

- (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 2016/17 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 2016-17 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 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 2016/17, but that the sizes of the Overview and Scrutiny Management Committee and the Audit Committee be changed slightly for the reasons 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 Following the "all-out" Municipal Elections held on 5th May, 2016, and on the assumption that all the newly elected Councillors will formally join their respective political group on the Council, the Council will continue to have 4 political groups. The Labour Group has 57 Members (which includes 2 Labour and Co-operative Party Members), the Liberal Democrat Group has 19 Members, the Green Group has 4 Members, and the UKIP Group has 4 Members. The total number of Members on the Council is 84.

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

Labour:	$57 \div 84 \times 100 = 67.86\%$
Liberal Democrat:	$19 \div 84 \times 100 = 22.62\%$
Greens:	$4 \div 84 \times 100 = 4.76\%$
UKIP:	$4 \div 84 \times 100 = 4.76\%$

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	$57 \div 84 \times 15 = 10.18$
Liberal Democrat	$19 \div 84 \times 15 = 3.39$
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 2015/16, but with:-

- the Overview and Scrutiny Management Committee being reduced from 12 seats to 11 seats for the reason that the new percentage allocation on a committee size of 12 seats gives an improper seat allocation of 13 (8:3:1:1) after applying the proportional allocation of 8.14 : 2.72 : 0.57 : 0.57 (see Appendix 2), 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 13 seats, hence the recommendation to reduce the size of the Overview and Scrutiny Management

Committee to 11 seats, rather than to increase its size by more than one seat;

- the Audit Committee reverting back to its original committee size of 6 seats following its adjustment (to 7 seats) in 2015/16 for the reason that the percentage allocation in 2015/16 on a committee size of 6 seats gave an improper seat allocation of 7 seats (i.e. 4:1:1:1); 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 for the reason that the percentage allocation in 2015/16 on a committee size of 13 seats gave an improper seat allocation of 14 seats (i.e. 9:3:1:1). The new percentage allocation on a committee size of 13 seats also gives an improper seat allocation of 14 seats, 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 144 (compared with the final position of 146 in 2015/16, a decrease of 2 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 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 67.86%	= 97.72
Liberal Democrat	144 x 22.62%	= 32.57
Greens	144 x 4.76%	= 6.85
UKIP	144 x 4.76%	= 6.85

This shows that 141 whole seats are allocated - 97 to the Labour Group, 32 to the Liberal Democrat Group, 6 to the Green Group and 6 to the UKIP Group. 3 seats remain for allocation and are awarded on the highest part fraction claim – in this instance, to the Labour, Green and UKIP Groups, all three having a higher part fraction claim than the Liberal Democrat Group at 0.57.

2.9 The closest practical distribution to political groups (after rounding) is therefore 98 : 32 : 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. The Council has agreed to

disapply proportionality to the Standards 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 Labour Group has an under allocation of 2 seats; the Liberal Democrat Group has an under allocation of 2 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 2015/16, there were 4 Scrutiny and Policy Development Committees (each containing 15 Members – increased from 13 Members in 2014/15 for the reasons referred to in paragraph 2.6), plus the Overview and Scrutiny Management Committee containing 12 Members (after revision in July 2015) 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 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 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 11 seats (a decrease of 1 seat from its revised size in 2015/16) 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 (19) 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 2015/16, these Committees (and their membership sizes) were as follows:

Planning and Highways Committee	(15)
Licensing Committee	(15)
Audit Committee	(7)
<i>(7 Non-Executive Members of the Council, plus 2 non-voting co-opted members each serving a 4-year term of office)</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 2016/17 (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), but with:-

- the Audit Committee reverting back to its original committee size of 6 seats following its adjustment in 2015/16 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 Standards Committee

3.3.1 The Constitution provides for the establishment of a Standards Committee to determine complaints under the Members' Code of Conduct referred to it by the Monitoring Officer, and to promote high standards of Councillor conduct. The composition, role and functions of the Committee are set out in Article 9 of the Constitution, and its terms of reference are set out in Part 3 of the Constitution.

3.3.2 The Standards Committee is a committee of Council, without the unique features which were conferred by previous legislation. It currently comprises 8 Members of the City Council drawn from the 2 largest political groups on the Council (5 from the Labour Group and 3 from the Liberal Democrat Group), with proportionality disapplied and a requirement that one Member from each group is to be present at each meeting, plus up to 4 non-voting co-opted members (including 1 representative of the 3 Parish and Town Councils). It is proposed that existing arrangements be continued.

3.4 Health and Wellbeing Board

3.4.1 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 the political balance rules do not apply to the Board. It is proposed that existing arrangements be continued.

3.5 Area Committees

3.5.1 The Council did not establish any Area Committees in 2015/16 and has no plans to do so in 2016/17.

4. FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications contained within this report.

4.2 However, the posts of Chairs of Scrutiny and Policy Development Committees, 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 2016/17 approved by the Council at its special meeting held on 4th March 2016, made no changes to the Special Responsibility Allowances, so the amounts paid in 2015/16 for the roles

referred to in paragraph 4.2 above will be the same in 2016/17. 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 2016/17, 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), and to the Standards Committee (paragraph 3.3.2);
- (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 2016/17 be as currently set out in the Constitution.

