



## Report to Council

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**Report of:** Chief Executive

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**Date:** 4 September 2013

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**Subject:** Changes to the Constitution

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**Author of Report:** Dave Ross – Democratic Services  
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### Summary:

This report provides details of:-

- proposed changes to the Constitution
  - minor/consequential changes to the Constitution approved by the Director of Legal and Governance under delegated authority.
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### Recommendations:

That the Council:-

- (a) considers adopting the changes to the following Parts of the Constitution, as set out in the report and appendices:-
  - (i) Part 2 - Article 9
  - (ii) Part 3 – Responsibility for Functions
  - (iii) Part 4 – Council Procedure Rules
  - (iii) Part 4 - Access to Information Procedure Rules
  - (iv) Part 5 - Officers 'Code of Conduct
  - (v) Part 5 - Guidance Note on General Procedures at Planning and Highways Committee
  - (vi) Part 5 - Protocols for the South Yorkshire Health Scrutiny Joint Committee and Yorkshire and Humber Councils' Joint Health Scrutiny Committee

- (vii) Part 7 – Management Structure and Proper Officers; and
  - (b) notes the minor/consequential changes to the Constitution made by the Director of Legal and Governance, in consultation with the Lord Mayor, under delegated authority, outlined at paragraph 4 of the report.
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**Background Papers:**

None

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**Category of Report:** OPEN

## Statutory and Council Policy Checklist

<b>Financial implications</b>
NO
<b>Legal implications</b>
YES
<b>Equality of Opportunity implications</b>
NO
<b>Tackling Health Inequalities implications</b>
N/A
<b>Human rights implications</b>
N/A
<b>Environmental and Sustainability implications</b>
N/A
<b>Economic impact</b>
N/A
<b>Community safety implications</b>
N/A
<b>Human resources implications</b>
N/A
<b>Property implications</b>
N/A
<b>Area(s) affected</b>
None
<b>Relevant Cabinet Portfolio Leader</b>
Cllr Julie Dore
<b>Relevant Scrutiny Committee if decision called in</b>
Not applicable
<b>Is the item a matter which is reserved for approval by the City Council?</b>
Yes
<b>Press release</b>
NO

**1. Introduction**

- 1.1 This report provides details of proposed changes to the Council's Constitution and minor/consequential changes approved by the Director of Legal and Governance approved under delegated authority.

**2. Background**

- 2.1 To ensure that the Constitution is kept up to date, there is a regular review process and, where changes are required, these are submitted to Full Council for approval. Changes were last approved by Full Council in June 2013.
- 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. A number of changes were approved in June 2013 and further details are set out at paragraph 4.

**3. Proposed Changes and Reasons**

- 3.1 Following the latest review, a number of changes are proposed to the Constitution and areas of significant change have been discussed with the Corporate Members' Group. The majority of changes are relatively minor.
- 3.2 Part 4 - Access to Information Procedure Rules and Council Procedure Rules (Recording of Meetings)
- 3.2.1 The Corporate Members' Group has reviewed Sheffield City Council's arrangements for permitting recording of the Authority's meetings. This review was announced by the Lord Mayor at the July Council meeting. As a result, it is proposed to amend paragraph 3.3 of Access To Information Procedure Rules and paragraph 21 of Council Procedure Rules, both located in Part 4 of the Constitution (Rules of Procedure), to clarify the arrangements by which recording of the Authority's meetings will be facilitated under the direction of the Chairs of the meetings. The changes to the Procedural Rules are set out in Appendix A.
- 3.2.2 Further to the steer given by the Corporate Members' Group, the Monitoring Officer will shortly issue operating protocols and guidance in relation to recording of the proceedings of meetings and the publication of recorded material, and these will be communicated to all Members of the Council and published on the Council's website, as appropriate.

### 3.3 Part 2 - Article 9 (Standards Committee)

- 3.3.1 Following discussion by members of the Standards Committee and at the Corporate Members' Group, it is proposed to make minor amendments to the membership of the Committee. It is suggested that to assist with the operation of the Committee, a pool of 4 Substitute Members is established comprising 2 Labour and 2 Liberal Democrat Members. To ensure that the Substitute Member has sufficient time to prepare for the meeting, it is suggested that the Chief Executive must be notified in writing of the substitution at least one full working day before the day of the Committee.
- 3.3.2 It also proposed that one of the Co-opted members should be present at meetings of the Committee and, where a Parish or Town Council matter is being considered, a representative of one of those Councils should also be present. The changes to Article 9 are set out at Appendix B.

### 3.4 Part 3 - Senior Officer Employment Committee

- 3.4.1 It is proposed to amend the Terms of Reference of the Senior Officer Employment Committee to clarify the role relating to the appointment of officers who report directly to the Chief Executive or an Executive Director for all or most of their duties. The change is set out at Appendix C.

### 3.5 Part 4 - Access to Information Procedure Rules

- 3.5.1 A minor change is proposed to Access for Information Procedure Rule 15 (Special Urgency for Taking a Key Decision) to clarify that a key decision taken under that Rule would be exempt from call-in. The change is set out at Appendix D.

### 3.6 Part 5 - Officers 'Code of Conduct (Whistleblowing Policy)

- 3.6.1 The list of Whistleblowing Contact Officers and Coordinators in the Whistleblowing Policy (Appendix D to the Officer's Code of Conduct) has been updated and also includes details of Contact Advisors. The changes are set out at Appendix E.

### 3.7 Part 5 - Guidance Note on General Procedures at Planning and Highways Committee

- 3.7.1 The Guidance Note has been updated to reflect the move to one Planning and Highways Committee in May 2013. The changes are set out at Appendix F.

### 3.8 Part 5 - Protocols for the South Yorkshire Health Scrutiny Joint Committee and Yorkshire and Humber Councils' Joint Health Scrutiny Committee

- 3.8.1 There are two references to the former 'prejudicial interests' in the Health Scrutiny Protocols and these have been replaced with reference to 'Disclosable Pecuniary Interests' that were introduced in July 2012. The changes are set out at Appendix G.

### 3.9 Part 7 – Management Structure and Proper Officers

3.9.1 The Management Structure has been updated to reflect the current responsibilities for the Chief Executive and Executive Directors. The list of Proper Officers has been updated to reflect changes to a small number of responsible officers, a change in a post title and the addition of the Head of Governance and Involvement as the Lead Scrutiny Officer. The changes are set out at Appendix H.

### 4. **Minor/Consequential Changes to the Constitution**

4.1 The Director of Legal and Governance has delegated authority, in consultation with the Lord Mayor, to make any minor and consequential drafting changes to the Constitution and is required to report details of any such changes to Council. Changes to the following parts of the Constitution were approved in June 2013:-.

- Council Procedure Rule 25 and Part B Miscellaneous Matters
- Protocol for Member/Officer Relations
- Scrutiny Procedure Rules
- Members' Allowances Scheme

4.2 All Councillors were previously informed of these changes that are set out at Appendix I.

### 5. **Legal Implications**

5.1 Except where delegated by Council (see paragraph 2.2 above), variations to the Constitution may only be made by Full Council.

### 6. **Financial Implications**

6.1 There are no financial implications.

### 7. **Recommendations**

7.1 That the Council:-

- (a) considers adopting the changes to the following Parts of the Constitution, as set out in the report and appendices:-
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- (vi) Part 5 - Protocols for the South Yorkshire Health Scrutiny Joint Committee and Yorkshire and Humber Councils' Joint Health Scrutiny Committee
- (vii) Part 7 – Management Structure and Proper Officers; and
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**Chief Executive**

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