



SHEFFIELD CITY COUNCIL Report to Council

Report of: Director of Policy and Democratic Engagement

Date: 15th May 2024

Subject: Establishment of Council Committees in 2024/25 and Appointment of Members to Serve on those Committees

Author of Report: Jason Dietsch, Head of Democratic Services

Purpose of Report:

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 approve the terms of reference of, its committees for the municipal year 2024/25; to agree the size of the committees and the proportionate allocation of committee seats; and to appoint named Members to serve on those committees to reflect the wishes of each of the political groups.

Recommendations

That the Council:-

- (a) notes the information set out in the report;
- (b) agrees that the terms of reference of the Council's Committees for 2024/25 be as currently set out in the Council's Constitution, but with the incorporation of the changes to be made to the terms of reference of the Strategy and Resources Policy Committee, the Charity Trustee Sub-Committee, the Finance Committee, the Health Scrutiny Sub-Committee and the Audit and Standards Committee, as well as to the delegations relating to Contracts which are reserved to all Policy Committees (which changes are expected to be approved

under a separate item of business on the agenda for this annual meeting of the Council);

- (c) agrees:-
- (i) the sizes of individual committees to be subject to proportional balance and the proportional allocation of seats, as set out in a schedule to be circulated at or before the meeting; and
 - (iii) the appointment of Members to committees to reflect the wishes of the political groups, in accordance with a schedule to be circulated at or before the meeting and including substitutes where appropriate;
- (d) agrees 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 5.2.3 of the report); and
- (e) notes that in the event of any changes to the political composition of the Council occurring during the course of the municipal year, political proportionality will be reviewed by the Council as soon as practicable thereafter.

Background Papers:

1. Constitution of Sheffield City Council.
2. Six-Month Review of Governance Arrangements – Report submitted to the Governance Committee on 6th April 2023.
3. Committee System Structure – Report submitted to the extraordinary meeting of the Council on 23rd March 2022.

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial & Commercial implications
YES – Cleared by Paul Foster
Legal implications
YES – Cleared by Andrea Simpson
Equality of Opportunity implications
NO
Climate impact
NO
Tackling Health Inequalities implications
NO
Human Rights implications
NO
Economic impact
NO
Community Safety implications
NO
Human Resources implications
NO
Property implications
NO
Area(s) affected
NONE
Is the item a matter which is reserved for approval by the City Council?
YES
Press release
NO

Establishment of Council Committees for the Municipal Year 2024/25 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. The Local Government (Committees and Political Groups) Regulations 1990 require local authorities to review the allocation of seats to political groups as soon as practicable after a change to the political groups, or a change of membership of a group, on the Authority.
- 1.2 The report provides details of the updated political composition of the Council resulting from the municipal elections held on 2nd May 2024 and also sets out the political proportionality framework for 2024/25, based on the committee system of governance for the Council which was operated in the 2023/24 municipal year.
- 1.3 The current Council Committees, their terms of reference, and the functions delegated to them, are set out in Part 3.3 of the Council's Constitution (Matters Delegated To Council Committees And Sub-Committees). This report also asks the Council to agree that the terms of reference of all Committees/Sub-Committees and other bodies for 2024/25 be as specified in the Constitution, but with the incorporation of changes to be made to the terms of reference of the Strategy and Resources Policy Committee, the Charity Trustee Sub-Committee, the Finance Committee, the Health Scrutiny Sub-Committee and the Audit and Standards Committee, as well as to the delegations relating to Contracts which are reserved to all Policy Committees. Those changes are expected to be approved under a separate item of business on the agenda for this annual meeting of the Council.

