



Council (Annual Meeting)

Wednesday 15 May 2019

11.30 am

**Council Chamber, Town Hall,
Pinstone Street, Sheffield, S1 2HH**

The Press and Public are Welcome to Attend

COUNCIL

Wednesday 15 May 2019, at 11.30 am
Council Chamber, Town Hall, Pinstone Street, Sheffield, S1 2HH

The Press and Public are Welcome to Attend

MEMBERS OF THE COUNCIL

THE LORD MAYOR (Councillor Magid Magid)
THE DEPUTY LORD MAYOR (Councillor Tony Downing)

1	<i>Beauchief & Greenhill Ward</i> Simon Clement-Jones Bob Pullin Richard Shaw	10	<i>East Ecclesfield Ward</i> Andy Bainbridge Vic Bowden Moya O'Rourke	19	<i>Nether Edge & Sharrow Ward</i> Peter Garbutt Jim Steinke Alison Teal
2	<i>Beighton Ward</i> Bob McCann Chris Rosling-Josephs Sophie Wilson	11	<i>Ecclesall Ward</i> Roger Davison Barbara Masters Shaffaq Mohammed	20	<i>Park & Arbourthorne Ward</i> Julie Dore Ben Miskell Jack Scott
3	<i>Birley Ward</i> Denise Fox Bryan Lodge Karen McGowan	12	<i>Firth Park Ward</i> Abdul Khayum Alan Law Abtisam Mohamed	21	<i>Richmond Ward</i> Mike Drabble Dianne Hurst Peter Rippon
4	<i>Broomhill & Sharrow Vale Ward</i> Angela Argenzio Michelle Cook Kaltum Rivers	13	<i>Fulwood Ward</i> Sue Alston Andrew Sangar Cliff Woodcraft	22	<i>Shiregreen & Brightside Ward</i> Dawn Dale Peter Price Garry Weatherall
5	<i>Burngreave Ward</i> Jackie Drayton Talib Hussain Mark Jones	14	<i>Gleadless Valley Ward</i> Lewis Dagnall Cate McDonald Paul Turpin	23	<i>Southey Ward</i> Mike Chaplin Tony Damms Jayne Dunn
6	<i>City Ward</i> Douglas Johnson Ruth Mersereau Martin Phipps	15	<i>Graves Park Ward</i> Ian Auckland Sue Auckland Steve Ayris	24	<i>Stannington Ward</i> David Baker Penny Baker Vickie Priestley
7	<i>Crookes & Crosspool Ward</i> Tim Huggan Mohammed Mahroof Anne Murphy	16	<i>Hillsborough Ward</i> Bob Johnson George Lindars-Hammond Josie Paszek	25	<i>Stocksbridge & Upper Don Ward</i> Jack Clarkson Julie Grocutt Francyne Johnson
8	<i>Darnall Ward</i> Mazher Iqbal Mary Lea Zahira Naz	17	<i>Manor Castle Ward</i> Terry Fox Pat Midgley Sioned-Mair Richards	26	<i>Walkley Ward</i> Olivia Blake Ben Curran Neale Gibson
9	<i>Dore & Totley Ward</i> Joe Otten Colin Ross Martin Smith	18	<i>Mosborough Ward</i> Tony Downing Kevin Oxley Gail Smith	27	<i>West Ecclesfield Ward</i> Alan Hooper Adam Hurst Mike Levery
				28	<i>Woodhouse Ward</i> Mick Rooney Jackie Satur Paul Wood

John Mothersole

Chief Executive

Contact:

Paul Robinson, Democratic Services

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PUBLIC ACCESS TO THE MEETING

The Council is composed of 84 Councillors with one-third elected three years in four. Councillors are democratically accountable to the residents of their Ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them

All Councillors meet together as the Council. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader and at its Annual Meeting will appoint Councillors to serve on its Committees. It also appoints representatives to serve on joint bodies and external organisations.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday. You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

Members of the public have the right to ask questions or submit petitions to Council meetings and recording is allowed under the direction of the Chair. Please see the website or contact Democratic Services for further information regarding public questions and petitions and details of the Council's protocol on audio/visual recording and photography at council meetings.

Council meetings are normally open to the public but sometimes the Council may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last. If you would like to attend the meeting please report to the First Point Reception desk where you will be directed to the meeting room.

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**COUNCIL AGENDA
15 MAY 2019**

Order of Business

- 1. APOLOGIES FOR ABSENCE**
- 2. TO ELECT A LORD MAYOR FOR THE MUNICIPAL YEAR 2019-20**
- 3. TO MOVE A VOTE OF THANKS TO THE RETIRING LORD MAYOR**
- 4. TO ELECT A DEPUTY LORD MAYOR FOR THE MUNICIPAL YEAR 2019-20**

(NB The meeting will adjourn following the appointment of the Deputy Lord Mayor and reconvene at 2.00 p.m.)

