

SHEFFIELD CITY COUNCIL Report to Council

Report of:	Chief Executive	
Date:	17 th May 2017	
Subject:	Establishment of Council Committees in 2017/18 and Appointment of Members to Serve on those Committees	
Author of Report:	Paul Robinson, Democratic Services 0114 2734029	

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:
 - 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;

- 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, subject to the incorporation of the terms of reference for the single Audit and Standards Committee, the terms of reference of the Committees in 2017/18 be as currently set out in the Constitution.

Background Papers: Constitution of Sheffield City Council

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial implications
YES – Cleared by Pauline Wood
Legal implications
YES – Cleared by Gillian Duckworth
Equality of Opportunity implications
NO
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 2017-18 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 Southey Ward By-election held on 4th May 2017, and sets out the political proportionality framework and proportional seat allocations for 2017/18. 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, remain unchanged for 2017/18, but that the size of the Overview and Scrutiny Management Committee be increased for the reason outlined in paragraph 2.6 of this report.
- 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 Although there were no Municipal Elections in 2017, there was a By-Election in the Southey Ward on 4th May, 2017. Councillor Mike Chaplin was elected as the new Member for that Ward and he has joined the Labour Group on the Council. This means that the Council continues to have 4 political groups, and its current political composition is 56 : 20 : 4 : 4 (Labour : Lib Dem : Green : UKIP, respectively). The total number of Members on the Council is 84.
- 2.4 This means that the percentage allocation is as follows:-

Labour:	56 ÷ 84 x 100	=	66.67%
Liberal Democrat:	20 ÷ 84 x 100	=	23.81%
Greens:	4 ÷ 84 x 100	=	4.76%
UKIP:	4 ÷ 84 x 100	=	4.76%

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	56 ÷ 84 x 15 = 10.00
Liberal Democrat	$20 \div 84 \times 15 = 3.58$
Greens	$4 \div 84 \times 15 = 0.71$
UKIP	$4 \div 84 \times 15 = 0.71$

This shows that 13 whole seats are allocated - 10 to the Labour Group and 3 to the Liberal Democrat Group. 2 seats remains for allocation and are awarded on the highest part percentage claim, i.e. to the Green Group (0.71) and the UKIP Group (0.71), giving an overall allocation of 10:3:1:1 seats (Labour : Liberal Democrat : Green : UKIP), 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 2016/17, but with:-
 - the Overview and Scrutiny Management Committee being increased to 14 seats for the reason that the latest percentage allocation on a committee size of 12 seats (its original size) and 11 seats (its adjusted size in 2016/17) both give improper seat allocations in 2017/18. Appendix 2 (Calculation of Proportional Seat Allocation of Committees) shows that a committee size of 12 seats gives an

improper seat allocation of 13 (8:3:1:1) after applying the proportional allocation of 8.00 : 2.86 : 0.57 : 0.57, where both the Green Group and the UKIP Group are equally entitled to the final place remaining for allocation. An improper seat allocation also features on a committee size of 11 seats (7.34 : 2.62 : 0.52 : 0.52) – indeed, an improper seat allocation features on all committee sizes from 8 seats to 13 seats, hence the recommendation to increase the size of the Overview and Scrutiny Management Committee to 14 seats; and

- the 4 Scrutiny and Policy Development Committees and the Planning and Highways Committee remaining at 15 seats rather than reverting back to their original committee sizes of 13 seats. The sizes of these Committees had been adjusted in 2015/16 and 2016/17 for the reason that the percentage allocations in those two years on a committee size of 13 seats gave an improper seat allocation of 14 seats (i.e. 9:3:1:1). As mentioned in the previous bullet point, the latest percentage allocation on a committee size of 13 seats continues to give an improper seat allocation of 14 seats (8.67 : 3.09 : 0.62 : 0.62), hence the recommendation to retain the adjusted size of 15 seats.
- 2.7 This illustration also shows that the total number of seats across all politically proportionate Committees is 148 (compared with the final position of 145 in 2016/17, an increase of 3 seats). 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 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 (148), gives the following results:-

Labour	148 x 66.67%	= 98.67
Liberal Democrat	148 x 23.81%	= 35.24
Greens	148 x 4.76%	= 7.04
UKIP	148 x 4.76%	= 7.04

This shows that 147 whole seats are allocated - 98 to the Labour Group, 35 to the Liberal Democrat Group, 7 to the Green Group and 7 to the UKIP Group. 1 seat remains for allocation and is awarded on the highest part fraction claim – in this instance, to the Labour Group (0.67).