2. POLITICAL BALANCE

- 2.1 The political balance requirements of the Local Government and Housing Act 1989 ("the Act") and the Local Government (Committees and Political Groups) Regulations 1990 ("the Regulations") apply, with some limited exceptions, to any committees and sub-committees established under the Constitution. The allocation of seats on committees must be determined so that each political group gets the same proportion as the number of their members to the total membership of the Authority. The political balance statutory provisions do not apply to a statutory Licensing Committee established under the Licensing Act 2003, but the political balance rules do apply to a Licensing Committee when it is discharging other regulatory functions. In addition, the Regulations provide that the political balance rules do not apply to a Local Area Committee whose voting members are

all Members of the Council elected for the electoral wards within the area of the committee and which discharges functions only in respect of that particular area. The Health and Wellbeing Board is also exempt from the requirement for political balance.

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) that not all the seats on the committee are allocated to the same political group;
- (ii) that the majority of the seats on the committee is allocated to a particular political group, if the number of persons belonging to that group is a majority of the Authority's membership (no group on Sheffield City Council currently satisfies this criterion);
- (iii) subject to the above two principles, that 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 membership of the Authority; 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 membership of the Authority.

2.3 Alternative arrangements which depart entirely from political proportionality can be put in place provided the Council votes for this without any Member voting against. In practice, arrangements will never be perfectly politically proportionate, due to the need to appoint whole people to committees. The legislation allows for this within the boundaries of what is 'reasonably practicable' without requiring an unopposed vote.

2.4 Regulation 16 of the Regulations clarify the allocation and appointment duties for cases where some Members are members of political groups and others are not, and require that:-

- allocation of seats is determined so that each group gets the same proportion of the total number of seats as the proportion of their group members to the total number of members of the authority;
- appointment to 'spare' seats (not allocated by that determination) must be to non-grouped members.

2.5 There is no statutory requirement that all Members must have a proportionate number of, or indeed any, seats. However, Sheffield City Council does make provision (under Council Procedure Rule 25.6) for every Member of the Council to be appointed a member of at least one Policy Committee or Regulatory Committee, unless otherwise determined by the Council.

3. COMPOSITION OF THE COUNCIL

3.1 Following the municipal elections held on 2nd May, 2024, and on the assumption that newly elected Councillors will formally join their respective political groups on the Council, the Council continues to have 4 political groups. The Labour Group has 36 Members (which includes 15 Labour and Co-operative Party Members), the Liberal Democrat Group has 27 Members, the Green Group has 14 Members and the Sheffield Community Councillors Group has 6 Members. There is also one Councillor who is not a member of any group on the Council - Councillor Qais Al-Ahdal, an Independent candidate who was elected in the Darnall Ward. The total number of Members on the Council is 84.

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

Labour Group	$36 \div 84 \times 100 = 42.86\%$
Liberal Democrat Group	$27 \div 84 \times 100 = 32.14\%$
Green Group	$14 \div 84 \times 100 = 16.67\%$
Sheffield Community Councillors Group	$6 \div 84 \times 100 = 7.14\%$
Independent (Councillor Qais Al-Ahdal)	$1 \div 84 \times 100 = 1.19\%$

3.3 This is the percentage allocation that has to be applied in order to address the requirements of the third and fourth principles set out in (iii) and (iv) of paragraph 2.2 above.

4. ALLOCATION OF SEATS ON COMMITTEES TO POLITICAL GROUPS

4.1 In order to address the political balance requirements in the correct priority order, it is necessary to determine the total number of seats to be included in the overall calculation. The percentage allocation set out in paragraph 3.2 is then applied to that total number of seats, resulting in total overall seat allocations being awarded to each political group and to any individual Councillors who are not a member of a group.

4.2 In relation to the committee system of governance for the Council which was operated in the 2023/24 municipal year, there was a total of 180 seats across all the Council's Committees that are subject to political proportionality. The committees included in the overall proportionality calculations were the eight Policy Committees (and their two standing Sub-Committees – Health Scrutiny and Charity Trustee), the Finance Committee, the two Regulatory Committees (Planning and Highways Committee and the [Regulatory] Licensing Committee), Audit and Standards Committee, Governance Committee, Admissions Committee, Senior Officer Employment Committee and the Appeals and Collective Disputes Committee. Further detail about the functions and sizes of these Committees is set out in section 5 of this report.

