

- (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.
- (5) Agrees that the terms of reference of the Committees in 2013/14 be as currently set out in the Constitution, subject to the incorporation of new terms of reference and remit (and, possibly, name) of the Overview and Scrutiny Management Committee, the establishment of the single Planning and Highways Committee, and the abolition of the Community Assemblies (as described in paragraphs 3.1.2, 3.2.2, and 3.5.2 of the report respectively), and gives authority for consequential amendments to be made to the Constitution accordingly; and
- (6) Confers its powers of review and scrutiny of local health services, including the power of referral to the Secretary of State for Health, to the Healthier Communities and Adult Social Care Scrutiny and Policy Development Committee, as per the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

Background Papers: Constitution of Sheffield City Council

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial implications
YES – Cleared by Paul Jeffries
Legal implications
YES – Cleared by Lynne Bird
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 2013-14 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 except with regard to:-

- the Community Assemblies, which are not to be re-established as Area Committees in 2013/14;
- Planning and Highways, where the two area-based committees are to be replaced by a single committee; and
- the Scrutiny and Policy Development Committees, where the Overview and Scrutiny Management Committee is to be given revised terms of reference and remit (and possibly a new name), and where the Council is to confer its new health scrutiny functions to the Healthier Communities and Adult Social Care Scrutiny and Policy Development Committee.

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 Fulwood Ward By-Election held on 2nd May, 2013, the Council has 3 political groups. The Labour Group has 60 seats, the Liberal Democrat Group has 22 seats and the Green Group has 2 seats. The total number of seats on the Council is 84.

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

Labour:	$60 \div 84 \times 100 = 71.43\%$
Liberal Democrat:	$22 \div 84 \times 100 = 26.19\%$
Greens:	$2 \div 84 \times 100 = 2.38\%$

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 13 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	$60 \div 84 \times 13 = 9.29$
Liberal Democrat	$22 \div 84 \times 13 = 3.40$
Greens	$2 \div 84 \times 13 = 0.31$

This shows that 12 whole seats are allocated, 9 to the Labour Group and 3 to the Liberal Democrat Group. One seat remains for allocation and is awarded on the highest part percentage claim, i.e. to the Liberal Democrat Group (0.40), giving an overall allocation of 9 and 4 seats to the 2 largest groups, being the total of 13 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 2012/13 except for the new single Planning Committee (referred to at paragraph 3.2.2) which needs to be established with 13 seats so as to fulfil the political proportionality requirements whilst also providing 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.

2.7 This illustration also shows that the total number of seats across all politically proportionate Committees is 131. The sizes of any of the Committees is however at the discretion of the Council to vary should it so choose. 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 (131), gives the following results:-

Labour	131 x 71.43%	= 93.57
Liberal Democrat	131 x 26.19%	= 34.31
Greens	131 x 2.38%	= 3.12

This shows that 130 whole seats are allocated, 93 to the Labour Group, 34 to the Liberal Democrats and 3 to the Green Group. One seat remains for allocation and is awarded on the highest part percentage claim, ie to the Labour Group (0.57).

2.9 The closest practical distribution to political groups (after rounding) is therefore 94 : 34 : 3 (Labour: Liberal Democrat : Green).

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, in establishing its new Standards Committee at its meeting on 4th July, 2012, agreed to disapply proportionality to that Committee. Taking into account the allocation detailed in the table in Appendix 1, a number of adjustments (6 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 over allocation of 6 seats and the Labour Group and the Green Group are under represented by 3 seats each, 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 Constitution provides for the appointment of Scrutiny Committees and they are subject to the rules on political proportionality. In 2012/13, there were 4 Scrutiny and Policy Development Committees (each containing 13 Members), plus the Overview and Scrutiny Management Committee (which

comprised the Chairs and Deputy Chairs of the 4 Committees). The Scrutiny Committee for Children and Young People also includes 2 voting co-opted parent governors 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 Council's Constitution. It is proposed that existing arrangements be continued, except in relation to the terms of reference and remit, operation, and possibly the name, of the Overview and Scrutiny Management Committee, which is to have the following remit:-

- lead on the scrutiny work planning process;
- lead scrutiny of high level cross-cutting and city-wide issues – appointing joint committees where appropriate;
- scrutinise the use of Council resources – Resources Portfolio, budget monitoring, annual budget setting process; and
- performance monitoring – referring areas of concern to the relevant Scrutiny and Policy Development Committee where appropriate.

Approval is therefore sought for the Constitution to be updated to incorporate the new terms of reference and remit (and, possibly, name) of the Overview and Scrutiny Management Committee, which will still comprise the Chairs and Deputy Chairs of the 4 Scrutiny and Policy Development Committees.