John Mothersole
Chief Executive

**MEMBERSHIP OF NON POLITICALLY PROPORTIONATE
COUNCIL BODIES 2016/17
(Schedule of named Councillor appointees to be tabled at the meeting)**

Executive (Cabinet) (9 in 2015/16)

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

The Leader

Executive Members and their Portfolios:

- Business, Skills and Development
- Children, Young People and Families
- Environment and Transport
- Finance and Resources
- Health, Care and Independent Living
- Housing
- Neighbourhoods
- Public Health and Equality

Cabinet Highways Committee (4 in 2015/16)

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

Shadow Cabinet (8 in 2015/16)

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

Leader (with Children, Young People and Families portfolio)
Business, Skills and Development
Environment and Transport
Finance and Resources
Health, Care and Independent Living
Housing
Neighbourhoods
Public Health and Equality

Standards Committee (8 in 2015/16)

Comprises no more than 8 Elected Members drawn from the 2 largest political groups (in 2015/16, this was 5 from the Labour Group and 3 from the Liberal Democrat Group), plus up to 4 non-voting co-opted members (including 1 representative of the 3 Parish and Town Councils).

Health and Wellbeing Board (4 in 2015/16)

Comprises 4 Members of the Executive, plus additional membership as set out in Article 9 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

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

PROPOSED MEMBERSHIP OF POLITICALLY PROPORTIONATE COUNCIL BODIES 2016/17

Scrutiny and Policy Development Committees

Overview & Scrutiny Management Committee (11) (*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 Committees

Planning and Highways Committee (15)

Pool of Planning
Committee Substitutes

Licensing Committee (15)
Audit Committee (6)
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)

Proposed Proportional Seat Allocations to Political Groups in 2016/17

Committee	Labour	Lib Dem	Green	UKIP	Total
Overview and Scrutiny Management Committee	7	2	1	1	11
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 Cttee	4	2	0	0	6
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	96	30	9	9	144
Overall Political Balance Requirement	98	32	7	7	144
Adjustments Required	+2	+2	-2	-2	

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 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. There are 19 members of the Liberal Democrat Group and in the illustrative example there are 20 seats allocated across those Committees to the Group. However, the two seats allocated to the Group on the Overview and Scrutiny Management Committee are to be taken by two 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 two members therefore take four of those 20 seats, leaving 16 seats available for the remaining 17 members of the Group. Accordingly, at least one of the two seats to be allocated to the Liberal Democrat Group must be to one Scrutiny and Policy Development Committee or one Regulatory Committee.
2. The Green Group is required to make two adjustments and the UKIP Group is also required to make two adjustments, with two of those four seats being required to be allocated to the Labour Group and the other two 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), whilst also ensuring that sufficient seats remain available on the Scrutiny and Policy Development Committees or the Planning or 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

- Labour Group : to receive two seats, one from the Green Group and one from the UKIP Group;
- Liberal Democrat Group : to receive two seats, one from the Green Group and one from the UKIP Group, with at least one of those seats being from one Scrutiny and Policy Development Committee or one Regulatory Committee;
- Green Group : 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;

with one seat to be allocated to the Labour Group and one seat to be allocated to the Liberal Democrat Group; and

- UKIP Group : two seats to be given up - one seat from any two Committees other than the Committee from which a seat is to be relinquished by the Green Group, or from the Overview and Scrutiny Management Committee; with one seat to be allocated to the Labour Group and one seat to be allocated to the Liberal Democrat Group.

APPENDIX 2**CALCULATION OF PROPORTIONAL SEAT ALLOCATION OF COMMITTEES**

% Share of Council	67.86%	22.62%	4.76%	4.76%
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Number on Committee	Labour	Liberal Democrat	Green	UKIP
3	2.04	0.68	0.14	0.14
4	2.71	0.91	0.19	0.19
5	3.39	1.13	0.24	0.24
6	4.07	1.35	0.29	0.29
7	4.75	1.59	0.33	0.33
8	5.43	1.81	0.38	0.38
9	6.11	2.03	0.43	0.43
10	6.78	2.26	0.48	0.48
11	7.47	2.49	0.52	0.52
12	8.14	2.72	0.57	0.57
13	8.82	2.94	0.62	0.62
14	9.50	3.16	0.67	0.67
15	10.18	3.40	0.71	0.71
16	10.86	3.62	0.76	0.76
17	11.54	3.84	0.81	0.81
18	12.21	4.07	0.86	0.86
19	12.90	4.30	0.90	0.90
20	13.57	4.53	0.95	0.95
21	14.25	4.75	1.00	1.00
22	14.93	4.97	1.05	1.05
23	15.60	5.20	1.10	1.10
24	16.29	5.43	1.14	1.14
25	16.96	5.66	1.19	1.19

	<u>Seats</u>	<u>%</u>
Labour	57	67.86
Lib Dem	19	22.62
Greens	4	4.76
UKIP	4	4.76
	<hr/>	
	84	100%