4.3 There is no requirement for the Council's Local Area Committees to be politically balanced, so these are discounted from the calculation.

4.4 The Urgency Sub-Committees in the committee structure (one for each of the Policy and Finance Committees) are convened as-and-when required to meet. These were established on a politically proportionate basis, but were not considered in the overall proportionality calculations (see paragraph 5.1.4 below, for further details).

4.5 If that total number of seats on Committees that are subject to political proportionality remains at 180 seats, the allocation based on the new composition is:-

Labour Group	$180 \times 42.86\% = 77.15$ (77)
Liberal Democrat Group	$180 \times 32.14\% = 57.85$ (57) +1
Green Group	$180 \times 16.67\% = 30.01$ (30)
Sheffield Community Councillors Group	$180 \times 7.14\% = 12.85$ (12) +1
Independent (Councillor Qais Al-Ahdal)	$180 \times 1.19\% = 2.14$ (2)

This gives 178 seats based on whole number allocation (77+57+30+12+2), so the two Groups with the highest and second highest part whole number each get an additional seat. That is the Liberal Democrat and Sheffield Community Councillors Groups (each with .85 entitlement).

The new allocations are therefore 77 (Labour), 58 (Liberal Democrat), 30 (Green) and 13 (Sheffield Community Councillors), plus 2 seats to be allocated to Councillor Al-Ahdal.

4.6 In relation to the fourth political balance principle (the number of seats on each committee are allocated to each political group in the same proportion as the group's membership of the Authority), for each individual committee, the number of seats on the committee are initially allocated in the same proportion as the group's representation on the Council. For example, on a committee with 9 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	$9 \times 42.86\% = 3.86$ (3)+1
Liberal Democrat	$9 \times 32.14\% = 2.89$ (2)+1
Green	$9 \times 16.67\% = 1.50$ (1)
Sheffield Community Councillors	$9 \times 7.14\% = 0.64$ (0)+1
Independent (Councillor Qais Al-Ahdal)	$9 \times 1.19\% = 0.11$ (0)

This shows that 6 seats are allocated based on whole number allocation - 3 to the Labour Group, 2 to the Liberal Democrat Group and 1 to the Green Group. 3 seats remain for allocation and are awarded on the three highest decimal part claims, i.e. to the Liberal Democrat Group (0.89), the Labour Group (0.86) and the Sheffield Community Councillors Group (0.64), giving an overall allocation of 4 : 3 : 1 : 1 : 0 seats (Labour : Liberal

Democrat : Green : Sheffield Community Councillors : Independent), being the total of 9 available for allocation.

- 4.7 The basis of the mathematical calculation on differing sized committees is shown at Appendix 2.
- 4.8 Once the initial allocation of seats has been applied to each of the committees to be included in the overall proportionality calculations, the total number of seats allocated via this process to each political group and to any individual Councillors who are not a member of a group, is calculated. These total initial seat allocations are then compared with the total allocations awarded under the calculation made on the total number of seats (in relation to the third political balance principle), and appropriate adjustments made to the allocations on individual committees to ensure that the third principle is met (i.e. that 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 membership of the Authority). Where the total number of seats allocated to a group in the initial allocation exceeds that group's overall entitlement to seats, it will need to relinquish the relevant number of seats; where the total number of seats allocated to a group in the initial allocation is below that group's overall entitlement to seats, it will need to be allocated the relevant number of additional seats.
- 4.9 One further consideration when determining the sizes of committees and calculation of overall seat allocations to political groups, is that Council Procedure Rule 25.6 specifies that every Member of the Council shall be appointed a member of at least one Policy Committee or Regulatory Committee (unless otherwise determined by the Council). Accordingly, sufficient seats need to be provided for each group to enable each member of the group to be appointed to one of those "main" Committees. Disregarding the Strategy and Resources Policy Committee whose membership includes the chairs of the Policy and Finance Committees, the current sizes of the seven other Policy Committees and the Finance Committee (all with nine seats) and Regulatory Committees (Licensing Committee and Planning and Highways Committee, with 15 seats and 13 seats, respectively), in 2023/24, do provide sufficient seats to enable every member of the Labour, Liberal Democrat and Sheffield Community Councillors Groups to be appointed to one of those Committees, in accordance with that Rule. However, the initial allocations of seats on those "main" Committees for the 14 Members of the Green Group is much tighter. The initial allocation provides 15 seats, two of which are on the Strategy and Resources Policy Committee. Depending on the allocation of chairships of Policy Committees for 2024/25, ensuring that sufficient seats are available for every Green Group Member will need to be a consideration as part of the adjustments required to be made to the initial seat allocations. Furthermore, at least one of the two seats required to be allocated to the Independent Member (Councillor Al-Ahdal) needs to be on a Policy Committee or Regulatory Committee.

