Governance Committee Terms of Reference
Appendix C: Overview and Scrutiny and Policy Development Committees Terms of Reference
Appendix D: Transitional Committees Terms of Reference

Part 4 – Rules of Procedure
Appendix E: Area Committee Procedure Rules

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

4.1.1 There are no equalities implications.

4.2 Financial and Commercial Implications

4.2.1 There are no financial or commercial implications.

4.3 Legal Implications

4.3.1 Except where delegated by Council as indicated at paragraph 2.2,

variations to the Constitution may only be made by Full Council.

- 4.3.2 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.

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