- 5. TO APPOINT A LEADER OF THE COUNCIL FOR THE MUNICIPAL YEAR 2019-20**
- 6. TO RECEIVE NOTIFICATION OF CABINET & CABINET ADVISER APPOINTMENTS, THE LEADER'S SCHEME OF DELEGATION FOR THE DISCHARGE OF EXECUTIVE FUNCTIONS, AND SHADOW CABINET APPOINTMENTS FOR THE MUNICIPAL YEAR 2019-20**

Report of the Chief Executive outlining the constitutional requirements regarding the discharge of Executive functions.

- 7. ESTABLISHMENT OF COUNCIL COMMITTEES FOR THE MUNICIPAL YEAR 2019-20 AND APPOINTMENT OF MEMBERS TO SERVE ON THOSE COMMITTEES**

Report of the Chief Executive outlining the legal requirements to allocate seats on Council Committees to political groups on a politically proportionate basis.

- 8. APPOINTMENTS TO COUNCIL PANELS, GROUPS ETC AND TO EXTERNAL BODIES FOR 2019-20**

To approve appointments in accordance with details to be circulated at the meeting.

9. ARRANGEMENTS FOR COUNCIL MEETINGS IN THE MUNICIPAL YEAR 2019-20

To agree a programme of meetings of the Council in the Municipal Year 2019-20 and the formula for the order in which Notices of Motion will be listed on the Council Summons.

Chief Executive

Dated this 7 day of May 2019

The next ordinary meeting of the Council will be held on 12 June 2019 at the Town Hall

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SHEFFIELD CITY COUNCIL Report to Council

Report of: Chief Executive

Date: 15th May 2019

Subject: Notification of Cabinet, Cabinet Adviser and Shadow Cabinet Appointments for the Municipal Year 2019-20, and the Leader's Scheme of Delegation for the Discharge of Executive Functions

Author of Report: Jason Dietsch, Head of Democratic & Member Services
0114 2734117

Summary:

This report outlines the constitutional requirements for the appointment of a Leader of the Council and notification of arrangements for the discharge of Executive functions.

Recommendations:

That the Council:-

- (1) Receives, notes and approves where relevant, the Leader's notification of:-
 - (i) appointment of a Deputy Leader and Cabinet Members, including their portfolio areas of responsibility;
 - (ii) appointment of advisors to the Cabinet;
 - (iii) appointment of Cabinet Members to serve on the Cabinet Highways Committee, including substitutes; and
 - (iv) the scheme of delegation for the discharge of Executive functions(all to be circulated in a schedule presented at the meeting).
- (2) Notes the main opposition group's notification of the Leader of the Opposition and approves the appointment of Shadow Cabinet Members (to be circulated in a schedule presented at the meeting).

Background Papers: Constitution of Sheffield City Council

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial implications
YES – Cleared by Paul Schofield
Legal implications
YES – Cleared by Nadine Wynter
Equality of Opportunity implications
NO – Cleared by Diane Owens
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
None
Relevant Scrutiny Committee if decision called in
N/A
Is the item a matter which is reserved for approval by the City Council?
Yes
Press release
NO

Notification of Cabinet, Cabinet Adviser and Shadow Cabinet Appointments for the Municipal Year 2019-20, and the Leader's Scheme of Delegation for the Discharge of Executive Functions

1. INTRODUCTION

- 1.1 This report outlines the constitutional requirements for the appointment of a Leader of the Council and notification of arrangements for the discharge of Executive functions, as set out in Chapter 2 of the Local Government Act 2000.

2. THE ESTABLISHMENT OF THE EXECUTIVE

- 2.1 Under the Constitution, the Council at its Annual Meeting is required to appoint a Leader to hold office until the next Annual Meeting (and it will do this under a separate item of business on the agenda for the Annual Meeting). The Executive (Cabinet) shall consist of up to 10 Members, including the Leader (Section 9C(5) of the Local Government Act 2000). The Constitution provides for the Leader to present to the Council's Annual Meeting the names and Wards of the Members he or she has appointed to be members of the Executive, including the Deputy Leader, and in addition, a scheme of delegation for the discharge of Executive functions. The functions of the Executive, including portfolio holder areas of responsibility, are set out in the current Leader's Scheme of Delegation, but are subject to change at the discretion of the Leader.

- 2.2 The Leader may also establish sub-groups consisting of Executive members which can also take decisions. There is currently one established sub-group, the Cabinet Highways Committee, comprising 4 of the Cabinet members, with the remaining Cabinet Members acting as substitutes. The functions delegated to the Committee are described in Schedule 4 of the Leader's Scheme of Delegation and are to:-

"Exercise all the Council's executive functions arising from the Council's roles as the Highways Authority and Road Traffic Authority, including transport and parking matters, where these relate to:-

1. the Capital Programme;
2. policy statements;
3. matters that have drawn objections from members of the public; and
4. schemes with a value in excess of £250,000."

The Leader may establish further sub-groups and delegate functions to them, reporting this to Council at the earliest opportunity.

