



SHEFFIELD CITY COUNCIL Report to Council

Report of: Director of Legal and Governance

Date: 2 March 2022

Subject: Procedures for the Extraordinary Meeting of Full Council on 23 March 2022

Author of Report: Alexander Polak, Assistant Director (Governance)

Summary:

This report seeks approval for a temporary change to be made to the Council Procedure Rules in Part 4 of the Council's Constitution, to stipulate a process for handling amendments submitted by each political group for consideration at the Special Meeting of the Council to be held on 23rd March 2022.

Recommendations:

That the Council approves the addition to Section 12 (Amendments to Motions) of the Council Procedure Rules in Part 4 (Rules of Procedure) of the Constitution, as set out in the appendix to this report

Background Papers: NONE

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
NO Cleared by:
Legal Implications
NO Cleared by:
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 To ensure an efficient and effective process for agreeing the governance arrangements for the Council's operation under a committee system of governance from the date of the AGM in May 2022, approval is sought for a temporary change to be made to the Council Procedure Rules contained in Part 4 of the Council's Constitution, to stipulate that no more than one amendment may be submitted by each political group for consideration at the Special Meeting of the Council to be held on 23 March 2022.

2. Proposed Change and Reasons

- 2.1 The cross-party Governance Committee has been working since July 2021 to develop the proposals which are to be referred to Full Council on 23 March 2022. The Governance Committee resolved unanimously at its meeting on 25 January 2022:

1. *That the requirement for an Extraordinary Council Meeting on 23 March for the purpose of agreeing the revised Constitution be noted; and*

That the requirement for Council to suspend or adjust aspects of its standing orders for its 23 March meeting in order to effectively handle this business be noted.

- 2.2 It is proposed that a new paragraph 12.6 is temporarily added to the Council Procedure Rules as follows:-

12.6 For the purposes of the Special Meeting of the Council scheduled to take place on 23 March 2022, and in relation to the item of business to approve new governance arrangements, each political Group may propose one amended set of governance arrangements and for the avoidance of doubt this also applies to the political party holding one seat on the Council. Voting in parts on these amendments shall not be permitted.

The appendix to this report is the extract of Section 12 of the Council Procedure Rules, and shows this additional paragraph as a tracked change.

- 2.3 The proposal is that the process for this meeting should follow the precedent established for special meetings of the Council at which the budget is agreed for the financial year ahead. This is because the decision shares some similar factors and risks:
- The aspects of the governance system (and constitutional changes) to be described by the report to Full Council on 23 March are designed to hang together as a coherent whole, following months of work by a committee of this Council.
 - Changes to one part of the system cannot necessarily be made without adjusting various other aspects, if the whole is to remain

functional.

- Changes to the Council's governance arrangements (including its constitution) should only be made in light of legal advice and within the oversight of the Council's Monitoring Officer.
- Given the technical nature of the subject matter, it is important that amendments can be worked up with the support of professional officers so that what comes forward, if agreed as an amendment, would describe an internally consistent and lawful system.

- 2.4 The process proposed, which is normally used for Special Meetings of the Council to agree the budget, was originally borne out of the practicality of having to deliver a lawful balanced budget within the space of a meeting. The convention is for officers to work with each group to provide them with an alternative budget that they can propose as an amendment to the one approved by the Co-operative Executive. Each of the proposed amendments can only be voted on as a whole amendment to ensure the Council has a workable balanced budget at the end of the meeting. This has worked successfully to deliver certainty around the process for a number of years, and this year Members have agreed to prescribe it in the Council Procedure Rules within the Constitution.
- 2.5 This municipal year, the Council is operating under a position of no overall control. Although the Labour and Green Groups have entered into a Co-operation Agreement to form the Council's Executive, this does not mean that those two groups will always vote together at the full Council meetings. This position, combined with any suggestion that multiple amendments be permitted to be submitted by each political group, could lead to complications in ensuring an effective and lawful governance system was agreed, if different combinations of amendments were voted through at the Council meeting.
- 2.6 It is therefore proposed that in relation to the meeting on 23 March, multiple amendments from each political group are not permitted and that the practice applied for Budget Councils should also apply, whereby each political group submits just one amendment proposing an alternative system to the one proposed by the Governance Committee. Similar to the budget process, officers will support each Group with its amendment to ensure it is lawful and internally consistent.
- 2.7 In order to give certainty to the arrangements it is proposed to make a temporary addition to the Council Procedure Rules to give effect to this.

Extract From The Sheffield City Council Constitution:
Part 4 – Council Procedure Rules

12 Amendments to Motions

12.1 Subject to the provisions of Council Procedure Rules 11, 13 and 17.13, every amendment shall be submitted in writing to the Chief Executive (except for an amendment to any motion not detailed in the Council Summons), by not later than 12 noon on the day preceding the Council Meeting to which it is proposed to be submitted.

12.2 An amendment to a motion must be relevant to the motion and will either be:-

- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration.
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; and
- (iv) to insert or add words, as long as the effect of (ii) to (iv) is not to negate the motion such that it departs from the subject of the motion.

12.3 The Chief Executive may reject an amendment if it:-

- (a) negates the motion such that it departs from the subject of the motion;
- (b) is not a matter for which the Council has a responsibility or which affects the City or its inhabitants;
- (c) is defamatory, frivolous or offensive;
- (d) is substantially the same as a motion or amendment which has been put at a meeting of the Council in the past six months, unless Council Procedure Rule 10.4 has been complied with;
- (e) requires the disclosure of confidential or exempt information; or
- (f) contains information which is factually inaccurate.

12.4 Each amendment shall be numbered and include the names of the Members who propose to move and second the amendment at the meeting, and a copy shall be placed on each Member's desk in the Council Chamber before the commencement of the Council Meeting.

12.5 The names of the mover and the seconder of any motion or amendment may be changed at any time prior to its being spoken upon.

12.6 For the purposes of the Special Meeting of the Council scheduled to take place on 23 March 2022, and in relation to the item of business to approve new governance arrangements, each political Group may propose one amended set of governance arrangements and for the avoidance of doubt this also applies to the political party holding one seat on the Council. Voting in parts on these amendments shall not be permitted.

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