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

5.1 Policy Committees

- 5.1.1 The committee system of governance for Sheffield City Council, which was approved at the extraordinary meeting of the Council held on 23rd March 2022, and implemented at the annual meeting of the Council on 18th May 2022, included the establishment of politically proportionate decision-making committees, organised by themes, called Policy Committees, plus three standing Sub-Committees. The number of seats on Policy Committees is defined by the Council's Constitution as being between 8 and 11, with the actual size of the Committees being determined by full Council at each annual meeting, based on best fit to political proportionality (see paragraph 5.1.10 below).
- 5.1.2 In 2022/23 and again in 2023/24, seven themed Policy Committees, closely aligned to the functions of the Council, were established, each with a committee size of 9 seats. In 2022/23, three standing Sub-Committees (Finance, Charity Trustee and Health Scrutiny) were established with 9 seats, 5 seats and 9 seats, respectively. In 2023/24, the Charity Trustee and Health Scrutiny Sub-Committees were re-established, again with 5 seats and 9 seats, respectively, but the standing Finance Sub-Committee was converted into an additional Committee alongside the Policy Committees, retaining its 9 seats. In addition, in both years, a Strategy and Resources Policy Committee was established, chaired by the Leader of the Council, and with its membership including all Policy Committee Chairs and the Chair of the Finance Committee (Finance Sub-Committee in 2022/23), plus such other Members as necessary to achieve proportionality and to ensure an odd number of Members. This Committee was operated with 11 seats in 2022/23 and was initially established with 11 seats in 2023/24, but its size was then increased to 13 seats from 1st November 2023, following a review of the allocation of seats on the Council's Committees caused by a change to the composition of the Council arising from the establishment, on 14th October 2023, of the Sheffield Community Councillors Group as a new political group on the Council. The reason for that increase was to ensure that sufficient seats were made available for all Policy Committee Chairs, the Finance Committee Chair and the Deputy Leader of the Council, whilst maintaining political proportionality on the Committee.
- 5.1.3 The powers and responsibilities of the Policy Committees are set out in Article 7 of the Council's Constitution and their terms of reference, and those of their standing Sub-Committees and the Finance Committee, are set out in Part 3 of the Constitution.
- 5.1.4 In addition, Part 3.3.2 of the Constitution provides for an Urgency Sub-Committee to be established for each Policy Committee and the Finance Committee, with a quorum of three members (to include the Chair and Deputy Chair), and that all members of the parent committee and their named substitutes (where applicable) may act as substitute members of

an Urgency Sub-Committee. A meeting of an Urgency Sub-Committee may be convened to take any urgent decision reserved to the parent Policy (or Finance) Committee – provided that the Monitoring Officer, in consultation with the Chair, has confirmed that the decision could not have been foreseen and to delay taking the decision until the next scheduled meeting of the Policy (or Finance) Committee would seriously prejudice either the Council's or the public's interests. In 2022/23 and 2023/24, the Urgency Sub-Committees were established with five seats, with membership based on the proportional seat allocation for a committee of 5 seats. However, as mentioned in paragraph 4.4, the Urgency Sub-Committees were not included in the overall proportionality calculation for the reason that they are only convened on an as and when basis.