- 2.9 The closest practical distribution to political groups (after rounding) is therefore 99 : 35 : 7 : 7 (Labour : Liberal Democrat : Green : UKIP).
- 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 (4 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 Liberal Democrat Group has an under allocation of 4 seats; the Green Group has an over allocation of 2 seats, and the UKIP Group has an over 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 2016/17, 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 11 Members (reduced 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 coopted 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. It is proposed that existing arrangements be continued, but with:-
 - the Overview and Scrutiny Management Committee being established with 14 seats (an increase of 3 seats from its revised size in 2016/17) for the reason set out in paragraph 2.6 above, whilst also providing sufficient seats to accommodate the appointment to the Committee of the Chairs of the other 4 Scrutiny and Policy Development Committees, and at least one seat to each political

group on the Council; and

 the four Scrutiny and Policy Development Committees remaining at 15 seats, rather than reverting back to their original committee sizes of 13 seats, for the reason set out in paragraph 2.6 above, whilst ensuring 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 (20) to be appointed to one of those committees in accordance with Council Procedure Rule 25.4 (see paragraph 2.7 above and also note 1 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 2016/17, these Committees (and their membership sizes) were as follows:

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

* The Audit & Standards Committee was established with effect from 1st September 2016, following approval by the Council, at its meeting on 6th July 2016, to merge the former Audit Committee and the former Standards Committee to form a single Committee. The terms of reference for the new Committee will be incorporated in the Council's Constitution when the Constitution is next updated.

It is proposed to retain all these Committees (and their sizes) in 2017/18 (including the Planning and Highways Committee remaining at 15 seats, rather than reverting back to its original committee size of 13 seats, for the reason set out in paragraph 2.6 above).

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 a Health and Wellbeing Board in accordance with, and to discharge the statutory functions 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. The terms of reference and membership of the Board are currently being reviewed and will be the subject of a report to a meeting of the Board in the near future. The new terms of reference will then be incorporated in the Council's Constitution when the Constitution is next updated. It is proposed that existing arrangements be continued, pending the outcome of the review.

3.4 Area Committees

3.4.1 The Council did not establish any Area Committees in 2016/17 and has no plans to do so in 2017/18.

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 2017/18 approved by the Council at its special meeting held on 3rd March 2017, made no changes to the roles for which Special Responsibility Allowances are paid, but did apply an annual increase of 1% to those Allowances. Provision to accommodate this uplift on those Allowances was made in the Council's Revenue Budget for 2017/18. 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 2017/18, will be outlined at the Council's annual meeting.

5. LEGAL IMPLICATIONS

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

6. **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:
 - 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, subject to the incorporation of the terms of reference for the single Audit and Standards Committee, the terms of reference of the Committees in 2017/18 be as currently set out in the Constitution.

John Mothersole Chief Executive

MEMBERSHIP OF NON POLITICALLY PROPORTIONATE COUNCIL BODIES 2017/18 (Schedule of named Councillor appointees to be tabled at the meeting)

Executive (Cabinet) (10 in 2016/17)

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

The Leader

Executive Members and their Portfolios:

Business and Economy Children, Young People and Families Community Services and Libraries Culture, Parks and Leisure Environment Finance and Resources Health and Social Care Housing Infrastructure and Transport

Cabinet Highways Committee (4 in 2016/17)

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

Shadow Cabinet (10 in 2016/17)

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

Leader Business and Economy Children, Young People and Families Community Services and Libraries Culture, Parks and Leisure Environment Finance and Resources Health and Social Care Housing Infrastructure and Transport

Health and Wellbeing Board

Comprises up to 4 Members of the Executive, plus additional membership as set out in Article 9 of the Council's Constitution. (Terms of reference and membership are under review – May 2017.)

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

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

PROPOSED MEMBERSHIP OF POLITICALLY PROPORTIONATE COUNCIL BODIES 2017/18

Scrutiny and Policy Development Committees

Overview & Scrutiny Management Committee (14) *(includes the Chairs 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 (15)

Pool of Planning Committee Substitutes

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

Senior Officer Employment Committee (15) Appeals and Collective Disputes Committee (15) Pool of Admissions Committee Substitutes (Drawn from any

Member of the Council)

Proposed Proportional	Seat Allocations to Political	Groups in 2017/18
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Committee	Labour	Lib Dem	Green	UKIP	Total
Overview and Scrutiny Management Committee	9	3	1	1	14
CYP&FS Scrutiny Cttee	10	3	1	1	15
E&EW Scrutiny Cttee	10	3	1	1	15
HC&ASC Scrutiny Cttee	10	3	1	1	15
S&SC Scrutiny Cttee	10	3	1	1	15
Planning and Highways Cttee	10	3	1	1	15
Licensing Cttee	10	3	1	1	15
Audit & Standards Cttee	5	2	0	0	7
Admissions Cttee	5	2	0	0	7
Senior Officer Employment Cttee	10	3	1	1	15
Appeals and Collective Disputes Cttee	10	3	1	1	15
Total Initial Allocation	99	31	9	9	148
Overall Political Balance Requirement	99	35	7	7	148
Adjustments Required	0	+4	-2	-2	

