



## SHEFFIELD CITY COUNCIL Report to Council

---

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

---

**Date:** 18<sup>th</sup> May 2022

---

**Subject:** Sheffield City Council Constitution

---

**Author of Report:** Jason Dietsch, Head of Democratic & Member Services  
Tel: 0114 2734117 Email: [jason.dietsch@sheffield.gov.uk](mailto:jason.dietsch@sheffield.gov.uk)

---

### Summary:

This report contains an updated Constitution for the City Council, reflecting the new committee system of governance to be operated by the Council from the Municipal Year 2022-23.

---

### Recommendations:

That the Council:-

(a) re-affirms the various elements of a committee system of governance which were approved at the extraordinary meeting of the Council held on 23<sup>rd</sup> March 2022, for implementation from this annual meeting of the Council; and

(b) (i) approves, for implementation with immediate effect, the full Constitution for Sheffield City Council, appended to this report, which has been revised to reflect the new committee system of governance and (ii) authorises the Director of Legal and Governance to undertake any minor and consequential drafting changes as may be necessary as the new system is embedded.

---

### Background Papers:

1. Constitution of Sheffield City Council
2. Committee System Structure – Report submitted to the extraordinary meeting of the Council on 23<sup>rd</sup> March 2022

---

**Category of Report:** OPEN

## Statutory and Council Policy Checklist

<b>Financial &amp; Commercial implications</b>
NO – Cleared by Kayleigh Inman
<b>Legal implications</b>
YES – Cleared by Andrea Simpson
<b>Equality of Opportunity implications</b>
NO
<b>Tackling Health Inequalities implications</b>
NO
<b>Human Rights implications</b>
NO
<b>Environmental and Sustainability implications</b>
NO
<b>Economic impact</b>
NO
<b>Community Safety implications</b>
NO
<b>Human Resources implications</b>
NO
<b>Property implications</b>
NO
<b>Area(s) affected</b>
None
<b>Is the item a matter which is reserved for approval by the City Council?</b>
Yes
<b>Press release</b>
NO

# **SHEFFIELD CITY COUNCIL CONSTITUTION**

## **1. Introduction**

- 1.1 This report seeks approval of an updated Constitution for the City Council, reflecting the new committee system of governance to be operated by the Council from the Municipal Year 2022-23.

## **2. Background**

- 2.1 The Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, whilst others are a matter for the Council to choose. The Constitution contains 17 Articles in Part 2, which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols contained within the other parts of the Constitution.
- 2.2 To ensure that the Constitution is kept up to date, where changes are required these are submitted to Full Council for approval.
- 2.3 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.
- 2.4 At the extraordinary meeting of the Council held on 23<sup>rd</sup> March 2022, when approving the new committee system of governance for Sheffield City Council, the Council also approved certain elements of a revised constitution, to take effect from this annual meeting of the Council, and requested the Director of Legal and Governance to submit the full Constitution for approval at this annual meeting.

## **3. The Revised Constitution**

- 3.1 The Constitution has been updated to reflect the new committee system of governance to be operated by the Council from the Municipal Year 2022-23. The full updated Constitution is attached as an appendix to this report.
- 3.2 Some elements of the Constitution are new (for example, a new Article 7 – Policy Committees) and some elements have undergone revisions in the light of the new governance arrangements for the Council (for example, the Council Procedure Rules in Part 4). Remaining elements have had light touch updates, where necessary, to remove executive and scrutiny and check legislative references, but have not been substantively amended.
- 3.3 Set out below are details of the component Parts of the Constitution, with an indication of the new and revised elements.