5.1.5 The Council has resolved not to have an overview and scrutiny committee appointed under section 9JA of the Local Government Act 2000. The Council instead exercises its statutory scrutiny functions through the appropriate Policy Committees, or sub-committees established for the purpose (whose members may, if necessary, include members of other Policy Committees), in accordance with the Terms of Reference set out in Part 3 of the Constitution. In particular:-

- the Health Scrutiny Sub-Committee (of the Adult Health and Social Care Policy Committee) has the responsibility for the review and scrutiny of the planning, provision and operation of local health services. (*NOTE: Following a legislative change to the statutory health scrutiny powers, which removed local authorities' power of referral to the Secretary of State, the terms of reference of the Sub-Committee are to be amended to reflect those changes – this is expected to be approved under a separate item of business on the agenda for this annual meeting of the Council*);
- the Communities, Parks and Leisure Policy Committee is the Council's Crime and Disorder Committee and exercises the functions under Section 19 of the Police and Justice Act 2006; and
- the Transport, Regeneration and Climate Policy Committee has the responsibility for the review and scrutiny of the exercise by risk management authorities of flood risk management functions under Section 9JB of the Local Government Act 2000.

5.1.6 For 2024/25, it is proposed to retain the eight Policy Committees and the Finance Committee, but with changes being made to the terms of reference of the Strategy and Resources Policy Committee, the Charity Trustee Sub-Committee, the Finance Committee, the Health Scrutiny Sub-Committee and the Audit and Standards Committee, as well as to the delegations relating to Contracts which are reserved to all Policy Committees. These changes are expected to be approved under a separate item of business on the agenda for this annual meeting of the Council.

5.1.7 Accordingly, it is proposed that the remits and terms of reference of the Policy Committees and Finance Committee be re-affirmed and operated for 2024/25 - subject to being amended to account for the changes outlined

in paragraph 5.1.6 above - and that the Committees be established with a number of seats as set out in the schedule to be distributed at or before the meeting. The Strategy and Resources Policy Committee is again to comprise the Chairs of the other Policy Committees and the Finance Committee, the Deputy Leader of the Council, plus additional members in order to secure proportionality, and will therefore be established with a number of seats as set out in the schedule to be distributed at or before the annual meeting of the Council.

5.1.8 By virtue of section 101 of the Local Government Act 1972, only committees have the power to appoint their sub-committees. Accordingly, it will be for (a) the Strategy and Resources Policy Committee to establish the standing Charity Trustee Sub-Committee and appoint Members to serve on it and (b) the Adult Health and Social Care Policy Committee to establish the standing Health Scrutiny Sub-Committee (for the sole purpose of exercising statutory health scrutiny functions, as set out in paragraph 5.1.5 above and in Article 7 of the Council's Constitution) and appoint Members to serve on it. In the case of the Health Scrutiny Sub-Committee, its membership is to comprise councillors from the parent Committee and the Education, Children and Families Policy Committee. Although both of these standing Sub-Committees are to be formally established at the first meeting of their parent committee in 2024/25, they are included in the overall proportionality calculations, and therefore will need to be established with a number of seats as set out in the schedule to be distributed at or before the annual meeting of the Council.

5.1.9 It is also proposed that the Urgency Sub-Committees be again established on a politically proportionate basis, with five seats, in 2024/25, but that they are not considered in the overall proportionality calculations. These Sub-Committees also need to be formally established by their parent committee (by virtue of section 101 of the Local Government Act 1972) and this will be undertaken at the first meeting of each parent Policy Committee in 2024/25.