- 2.3 The Council does not propose to amend the current and published arrangements in respect of Executive functions adopted by the Council on 7th April 2010, with regard to the Strong Leader and Cabinet governance arrangements.
- 2.4 Details of the Leader's notification of appointments of a Deputy Leader; the Cabinet Members (including their portfolio areas of responsibility); advisers

to the Cabinet; Cabinet Members to serve on the Cabinet Highways Committee (including substitutes); and the scheme of delegation for the discharge of Executive functions, will be circulated in a schedule presented at the Council's Annual Meeting.

- 2.5 Details of the main opposition group's notification of the Leader of the Opposition and the appointment of Shadow Cabinet Members, will also be circulated in a schedule presented at the meeting.

3. FINANCIAL IMPLICATIONS

- 3.1 All the posts of Cabinet Member and Cabinet Adviser attract Special Responsibility Allowances (SRAs) under the Council's Members' Allowances Scheme. Therefore, the appointments to be made by the Leader of the Council at the Council's annual meeting will have financial implications. SRAs at Band C level (£5,536.30 per annum) are also available for Opposition Group Office Holders, with the number of posts attracting an allowance being determined by the size of the opposition group – a group with more than 40% membership of the Council is entitled to three SRAs, two Band C SRAs with more than 30% membership, and one Band C SRA with more than 20% membership.
- 3.2 In the Municipal Year 2018/19, in addition to the Deputy Leader, there were a further 8 Cabinet Members, plus 10 Cabinet Advisers, in receipt of an SRA. The Leader also receives an SRA, as does the Leader of the main opposition group (while ever the Group has more than 20% membership of the Council). One post of Opposition Group Office Holder (a Shadow Cabinet Member) also received an SRA.
- 3.3 The Members' Allowances Scheme for 2019/20 approved by the Council at its meeting on 6th March 2019, made no changes to either the roles for which Special Responsibility Allowances are paid, or the amounts of those Allowances (other than the annual index-linked adjustment). However, changes to the numbers of appointments made to the various roles will have financial implications, which will have to be managed within the overall finances of the Council.
- 3.4 As regards payment of SRAs to Opposition Group Office Holders, following the Municipal Elections held on 2nd May 2019, the political composition of the Council is now 49 : 26 : 8 : 1 (Labour : Lib Dem : Green : Other, respectively). This means that the number of Shadow Cabinet Member posts that will attract an allowance in 2019/20 will be two, an increase of one from 2018/19, on the basis that the main opposition group now has 30.95% (i.e. more than 30% but less than 40%) of the membership of the Council. This membership size also entitles the Leader of the main opposition group to retain his/her SRA. The additional Opposition Group Office Holder allowance represents an additional cost of £5,536.30 for the Members' Allowances budget.
- 3.5 The financial implications of all the appointments of Members to positions of Special Responsibility in the Municipal Year 2019/20, will be outlined at the Council's Annual Meeting.

4. LEGAL IMPLICATIONS

- 4.1 The legal implications are set out in the body of this report.

5. EQUALITY OF OPPORTUNITY IMPLICATIONS

- 5.1 There are no equalities implications.

6. RECOMMENDATIONS

- 6.1 That the Council receives, notes and approves where relevant, the Leader's notification of:-
- 6.1.1 appointment of a Deputy Leader and Cabinet Members, including their portfolio areas of responsibility;
 - 6.1.2 appointment of advisers to the Cabinet;
 - 6.1.3 appointment of Cabinet Members to serve on the Cabinet Highways Committee, including substitutes; and
 - 6.1.4 the scheme of delegation for the discharge of Executive functions;
- (all the above to be circulated in a schedule presented at the meeting).
- 6.2 That the Council notes the main opposition group's notification of the Leader of the Opposition and approves the appointment of Shadow Cabinet Members (to be circulated in a schedule presented at the meeting).

John Mothersole
Chief Executive

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SHEFFIELD CITY COUNCIL Report to Council

Report of: Chief Executive

Date: 15th May 2019

Subject: Establishment of Council Committees in 2019/20 and Appointment of Members to Serve on those Committees

Author of Report: Jason Dietsch, Head of Democratic & Member Services
0114 2734117

Summary:

This report outlines the requirements set out in the Local Government and Housing Act 1989 to allocate seats on Council Committees to political groups on a politically proportionate basis. The report asks Council to establish, and agree the terms of reference of, its Committees, and to appoint named Members to them to reflect the wishes of each of the political groups. Alternative arrangements in not applying strict political proportionality can be put in place provided Council gives unanimous support without any Member dissenting from that approach.