3.1.3 The Health and Social Care Act 2012 has introduced changes to the system of review and scrutiny of the health service. The scope of health scrutiny has been extended to the National Health Service Commissioning Board and clinical commissioning groups and to providers of NHS and public health services commissioned by the Board, CCGs or local authorities. The power to refer service change proposals to the Secretary of State for Health is retained. The Act also confers health scrutiny functions upon local authorities as a corporate entity, rather than directly to an overview and scrutiny committee.

The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 sets out 3 options that local authorities can choose to take in discharging the health scrutiny function:

- Through a Scrutiny Committee - This would operate in the same way that we currently work in Sheffield;
- Through a Committee or Sub-Committee of Council - This may be appropriate for authorities that have decided to return to the Committee System as a result of the Localism Act 2012, and no longer operate a Scrutiny function; and
- Through a Joint Committee - This may be appropriate in areas where health services are commissioned or provided over an area that

contains more than one local authority.

Sheffield has a well-established mechanism for dealing with health scrutiny – through the Healthier Communities and Adult Social Care Scrutiny and Policy Development Committee. It is proposed therefore that the City Council confers its powers of review and scrutiny of local health services, including the power of referral to the Secretary of State for Health, to the Healthier Communities and Adult Social Care Scrutiny and Policy Development Committee.

3.2 Regulatory 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, which deliver regulatory responsibilities. In 2012/13, these Committees (and their membership sizes) were as follows:

Planning and Highways City Centre, South and East Committee	(10)
Planning and Highways West and North Committee	(10)
Licensing Committee	(15)
Audit Committee	(6)
<i>(6 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 in 2013/14, except in relation to the Planning and Highways Committees (see paragraph 3.2.2 below).

3.2.2 At its meeting on 3rd April, 2013, the Council gave approval for the existing two Area Planning and Highways Committees to be combined into a single Planning and Highways Committee for the whole City from May 2013. The two Committees each had 10 seats, but as referred to in paragraph 2.6, the size of the new single Committee needs to be set at a minimum of 13 Members to provide 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. Approval is also sought for the Constitution to be updated to reflect the establishment of the single Committee.

3.2.3 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.

- 3.2.4 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 (with proportionality disappplied and a requirement that one Member from each group is to be present at each meeting), plus 3 independent non-voting lay members. It is proposed that existing arrangements be continued.

3.4 Health and Wellbeing Board

- 3.4.1 The Council has also 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 (Community Assemblies)

- 3.5.1 In the past few years, the Council has established Area Committees (known as Community Assemblies) to undertake Executive and non-Executive functions, with terms of reference set out in Part 3 of the Constitution, and with Procedure Rules set out in Part 4 of the Constitution. Furthermore, the Leader has previously delegated some Executive functions to the Community Assemblies to be exercised within their Ward areas.

- 3.5.2 However, in approving its Revenue Budget for 2013/14, the Council gave notice of its intention to abolish its Community Assemblies as formal decision-making bodies in order to secure budgetary savings required to be

made in 2013/14. In anticipation of this, the delegation of Executive functions to the Community Assemblies has recently been removed from the Leader's Scheme of Delegation. It is therefore proposed not to re-establish the Area Committees (Community Assemblies) in 2013/14 and approval is also sought for the Constitution to be updated accordingly to reflect their abolition.

4. FINANCIAL IMPLICATIONS

- 4.1 The posts of Chairs of Community Assemblies and Chairs of Planning and Highways Committees attract Special Responsibility Allowances (SRAs) under the Council's Members' Allowances Scheme. Therefore, the abolition of the Community Assemblies and the move to a single Planning and Highways Committee will have financial implications, as fewer SRAs will be payable in 2013/14 than was paid in 2012/13. The actual amount to be saved, however, will depend on whether or not the Council chooses to introduce, within its Members' Allowances Scheme, a new SRA for a local leadership role for Members in lieu of the Community Assemblies, and if so, the amount of that new allowance.
- 4.2 It should be noted that the Members' Allowances Scheme is under review and a new Scheme will be approved at the Annual Meeting of the Council. Should any changes be made in respect of the SRAs referred to in paragraph 4.1 above, or to any other SRAs linked to the Council's Committees, then these too would have financial implications.
- 4.3 The 2013/14 Revenue Budget approved by the Council on 1st March, 2013 includes a target saving of £100K on spending on Members' budgets.
- 4.4 The financial implications of the Members' Allowances Scheme to be approved at the Annual Meeting of the Council and of the appointments of Members to positions of Special Responsibility in the Municipal Year 2013/14, will be outlined at the 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 3.2.4 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.
- (5) Agrees that the terms of reference of the Committees in 2013/14 be as currently set out in the Constitution, subject to the incorporation of new terms of reference and remit (and, possibly, name) of the Overview and Scrutiny Management Committee, the establishment of the single Planning and Highways Committee, and the abolition of the Community Assemblies (as described in paragraphs 3.1.2, 3.2.2, and 3.5.2 of the report respectively), and gives authority for consequential amendments to be made to the Constitution accordingly; and
- (6) Confers its powers of review and scrutiny of local health services, including the power of referral to the Secretary of State for Health, to the Healthier Communities and Adult Social Care Scrutiny and Policy Development Committee, as per the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