5.1.10 There are three main considerations when the Council is considering the size of Policy Committees (and the Finance Committee) to adopt, out of the 8-11 range previously agreed by Full Council:-

(a) Proportionality

There is no explicit legal requirement for the sizes of committees to be defined by proportionality, however when the current sizes of political groups are applied proportionately to a single policy committee of 8, 9, 10 or 11 seats there is a variance in the degree to which the percentage entitlements set out at paragraph 3.2 fit neatly into whole seats. The lower the variance across all the seat entitlements on the committee, the more 'fair' the calculation is. Appendix 2 shows the difference in proportionality available at the level of individual committees at different committee sizes. In summary the total variation from proportionality is as follows:-

Number of seats on Committee	Total variance from perfect proportionality on an individual committee in isolation <i>(lower numbers mean more proportionate)</i>
8	1.72 seats
9	1.22 seats
10	1.24 seats
11	1.34 seats

A committee of 9 seats is the fairest in terms of the strict application of proportionality. However, an alternative size, if it is able to be agreed by full Council as part of a politically proportionate scheme, is also likely to be acceptable.

(b) Councillor Workload

When undertaking its inquiry during 2021-22 in order to design the new committee system, the Governance Committee heard various representations from witnesses about the importance of making sure that the new system did not add undue extra workload to Councillors who were already extremely busy working at a local level to support and represent their constituents. Concerns were expressed about raising the number of Town Hall meetings which each individual councillor needed to attend, pulling them out of their local wards and potentially making it harder for individuals who are parents, carers or in work to become – or remain – councillors.

Data included in the report on establishment of Council Committees which was submitted to the annual meeting of the Council in 2022, suggested that the average number of committee seats per councillor in the new committee system – where the Policy Committees were established with 9 seats – was 3.06, compared with an average of 3.27 seats per councillor in the previous Executive model of governance.

Councillors' workloads was not raised as an issue of concern during the review of the new committee system of governance which was undertaken by the Governance Committee and reported to last year's annual meeting of the Council, although a focus was given on ways to create capacity in the system for the Policy Committees to undertake more policy development work. The Governance Committee did not make recommendations (nor did the Council decide) to change the number or size of the Policy Committees, but did recommend that *"Policy Committees should continue to meet formally 6 times a year, with informal space diarised on the month where no formal meetings take place. This should enable Committees to carry out policy development activities as per their work programmes. This should not add to Member and Officer*

workloads, but reduce the need for additional, ad hoc briefing sessions and workshops”.

(c) Political and Practical Expediency

Different Policy Committee sizes lead to different allocations of seats when proportionality is strictly applied to them as individual committees (remembering that this may need to be altered on some committees in order to prioritise the rule about overall allocation in paragraph 2.2 (iii) above). This is illustrated at Appendix 2. The associated variations in balance between groups may be of particular practical significance when the electoral balance on a Council is very close or if there is no overall control.

Because committees conduct their business through the achievement of a majority vote on each decision, it is often considered pragmatic to ensure that committees have odd numbers of seats, however this is not a strict necessity; if a deadlock of votes is reached in any circumstance the chair of the committee will have a casting vote.

5.2 Regulatory and Other Council Committees

5.2.1 The Constitution provides for certain functions to be delegated to Committees, with terms of reference set out in Part 3 of the Constitution. In 2022/23 and 2023/24, these Committees (and their membership sizes) were as follows:-

Planning and Highways Committee	(13)
Licensing Committee	(15)
Audit and Standards Committee	(7)
<i>(comprising 7 Members of the Council, plus a maximum of 3 non-voting co-opted members)</i>	
* Governance Committee	(11)
Admissions Committee	(7)
Senior Officer Employment Committee	(15)
Appeals and Collective Disputes Committee	(15)

** From 1st November 2023, the Governance Committee was reduced from 11 to 9 seats to retain the total of 180 seats across all the Council's Committees that are subject to political proportionality, following the increase in size (from 11 to 13 seats) made to the Strategy and Resources Policy Committee (referred to at the end of paragraph 5.1.2).*

It is proposed to retain all those Committees in 2024/25 and that the Committees be established with a number of seats as set out in the schedule to be distributed at or before the meeting. Other than for the Governance Committee, which could be reverted back to its original size of 9 seats, it is not expected that the sizes of the other Committees will change.

