

SHEFFIELD CITY COUNCIL

ANNUAL COUNCIL MEETING – 18TH MAY, 2022

ITEM 7 – SHEFFIELD CITY COUNCIL CONSTITUTION

Motion to be moved by Councillor Julie Grocutt, seconded by Councillor Dianne Hurst

That, as recommended in the report of the Director of Legal and Governance, this 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 23rd March 2022, for implementation from this annual meeting of the Council;

(b) approves, for implementation with immediate effect, the full Constitution for Sheffield City Council, appended to the report, which has been revised to reflect the new committee system of governance, subject to the amendment of Part 3.3.1 (Policy Committees - Matters Reserved to All Policy Committees), as set out in the attached "Addendum A", relating to commissioning and procurement; and

(c) 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.

Amendment to be moved by Councillor Joe Otten, seconded by Councillor Sue Alston

That the motion now submitted be amended by the addition of the following words at the end of paragraph (b):-

"and also subject to the insertion of the words ", and to ensure an odd number of Members" after the words and such other Members as are necessary for political proportionality", in the first paragraph under the heading "STRATEGY AND RESOURCES POLICY COMMITTEE" in Part 3.3 of the Constitution".

(NB The revised paragraph would read as follows - "The Leader of the Council is the Chair of the Committee. Membership includes the Chairs of each of the Council's other Policy Committees, the Chair of the Finance Sub-Committee, and such other Members as are necessary for political proportionality, **and to ensure an odd number of Members**. Members of the Committee may not nominate substitute members.

Addendum A

In Part 3.3 at 3.3.1 (POLICY COMMITTEES - Matters Reserved to All Policy Committees) the paragraphs under the heading “Contracts” be amended as set out below:

Contracts

Agreeing the commission or purchasing decision and the budget on any given requirement is reserved to a Policy Committee except where the proposed course of action is a contract which:-

- is within available budget (including any proper virement) and does not, in the opinion of either the Chief Finance Officer, significantly affect the Council’s overall budget strategy;
- is not contrary to any duly approved policy of the Council;
- is not a significant departure from a relevant Council Service Plan;
- has with a service delivery period of 4 years or less; and
- (a) has (or, is expected to have) a Contract Value which does not exceed £250,000 or (b) is for Commonly Recurring Items.

‘Commonly Recurring Items’ means (a) those things which the Council routinely purchases to enable the continuation of its day to day business activities (such as for example office supplies, fuel, utilities, IT support, travel and transport services, maintenance supplies and protective clothing); and (b) services purchased by the Council for which there is a constant need and where a break in provision could lead to the Council incurring a legal liability for breach of duty (such as for example adult social care services); but it does not simply mean any thing or service of a kind which has been purchased by the Council, whether from the same or a different supplier, by way of a previous Contract’.

After a Policy Committee has made a reserved commissioning or purchasing~~that~~ decision, procurement and contracting decisions are reserved to Committee only if:

- It is proposed that the contract is not awarded to the person submitting the most economically advantageous tender decided by reference to pre-determined award criteria, where payment is to be made by the Council, or the highest, where payment is to be received by the Council, unless the decision maker has decided on a single tender procurement strategy for the contract; or
- The contract is not within ~~available~~ the approved budget (including any proper virement) ~~in accordance with the Financial Framework;~~ or
- Award of the contract would contravene a Council policy; or
- Award of the contract would represent a significant departure from a relevant Council Service Plan.
- A variation of an existing contract results in:
 - An increase in contract value of more than £250,000;
 - An increase in service delivery period of more than four years;
 - A significant effect on Council’s overall budget strategy; or
 - It is not within the available budget, contravenes policy or is a significant departure from a service plan.

Addendum A

- There are any additional procurement requirements imposed by an external funder which require consideration by the Committee

This page is intentionally left blank