### **Part 1 - Summary and Explanation (revised)**

**Part 2 - Articles of the Constitution.** The Articles explain the rights of citizens and how the key parts of the Council operate. These are:-

- The Constitution (Article 1)
- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Full Council (Article 4)
- Chairing the Council (Article 5)
- The Leader, Deputy Leader and Group Leaders (Article 6) (**revised**)
- Policy Committees (Article 7) (**new**)
- Regulatory and Other Council Committees (Article 8)
- The Audit and Standards Committee (Article 9)
- Health and Wellbeing Board (Article 10)
- Area Committees (Article 11)
- Joint Arrangements (Article 12)
- Officers (Article 13)
- Decision Making (Article 14) (**revised**)
- Finance, Contracts and Legal Matters (Article 15)
- Review and Revision of the Constitution (Article 16)
- Suspension, Interpretation and Publication of the Constitution (Article 17)

**Part 3 - Responsibility For Functions.** This Part sets out who is responsible for making what decisions, including remits of Committees and arrangements for delegation to officers. There are 5 parts, **all of which have been revised**, and they are:-

- Part 3.1 - Introduction
- Part 3.2 – Functions Reserved to Full Council
- Part 3.3 – Matters Delegated to Committees
- Part 3.4 – Joint Arrangements
- Part 3.5 – Arrangements for the Delegation of Functions to Officers

**Part 4 - Rules Of Procedure.** This Part details the framework for the administrative and procedural conduct of the Council and its committees. There are seven Rules of Procedure and they are:-

- Council Procedure Rules (**revised**)
- Contracts Standing Orders (**revised**)
- Access to Information Procedure Rules (**revised**)
- Budget & Policy Framework Procedure Rules (**revised**)
- Financial Procedure Rules (Financial Regulations) (**revised**)
- Officer Employment Procedure Rules
- Area Committee Procedure Rules

**Part 5 - Codes & Protocols.** This Part comprises a number of codes and protocols which councillors and employees of the Council should comply with, including Codes of Conduct for Members and Officers, Protocols for Member/Officer Relations and Sharing the Committee Chair role, and some guidance on the Council's practices. There are ten Codes and Protocols and they are:-

- Members' Code of Conduct
- Monitoring Officer Protocol
- Officers' Code of Conduct
- Protocol for Member/Officer Relations (**revised**)
- Code of Conduct In Relation to Planning Matters
- Guidance Note on General Procedures at Planning & Highways Committee Meetings
- Guidance Note to Chairs on Disruption of Committees by Members of the Public
- Committee Chair Job-Share Protocol (**new**)
- Protocol for the Use of the Coat of Arms (**new**)
- Petition Scheme (**new**)

**Part 6 - Members' Allowances Scheme.** A **revised Members' Allowances Scheme** is to be approved under a separate item of business on the agenda for this Annual Meeting of the Council, and the new Scheme will be incorporated in the Constitution.

**Part 7 - Statutory/Proper Officers and Management Structure.** **These two documents have been revised** to reflect the current management structure in the Council and current job titles.

- 3.4 Council Procedure Rule 5.2, at Part 4, sets out the business to be conducted at the annual meeting of the Council and has been revised to enable the Council to make the necessary arrangements for a committee system of governance.
- 3.5 The Statutory and Proper Officer lists at Part 7A include an amendment to the designated Section 151 Officer, from the Executive Director, Resources to the Director of Finance and Commercial Services, which is also reflected in Article 13, Part 3.5 and the Officer Employment Procedure Rules in Part 4. The arrangements for deputising for the Chief Finance Officer (s151 officer) are described in the Financial Procedure Rules (Financial Regulations) in Part 4. The change is due to the fact that the Executive Director, Resources is currently acting as Interim Chief Executive.

#### 4. **Legal Implications**

- 4.1 Except where delegated by Council as indicated at paragraph 2.3, variations to the Constitution may only be made by Full Council.

- 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 and reflect the new committee system of governance to be operated by the Council from the Municipal Year 2022-23.
- 4.3 Section 9P(2) requires the constitution of a committee system local authority to contain a statement as to whether the authority has resolved to have an overview and scrutiny committee under section 9JA of the Act. The Council resolved not to have such a committee when approving the recommendations of the Governance Committee at the extraordinary meeting on 23<sup>rd</sup> March 2022. The required statement is made in Article 7 of the Constitution.

## 5. **Financial and Commercial Implications**

- 5.1 There are no financial implications.

## 6. **Equality of Opportunity Implications**

- 6.1 There are no equalities implications.

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