- 5.2.2 The Licensing Committee, when meeting as the Statutory Licensing Committee under the Licensing Act 2003, can have a minimum of 10 and no more than 15 members. Whilst technically this Committee is not required to be politically balanced, its membership also meets as the Regulatory Licensing Committee which is required to be politically balanced. It is proposed to retain this Committee with a membership of 15 seats.

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. The terms of reference of the Regulatory Licensing Committee provide for its functions to be exercised through a Sub-Committee and it is proposed that the same arrangements, of any 3 Members of the Committee being called to hear individual cases, be applied.

- 5.2.3 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.

5.3 Health and Wellbeing Board

- 5.3.1 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 10 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.

- 5.3.2 Its membership includes the chairs of three of the Policy Committees – namely, the Adult Health and Social Care Policy Committee, the Education, Children and Families Policy Committee and the Housing Policy Committee – as the Council’s three Members to be appointed to serve on the Board. It is proposed that existing arrangements for the Board be continued in 2024/25.

5.4 Area Committees

- 5.4.1 Seven Local Area Committees have operated since 2021/22, and their membership and powers and responsibilities are set out in Article 11 of the Constitution and their terms of reference are set out in Part 3 of the

Constitution. They operate in accordance with Area Committee Procedure Rules set out in Part 4 of the Constitution. The political balance rules do not apply to Area Committees.

5.4.2 It is proposed to continue to operate these Local Area Committees, unchanged, in 2024/25. However, responding to a commitment made in its six-month review of the new governance arrangements, the Governance Committee is undertaking a review of Policy Committee remits which will involve consideration of the balance of decision making between Local Area Committees and Policy Committees and the relationships between Local Area Committees and Policy Committees. Further work will be undertaken on this, and any proposed changes, including to the relevant delegations and terms of reference, will be the subject of a separate report to a future Council meeting.

6. RISK ANALYSIS AND IMPLICATIONS OF THE RECOMMENDATIONS

6.1 Financial Implications

6.1.1 Under the Council's Members' Allowances Scheme, special responsibility allowances (SRAs) are paid for certain roles, such as being a Chair or Deputy Chair of a Policy or Regulatory Committee. The special responsibilities in respect of which special responsibility allowances are currently payable and the current amounts of those allowances (as at 1st April 2024), are set out below.

	£ per annum
Leader	27,440.55
Band A Deputy Leader Policy Committee Chairs Finance Committee Chair	13,720.28
Band B Leader of Opposition Groups with more than 20% of the membership of the Council	10,976.22
Band C Chair of Planning and Highways Committee Chair of Licensing Committee Chairs of Local Area Committees Chairs of Audit and Standards Committee Chairs of Sub-Committees of Policy Committees	8,232.17

Band D Deputy Chair of Licensing Committee Deputy Chairs of Local Area Committees Deputy Chairs of Policy Committees/Finance Committee Deputy Chair of Planning and Highways Committee	5,488.11
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- 6.1.2 Therefore, any structural or operational changes made in respect of the Council's Committees do have the potential to impact on the SRAs associated with those Committees.
- 6.1.3 An SRA at Band B level (currently £10,976.22 per annum) is available for the Leader of any Opposition Group with more than 20% of the membership of the Council. In the municipal year 2023/24, an SRA was paid to the Leader of the Liberal Democrat Group, which had 34.52% of the membership of the Council. Following the municipal elections held on 2nd May 2024, the political composition of the Council is now 36 : 27 : 14 : 6 : 1 [Labour : Liberal Democrat : Green : Sheffield Community Councillors : Other (Independent), respectively], which equates to a percentage allocation of 42.86% : 32.14% : 16.67% : 7.14% : 1.19%, respectively. This membership size entitles the Leader of the Liberal Democrat Group to retain his/her SRA, but no other group qualifies for this particular SRA. This has a cost neutral effect compared to the current position. If an Opposition Group Leader also holds another position which attracts an SRA, as usual only one SRA (whichever is larger) is payable.
- 6.1.4 In 2022, the Council's Independent Remuneration Panel (IRP) conducted a thorough review of the Members' Allowances Scheme to make sure that it was fit for purpose when the Council moved from a Leader and Cabinet Model to a Committee system in May 2022. This resulted in the Council approving a new Scheme. The IRP has also reviewed the Scheme since the introduction of the Committee system, with the most recent review having taken place in February 2023 concerning the Chairs of Sub-Committees. The Panel will review the Scheme again, following the completion of work by the Governance Committee on Member role profiles, to make sure the Scheme supports the new governance structure and the roles and responsibilities of elected members and its findings and recommendations will be reported to a future meeting of the Council. The financial implications of any changes that may be recommended to be made to the Scheme will be included as part of that report.
- 6.1.5 Appointments of Members to positions of Special Responsibility in the municipal year 2024/25 will be made at the annual meeting of the Council. The financial implications of those appointments will be outlined at the meeting.