Labour	148 x 66.67%	= 98.67	(98)	+1 = 99
Liberal Democrat	148 x 23.81%	= 35.24	(35)	= 35
Greens	148 x 4.76%	= 7.04	(7)	= 7
UKIP	148 x 4.76%	= 7.04	(7)	= 7
			(147)	(148)

Adjustments Required Under this Illustrative Example

- 1. The Council is required to ensure that there are sufficient seats across the Council's scrutiny, planning and licensing committees to enable each nonexecutive 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. There are 20 members of the Liberal Democrat Group and in the illustrative example there are 21 seats allocated across those Committees to the Group. However, the three seats allocated to the Group on the Overview and Scrutiny Management Committee are expected to be taken by three of 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. These three members therefore take six of those 21 seats, leaving 15 seats available for the remaining 17 members of the Group. Accordingly, at least two of the four seats to be allocated to the Liberal Democrat Group must be on a Scrutiny and Policy Development Committee or Regulatory Committee.
- 2. The Green Group is required to make two adjustments and the UKIP Group is also required to make two adjustments, with all four of those seats being required to be allocated to the Liberal Democrat Group. The four seats need to be taken from four 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), and at least two of the four seats must be on a Scrutiny and Policy Development Committee or Regulatory Committee. Despite these adjustments, sufficient seats will still remain available across the Scrutiny and Policy Development Committees and the Planning and Licensing Committees for the four Members of both the Green Group and the UKIP Group to ensure that all eight Councillors either play a role in holding the Executive to account through the overview and scrutiny process, or participate in a regulatory function, and thereby be represented on committees that meet on a regular basis. In addition, the seats are not to be taken from the Overview and Scrutiny Management Committee in order to ensure at least one seat is provided to each political group on the Council.

In Summary

- <u>Liberal Democrat Group</u> : to receive four seats, two from the Green Group and two from the UKIP Group, with at least one of the two seats to be given up by each Group being from one Scrutiny and Policy Development Committee or one Regulatory Committee;
- <u>Green Group</u>: two seats to be given up one seat from any two Committees other than the two Committees from which a seat is to be relinquished by the UKIP Group, or from the Overview and Scrutiny Management Committee, and with at least one of the two seats being from one Scrutiny and Policy

Development Committee or one Regulatory Committee; with both seats to be allocated to the Liberal Democrat Group; and

• <u>UKIP Group</u> : two seats to be given up - one seat from any two Committees other than the two Committees from which a seat is to be relinquished by the Green Group, or from the Overview and Scrutiny Management Committee, and with at least one of the two seats being from one Scrutiny and Policy Development Committee or one Regulatory Committee; with both seats to be allocated to the Liberal Democrat Group.

CALCULATION OF PROPORTIONAL SEAT ALLOCATION OF COMMITTEES

% Share of Council	66.67%	23.81%	4.76%	4.76%
Number on Committee	Labour	Liberal Democrat	Green	UKIP
3	2.00	0.72	0.14	0.14
4	2.67	0.95	0.19	0.19
5	3.33	1.19	0.24	0.24
6	4.00	1.42	0.29	0.29
7	4.67	1.67	0.33	0.33
8	5.33	1.91	0.38	0.38
9	6.00	2.14	0.43	0.43
10	6.66	2.38	0.48	0.48
11	7.34	2.62	0.52	0.52
12	8.00	2.86	0.57	0.57
13	8.67	3.09	0.62	0.62
14	9.33	3.33	0.67	0.67
15	10.00	3.58	0.71	0.71
16	10.67	3.81	0.76	0.76
17	11.33	4.05	0.81	0.81
18	12.00	4.28	0.86	0.86
19	12.68	4.52	0.90	0.90
20	13.34	4.76	0.95	0.95
21	14.00	5.00	1.00	1.00
22	14.66	5.24	1.05	1.05
23	15.33	5.47	1.10	1.10
24	16.00	5.72	1.14	1.14
25	16.67	5.95	1.19	1.19

	<u>Seats</u>	<u>%</u>
Labour	56	66.67
Lib Dem	20	23.81
Greens	4	4.76
UKIP	4	4.76
	84	100%