Recommendations:

That the Council:-

- (1) Notes the political proportionality framework and the illustrative example of how this might be applied, as set out in the report.
- (2) Considers how it wishes to allocate seats on committees in light of this illustrative approach.
- (3) Determines whether to continue to disapply proportionality to the Senior Officer Employment Sub-Committees and the Appeals and Collective Disputes Sub-Committees (for the reasons set out in paragraph 3.2.3 of the report).
- (4) Agrees:
 - (i) the sizes of individual committees to be subject to proportional balance and the initial allocation of seats to political groups on individual committees before final adjustment;

- (ii) the final adjustments of seats to ensure that each group has the required number of seats overall in comparison to the total number of seats available on all committees to reflect their composition on the Council as a whole; and
 - (iii) the appointment of Members to committees to reflect the wishes of the political groups in accordance with the schedule to be circulated at the meeting and including substitutes where appropriate; and
- (5) Agrees that the terms of reference of the Committees in 2019/20 be as currently set out in the Constitution (with the incorporation of the revised terms of reference for the Health and Wellbeing Board which were approved at the Council meeting on 6th February 2019).

Background Papers: Constitution of Sheffield City Council

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial implications
YES – Cleared by Paul Schofield
Legal implications
YES – Cleared by Nadine Wynter
Equality of Opportunity implications
NO – Cleared by Diane Owens
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
None
Relevant Scrutiny Committee if decision called in
N/A
Is the item a matter which is reserved for approval by the City Council?
Yes
Press release
NO

Establishment of Council Committees in 2019-20 and Appointment of Members to Serve on those Committees

1. INTRODUCTION

- 1.1 This report outlines the requirements set out in the Local Government and Housing Act 1989 to allocate seats on Council Committees to political groups on a politically proportionate basis. It provides details of the updated political composition of the Council, following the result of the Municipal elections held on 2nd May 2019, and sets out the political proportionality framework and proportional seat allocations for 2019/20. It also asks Council to agree that the existing terms of reference of all Committees/Sub-Committees and other bodies (as specified in the Council's Constitution, and with the incorporation of the revised terms of reference for the Health and Wellbeing Board which were approved at the Council meeting on 6th February 2019), remain unchanged for 2019/20.
- 1.2 Alternative arrangements in not applying strict political proportionality can be put in place provided Council gives unanimous support without any Member dissenting from that approach.

2. POLITICAL BALANCE

- 2.1 The political balance requirements of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 apply, with some limited exceptions, to any committees and sub-committees established under the Constitution. They also apply to the Scrutiny and Policy Development Committees, which are treated as committees for the purposes of the Local Government Act 2000. The allocation of seats on committees must be in the same proportion as the number of members of the group bears to the membership of the Authority as a whole. The political balance rules do not apply to the Executive (Cabinet) or the Shadow Cabinet, nor the Licensing Committee (although past and existing practice has ensured that it is politically balanced). In addition, any formal Area Committees established under the Local Government Act 2000 are similarly exempted.
- 2.2 The Council has a duty when allocating or reviewing the allocation of seats on committees to give effect, so far as is reasonably practicable, to the following four principles:-
- (i) all the seats are not allocated to the same political group;
 - (ii) the majority of the seats go to the political group in the majority on the full Council;
 - (iii) subject to the above two principles, the total number of seats on the ordinary committees of the Authority are allocated to each political

group in the same proportion as the group's representation on the full Council; and

- (iv) subject to the above three principles, the number of seats on each committee are allocated to each political group in the same proportion as the group's representation on the Council.

2.3 Following the Municipal Elections held on 2nd May, 2019, and on the assumption that all the newly elected Councillors will formally join their respective political group on the Council, the Council will have 3 political groups. The Labour Group has 49 Members (which includes 6 Labour and Co-operative Party Members), the Liberal Democrat Group has 26 Members, and the Green Group has 8 Members. There is one "other" Member (Councillor Jack Clarkson) who is now the only Member remaining from the three members of last year's UKIP Group. The total number of Members on the Council is 84.

2.4 This means that the percentage allocation is as follows:-

Labour:	$49 \div 84 \times 100 = 58.34\%$
Liberal Democrat:	$26 \div 84 \times 100 = 30.95\%$
Greens:	$8 \div 84 \times 100 = 9.52\%$
Other:	$1 \div 84 \times 100 = 1.19\%$

2.5 The number of main committee seats are allocated in the same proportion as the group's representation on the Council. For example, on a committee with 15 seats available for allocation this would be calculated as follows:-

Divide the number of seats available on the committee between the groups in the same proportion as the number of seats a group has on the Council:-

Labour	$49 \div 84 \times 15 = 8.75$
Liberal Democrat	$26 \div 84 \times 15 = 4.64$
Greens	$8 \div 84 \times 15 = 1.43$
Other	$1 \div 84 \times 15 = 0.18$

This shows that 13 whole seats are allocated - 8 to the Labour Group, 4 to the Liberal Democrat Group and 1 to the Green Group. 2 seats remains for allocation and are awarded on the highest part percentage claim, i.e. to the Labour Group (0.75) and the Liberal Democrat Group (0.64), giving an overall allocation of 9 : 5 : 1 : 0 seats (Labour : Liberal Democrat : Green : Other), being the total of 15 available for allocation.