John Mothersole
Chief Executive

**MEMBERSHIP OF NON POLITICALLY PROPORTIONATE
COUNCIL BODIES 2013/14
(Schedule of named Councillor appointees to be tabled at the meeting)**

Executive (Cabinet) (9 in 2012/13)

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
- Communities and Inclusion
- Culture, Sport and Leisure
- Environment, Recycling and Streetscene
- Finance and Resources
- Health, Care and Independent Living
- Homes and Neighbourhoods

Cabinet Highways Committee (4 in 2012/13)

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

Shadow Cabinet (9 in 2012/13)

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

Leader

- Business, Skills and Development
- Children, Young People and Families
- Communities and Inclusion
- Culture, Sport and Leisure
- Environment, Recycling and Streetscene
- Finance and Resources
- Health, Care and Independent Living
- Homes and Neighbourhoods

Standards Committee (11 in 2012/13)

Comprises 8 Elected Members and 3 independent non-voting lay members.

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.

MEMBERSHIP OF POLITICALLY PROPORTIONATE COUNCIL BODIES 2013/14

Scrutiny and Policy Development Committees

Children, Young People & Family Support S&PD Cttee (13)	
Economic & Environmental Well-being S&PD Cttee (13)	
Healthier Communities & Adult Social Care S&PD Cttee (13)	Pool of Scrutiny Committee Substitutes
Safer & Stronger Communities S&PD Cttee (13)	
Overview & Scrutiny Management Committee (<i>may be renamed</i>) (8)	
(<i>Chairs and Deputy Chairs of the 4 Scrutiny Committees</i>)	

Regulatory Committees

Planning and Highways Committee (13)	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)	

Proportional Seat Allocations to Political Groups

Committee	Labour	Lib Dem	Green	Total
CYP&FS Scrutiny Cttee	9	4	0	13
E&EW Scrutiny Cttee	9	4	0	13
HC&ASC Scrutiny Cttee	9	4	0	13
S&SC Scrutiny Cttee	9	4	0	13
Overview and Scrutiny Management Committee (<i>may be renamed</i>)	4	4	0	8
Planning and Highways Cttee	9	4	0	13
Licensing Cttee	11	4	0	15
Audit Cttee	4	2	0	6
Admissions Cttee	5	2	0	7
Senior Officer Employment Cttee	11	4	0	15
Appeals and Collective Disputes Cttee	11	4	0	15
Total Initial Allocation	91	40	0	131
Overall Political Balance Requirement	94	34	3	131
Adjustments Required	+3	-6	+3	

Adjustments Required Under this Illustrative Approach

1. The Liberal Democrat Group is required to make 6 adjustments, of which 3 seats are to be allocated to the Labour Group and the other 3 seats are to be allocated to the Green Group.
2. The 6 adjustments could be from any 6 Committees, other than the (possibly renamed) Overview and Scrutiny Management Committee, as its membership comprises the Chairs and Deputies of the Scrutiny and Policy Development Committees.
3. Practically, it is necessary for 2 of the 6 required adjustments to come from either the Scrutiny and Policy Development Committees or the Planning or Licensing Committees and allocated to the 2 Green Group Councillors to ensure that they 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. This is also consistent 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.
4. Of the remaining 4 seats selected under 2 and 3 above, 3 of these should firstly be allocated to the Labour Group and the remaining seat is to be allocated to the Green Group.

CALCULATION OF PROPORTIONAL SEAT ALLOCATION OF COMMITTEES

% Share of Council	71.43%	26.19%	2.38%
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Number on Committee	Labour	Liberal Democrat	Green
3	2.14	0.79	0.07
4	2.86	1.05	0.10
5	3.57	1.31	0.12
6	4.29	1.57	0.14
7	5.00	1.83	0.17
8	5.71	2.10	0.19
9	6.43	2.36	0.21
10	7.14	2.62	0.24
11	7.86	2.88	0.26
12	8.57	3.14	0.29
13	9.29	3.40	0.31
14	10.00	3.67	0.33
15	10.71	3.93	0.36
16	11.43	4.19	0.38
17	12.14	4.45	0.40
18	12.86	4.71	0.43
19	13.57	4.98	0.45
20	14.29	5.24	0.48
21	15.00	5.50	0.50
22	15.71	5.76	0.52
23	16.43	6.02	0.55
24	17.14	6.29	0.57
25	17.86	6.55	0.60

	<u>Seats</u>	<u>%</u>
Labour	60	71.43
Liberal Democrat	22	26.19
Greens	<u>2</u>	<u>2.38</u>
	84	100%