2.6 This approach is replicated for each individual committee and Appendix 1 shows an illustrative example of the overall allocation across all politically proportionate committees based on the committee sizes in 2018/19, but with:-

- the Overview and Scrutiny Management Committee reverting back to its original committee size of 12 seats. The percentage allocation on a committee size of 12 seats in 2018/19, did not provide at least one seat to each of the four political groups on the Council, and therefore

the Committee was established with 13 seats in order to provide at least one seat for each group. In 2019/20, there are now three political groups on the Council and the percentage allocation on a committee size of 12 seats does provide at least one seat to each of those three political groups; and

- the 4 Scrutiny and Policy Development Committees remaining at 15 seats, rather than reverting back to their original committee sizes of 13 seats. In 2019/20, as was the case in 2018/19, the percentage allocation on a committee size of 13 seats does not provide sufficient seats across the Council's scrutiny, planning and licensing committees to enable each member of the Liberal Democrat Group to be appointed to one of those committees, having regard to the fact that the four seats allocated to the Group on the Overview and Scrutiny Management Committee in 2019/20 are expected to be taken by the four members of the Group who will be appointed to the positions of Deputy Chair of the other four Scrutiny and Policy Development Committees. Adjusting the sizes of the Scrutiny and Policy Development Committees to 15 seats ensures that sufficient seats (together with those seats to be made available on the planning and licensing committees) are made available for each member of that Group.

2.7 This illustration also shows that the total number of seats across all politically proportionate Committees is 144 (compared with the final position of 145 in 2018/19, a decrease of 1 seat). The sizes of any of the Committees is, however, at the discretion of the Council to vary should it so choose, providing there are sufficient seats across the Council's scrutiny, planning and licensing committees to enable each non-executive member of the Council to be appointed to one of those committees in accordance with Council Procedure Rule 25.4 which specifies that every Member of the Council, except those appointed to the Cabinet, shall be appointed a member of at least one Scrutiny and Policy Development Committee or one Regulatory Committee. The basis of the mathematical calculation on differing sized Committees is shown at Appendix 2.

2.8 Applying each group's percentage allocation (set out in paragraph 2.4) to the total number of seats on Committees (144), gives the following results:-

Labour	144 x 58.34%	= 84.01
Liberal Democrat	144 x 30.95%	= 44.57
Greens	144 x 9.52%	= 13.71
Other	144 x 1.19%	= 1.71

This shows that 142 whole seats are allocated - 84 to the Labour Group, 44 to the Liberal Democrat Group, and 13 to the Green Group, with one seat allocated to "Other" (Councillor Jack Clarkson). 2 seats remain for allocation and are awarded on the highest part fraction claims – in this instance, to the Green Group (0.71) and to "Other" (0.71).

2.9 The closest practical distribution to political groups (after rounding) is therefore 84 : 44 : 14 : 2 (Labour : Liberal Democrat : Green : Other).

- 2.10 There is no requirement for the Cabinet or any Cabinet Committee, Shadow Cabinet or Area Committees to be politically balanced. Neither do the political balance rules apply to the Licensing Committee, but the Council chooses to apply the rules to this Committee. Taking into account the allocation detailed in the table in Appendix 1, a number of adjustments (5 seats) are required to ensure political balance on the overall number of seats across all Committees available to each political group. This illustrates that the Labour Group has an over allocation of 2 seats; the Liberal Democrat Group has an over allocation of 3 seats; the Green Group has an under allocation of 3 seats, and “Other” has an under allocation of 2 seats, and final adjustment is required. The practical arrangements for making the required adjustments are outlined at the end of Appendix 1. A schedule of nominations from each of the political groups to occupy the requisite number of allocated seats, will be tabled at the meeting.

3. THE ESTABLISHMENT OF COMMITTEES/SUB-COMMITTEES UNDER THE CONSTITUTION

3.1 Scrutiny Committees

- 3.1.1 The Council’s Constitution provides for the appointment of Scrutiny Committees and they are subject to the rules on political proportionality. In 2018/19, there were 4 Scrutiny and Policy Development Committees (each containing 15 Members – increased from their original size of 13 Members for the reasons referred to in paragraph 2.6), plus the Overview and Scrutiny Management Committee containing 13 Members (increased from its original size of 12 Members for the reasons referred to in paragraph 2.6) and with its membership including the Chairs of the 4 Committees, as specified in the Scrutiny Procedure Rules within the Constitution. The membership of the Children, Young People and Family Support Scrutiny and Policy Development Committee also includes provision for at least 2 (but no more than 5) voting co-opted parent governor representatives and 2 voting co-opted members nominated by each of the local Church of England and Roman Catholic Diocesan Boards. An overview and scrutiny committee of a local authority, or a sub-committee of such a committee, may not include any member of the authority’s executive.
- 3.1.2 The terms of reference and remits of the Overview and Scrutiny Management Committee and the 4 Scrutiny and Policy Development Committees are set out in Part 3 of the Constitution. The Healthier Communities and Adult Social Care Scrutiny and Policy Development Committee has the responsibility for the review and scrutiny of local health services, including the power of referral to the Secretary of State for Health, under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. The Safer and Stronger Communities Scrutiny and Policy Development Committee is the Council’s Crime and Disorder Committee and exercises the functions under Section 19 of the Police and Justice Act 2006. It is proposed that existing arrangements be continued, but with:-

- the Overview and Scrutiny Management Committee being established at its original size of 12 seats as explained in paragraph 2.6 above; and
- the four Scrutiny and Policy Development Committees remaining at 15 seats, rather than reverting back to their original committee sizes of 13 seats, to ensure that sufficient seats (together with those seats to be made available on the planning and licensing committees) are made available to enable each member of the Liberal Democrat Group (26) to be appointed to one of those committees in accordance with Council Procedure Rule 25.4 (see paragraph 2.6 above and also paragraphs 2 and 3 on page 14 regarding the adjustments required to be made under the illustrative example).

3.2 Regulatory and Other Council Committees

3.2.1 The Constitution allows for Council side functions to be delegated to Committees, with terms of reference set out in Part 3 of the Constitution. In 2018/19, these Committees (and their membership sizes) were as follows:

Planning and Highways Committee	(13)
Licensing Committee	(15)
Audit & Standards Committee	(7)
<i>(comprising 7 non-Executive Members of the Council, plus a maximum of 3 non-voting co-opted members)</i>	
Admissions Committee	(7)
Senior Officer Employment Committee	(15)
Appeals and Collective Disputes Committee	(15)

It is proposed to retain all these Committees (and their sizes) in 2019/20.

3.2.2 The Licensing Committee, set up under the Licensing Act 2003, can have a minimum of 10 and no more than 15 members under the legislation. Whilst technically this Committee is not required to be politically balanced, past practice has ensured that it is. It is proposed that this approach is continued, having a membership of 15.

The appointment of Licensing Sub-Committees to review cases under Section 10 of the Licensing Act 2003, is a statutory function reserved by the Act to the statutory Licensing Committee. Accordingly, it is a matter for the Licensing Committee to appoint these Sub-Committees and the custom and practice has been for any 3 Members of the Committee to be called to hear individual cases. It is proposed that existing arrangements be continued.

3.2.3 The Senior Officer Employment Committee and the Appeals and Collective Disputes Committee, with terms of reference set out in Part 3 of the Constitution, are established as politically proportionate committees of 15 Members. However, built into the terms of reference of both Committees is the facility to establish Sub-Committees to undertake their functions. The custom has been to disapply proportionality to these Sub-Committees and for any 3 Members of the parent Committee to be called to hear individual matters. It is proposed that this approach be continued.

3.3 Health and Wellbeing Board

- 3.3.1 The Council has established, as a statutory committee, a Sheffield Health and Wellbeing Board under the Health and Social Care Act 2012. The membership and powers and responsibilities of the Board are set out in Article 9 of the Constitution and its terms of reference are set out in Part 3 of the Constitution. The political balance rules do not apply to the Board.
- 3.3.2 The Board reviewed its terms of reference in late 2018, resulting in revised terms of reference for the Board being approved at the meeting of the Council on 6th February 2019. The Board is operating in accordance with these terms of reference, but the Constitution has yet to be amended to incorporate the revisions.
- 3.3.3 It is proposed that existing arrangements for the Board be continued, notwithstanding the need for the Constitution to be updated with the revised terms of reference approved in February.

3.4 Area Committees

- 3.4.1 The Council did not establish any Area Committees in 2018/19 and has no plans to do so in 2019/20.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications contained within this report.
- 4.2 However, the posts of Chair of Scrutiny and Policy Development Committee, Chair of Planning and Highways Committee, and Chair and Deputy Chair of Licensing Committee all attract Special Responsibility Allowances (SRAs) under the Council's Members' Allowances Scheme. Therefore, any structural or operational changes made in respect of those particular Committees do have the potential to impact on the SRAs associated with those Committees.
- 4.3 The Members' Allowances Scheme for 2019/20 approved by the Council at its meeting on 6th March 2019, made no changes to either the roles for which Special Responsibility Allowances are paid, or the amounts of those Allowances (other than the annual index-linked adjustment). On the basis that the Council retains all its existing Committees/Sub-Committees and makes no changes to their operation such that it impacts on any of their associated SRAs, then there will be no new financial implications.
- 4.4 The financial implications of the appointments of Members to positions of Special Responsibility in the Municipal Year 2019/20, will be outlined at the Council's annual meeting.

5. LEGAL IMPLICATIONS

5.1 The legal implications are set out in the body of this report.

6. EQUALITY OF OPPORTUNITY IMPLICATIONS

6.1 There are no equalities implications.

7. RECOMMENDATIONS

7.1 That the Council:-

- (1) Notes the political proportionality framework and the illustrative example of how this might be applied, as set out in the report;
- (2) Considers how it wishes to allocate seats on committees in light of this illustrative approach;
- (3) Determines whether to continue to disapply proportionality to the Senior Officer Employment Sub-Committees and the Appeals and Collective Disputes Sub-Committees (for the reasons set out in paragraph 3.2.3 of the report);
- (4) Agrees:
 - (i) the sizes of individual committees to be subject to proportional balance and the initial allocation of seats to political groups on individual committees before final adjustment;
 - (ii) the final adjustments of seats to ensure that each group has the required number of seats overall in comparison to the total number of seats available on all committees to reflect their composition on the Council as a whole; and
 - (iii) the appointment of Members to committees to reflect the wishes of the political groups in accordance with the schedule to be circulated at the meeting and including substitutes where appropriate; and
- (5) Agrees that the terms of reference of the Committees in 2019/20 be as currently set out in the Constitution (with the incorporation of the revised terms of reference for the Health and Wellbeing Board which were approved at the Council meeting on 6th February 2019).

John Mothersole
Chief Executive

**MEMBERSHIP OF NON POLITICALLY PROPORTIONATE
COUNCIL BODIES 2019/20
(Schedule of named Councillor appointees to be tabled at the meeting)**

Executive (Cabinet) (10 Members in 2018/19)

Portfolios are at the Leader's discretion and could be subject to change.

The Leader

Executive Members and their Portfolios:

- Business and Investment
- Children and Families
- Culture, Parks and Leisure
- Education and Skills
- Environment and Streetscene
- Finance
- Health and Social Care
- Neighbourhoods and Community Safety
- Transport and Development

Cabinet Highways Committee (4 Members in 2018/19)

Comprises 4 Members of the Executive and remaining Executive Members act as substitutes.

Shadow Cabinet (10 Members in 2018/19)

Portfolios are at the Opposition Leader's discretion and could be subject to change.

Leader

- Business and Investment
- Children and Families
- Culture, Parks and Leisure
- Education and Skills
- Environment and Streetscene
- Finance
- Health and Social Care
- Neighbourhoods and Community Safety
- Transport and Development

Health and Wellbeing Board

Comprises 3 Members of the Executive (the Cabinet Member for Health and Social Care, the Cabinet Member for Children and Families, and the Cabinet Member for Neighbourhoods and Community Safety), plus additional membership as set out in

its terms of reference approved by the Council on 6th February 2019 (to be incorporated in Part 3 of the Council's Constitution).

Licensing Sub-Committees

Pool of 3 Members drawn from the Licensing Committee which is proportionally balanced.

Senior Officer Employment Sub-Committees

Pool of 3 Members drawn from the Senior Officer Employment Committee which is proportionally balanced.

Appeals and Collective Disputes Sub-Committees

Pool of 3 Members drawn from the Appeals and Collective Disputes Committee which is proportionally balanced.

PROPOSED MEMBERSHIP OF POLITICALLY PROPORTIONATE COUNCIL BODIES 2019/20

Scrutiny and Policy Development Committees

Overview & Scrutiny Management Committee (12) - *includes the Chairs (& Deputies) of the 4 Scrutiny Committees*
Children, Young People & Family Support S&PD Cttee (15)
Economic & Environmental Well-being S&PD Cttee (15)
Healthier Communities & Adult Social Care S&PD Cttee (15)
Safer & Stronger Communities S&PD Cttee (15)

Pool of Scrutiny
Committee
Substitutes

Regulatory and Other Council Committees

Planning and Highways Committee (13)

Pool of Planning
Committee Substitutes

Licensing Committee (15)
Audit and Standards Committee (7)
Admissions Committee (7)

Pool of Admissions
Committee Substitutes
(Drawn from any
Member of the Council)

Senior Officer Employment Committee (15)
Appeals and Collective Disputes Committee (15)

Illustrative Example : Proposed Proportional Seat Allocations to Political Groups in 2019/20

Committee	Labour	Lib Dem	Green	Other	Total
Overview and Scrutiny Management Committee	7	4	1	0	12
CYP&FS Scrutiny Cttee	9	5	1	0	15
E&EW Scrutiny Cttee	9	5	1	0	15
HC&ASC Scrutiny Cttee	9	5	1	0	15
S&SC Scrutiny Cttee	9	5	1	0	15
Planning and Highways Cttee	8	4	1	0	13
Licensing Cttee	9	5	1	0	15
Audit & Standards Cttee	4	2	1	0	7
Admissions Cttee	4	2	1	0	7
Senior Officer Employment Cttee	9	5	1	0	15
Appeals and Collective Disputes Cttee	9	5	1	0	15
Total Initial Allocation	86	47	11	0	144
Overall Political Balance Requirement	84	44	14	2	144
Adjustments Required	-2	-3	+3	+2	

NB: O&SMC reverting back to its original size of 12 seats, whilst providing at least one seat for each political group on the Council; the 4 Scrutiny Committees remaining at 15 seats to provide sufficient places across the Scrutiny, Planning and Licensing Committees for all 26 Members of the Liberal Democrat Group, 8 Members of the Green Group (after 1 adjustment) and 1 Other (after 1 adjustment), plus 39 non-executive Members of the Labour Group), having regard to the fact that the Chairs (& Deputy Chairs) of the 4 Scrutiny Committees also sit on the O&SMC.

Total of 144 seats = 1 seat less than in 2018/19

Labour	144 x 58.34%	= 84.01	(84)	= 84
Liberal Democrat	144 x 30.95%	= 44.57	(44)	= 44
Greens	144 x 9.52%	= 13.71	(13)	+1 = 14
Other	144 x 1.19%	= 1.71	(1)	+1 = 2
			(142)	(144)

Adjustments Required Under this Illustrative Example

1. The Labour Group has an over allocation of two seats; the Liberal Democrat Group has an over allocation of three seats; the Green Group has an under allocation of three seats, and “Other” has an under allocation of two seats.
2. The Council is required to ensure that there are sufficient seats across the Council’s scrutiny, planning and licensing committees to enable each non-executive member of the Council to be appointed to one of those committees, in accordance with Council Procedure Rule 25.4 which specifies that every Member of the Council, except those appointed to the Executive (Cabinet), shall be appointed a member of at least one Scrutiny and Policy Development Committee or one Regulatory Committee. This also ensures that every opposition Councillor either plays a role in holding the Executive to account through the overview and scrutiny process, or participates in a regulatory function, and thereby is represented on committees that meet on a regular basis.
3. There are 26 members of the Liberal Democrat Group, 8 members of the Green Group and one “Other” Member, plus 39 non-executive members of the Labour Group (assuming the Leader appoints 9 Cabinet Members in 2019/20, as was the case in 2018/19). In the illustrative example, there are 60 seats allocated across those Committees to the Labour Group, 33 seats allocated to the Liberal Democrat Group, 7 seats allocated to the Green Group, and no seats to “Other”. The four seats allocated to the Liberal Democrat Group on the Overview and Scrutiny Management Committee are expected to be taken by the four members of the Group who will be appointed to the positions of Deputy Chair of the four Scrutiny and Policy Development Committees. These four Members therefore take eight of the 33 seats allocated to the Group, leaving 25 seats available for the remaining 22 members of the Group. At least one of the three seats to be allocated to the Green Group, and at least one of the two seats to be allocated to the “Other” Member (Councillor Jack Clarkson), must be on a Scrutiny and Policy Development Committee or Regulatory Committee in order to ensure that sufficient seats are provided across those Committees for each non-executive Member of the Council.
4. The Labour Group is required to make two adjustments and the Liberal Democrat Group is required to make three adjustments, with three of those seats being required to be allocated to the Green Group and the other two seats being required to be allocated to Councillor Jack Clarkson. The five seats need to be taken from five separate committees (in order to comply, as far as is possible, with the fourth principle set out in paragraph 2.2 of the report, i.e. the number of seats on each committee are allocated to each political group in the same proportion as the group’s representation on the Council). At least two of the five seats need to be from a Scrutiny and Policy Development Committee or Regulatory Committee, as explained in paragraph 3 above.

In Summary

- Labour Group : two seats to be given up, one seat from two different Committees - with none, one or both of the seats being from a Scrutiny and Policy Development Committee or Regulatory Committee;
- Liberal Democrat Group : three seats to be given up, one seat from three different Committees but not from a Committee from which a seat is to be relinquished by the Labour Group - with none, one or two seats being from a Scrutiny and Policy Development Committee or a Regulatory Committee depending on which seats are to be relinquished by the Labour Group.
- Green Group : to receive three seats, at least one of which is to be from a Scrutiny and Policy Development Committee or a Regulatory Committee; and
- “Other” : to receive two seats, at least one of which is to be from a Scrutiny and Policy Development Committee or a Regulatory Committee.

APPENDIX 2

CALCULATION OF PROPORTIONAL SEAT ALLOCATION OF COMMITTEES

% Share of Council	58.34%	30.95%	9.52%	1.19%
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Number on Committee	Labour	Liberal Democrat	Green	Other
3	1.75	0.93	0.29	0.04
4	2.33	1.24	0.38	0.05
5	2.92	1.55	0.48	0.06
6	3.50	1.86	0.57	0.07
7	4.08	2.17	0.67	0.08
8	4.67	2.48	0.76	0.10
9	5.25	2.79	0.86	0.11
10	5.83	3.10	0.95	0.12
11	6.42	3.40	1.05	0.13
12	7.00	3.71	1.14	0.14
13	7.58	4.02	1.24	0.15
14	8.17	4.33	1.33	0.17
15	8.75	4.64	1.43	0.18
16	9.33	4.95	1.52	0.19
17	9.92	5.26	1.62	0.20
18	10.50	5.57	1.71	0.21
19	11.08	5.88	1.81	0.23
20	11.67	6.19	1.90	0.24
21	12.25	6.50	2.00	0.25
22	12.83	6.81	2.09	0.26
23	13.42	7.12	2.19	0.27
24	14.00	7.43	2.28	0.29
25	14.59	7.74	2.38	0.30

	<u>Seats</u>	<u>%</u>
Labour	49	58.34
Lib Dem	26	30.95
Greens	8	9.52
Other	1	1.19
	84	100%