6.2 Legal Implications

- 6.2.1 The legal implications for a review of the political composition of the membership of the Council's Committees are contained within the body of this report.

6.3 Equality of Opportunity Implications

- 6.3.1 There are no direct equalities implications associated with the Council establishing its committees for the municipal year ahead. However, it is worth noting that within the terms of reference of the Council's Policy Committees (set out in Part 3.3 of the Council's Constitution – Matters Delegated to Committees and Sub-Committees), when devising policy, evaluating service delivery and taking decisions, the Committees must consider - public engagement in informing its work; equality, diversity and inclusion implications; and climate and bio-diversity.

7. **ALTERNATIVE OPTIONS CONSIDERED**

- 7.1 'Do nothing' is not an option for the Council. It is under a legal obligation to review the allocation of seats to political groups as soon as practicable after a change to the political groups, or a change of membership of a group, on the Authority.
- 7.2 Alternative arrangements which depart entirely from political proportionality could only be put in place provided the Council votes for this without any Member voting against. No such alternative arrangements are being proposed.
- 7.3 The Council could make more substantial changes to the remits, or names, of the Policy Committees, over and above the changes (mentioned in paragraph 5.1.6 of this report) to the terms of reference of the Strategy and Resources Policy Committee, the Charity Trustee Sub-Committee, the Finance Committee, the Health Scrutiny Sub-Committee and the Audit and Standards Committee, as well as to the delegations relating to Contracts which are reserved to all Policy Committees. However, there is to be a review of Policy Committee remits, to be undertaken by the Governance Committee, over 2024/25, which may include reviewing the balance of decision making, and the relationships, between the Council's Local Area Committees and its Policy Committees, the outcome of which will inform the establishment of the Council's Committees for the 2025/26 municipal year. It is not, therefore, recommended that any further changes are made to the remits at this point in time.
- 7.4 The Council could decide to change the sizes of one or more of its Committees if it determined there was good reason to do so for political or practical expediency. This would necessitate a recalculation of the total and initial allocations of seats in light of the revised size/s.

7.5 As explained in paragraph 4.8 of this report, it is likely that adjustments will be required to be made to the initial seat allocations on individual committees to ensure that the third political balance principle is met (i.e. that 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 membership of the Authority). Any such adjustments of seats could be determined by identifying the largest variances within the initial allocations, i.e. the strict application of proportionality. However, an alternative proposal accommodating the preferences of the political groups as part of a politically proportionate scheme, would be acceptable, if it is able to be agreed by full Council, and the legislation allows for this within the boundaries of what is 'reasonably practicable' without requiring an unopposed vote.

8. REASONS FOR RECOMMENDATIONS

8.1 The recommendations in the report enable the Council to comply with 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.

9. APPENDICES

9.1 **Appendix 1 – Template for proposed membership of politically proportionate council bodies 2024/25** - to support the creation of schedules to be published at or before the annual meeting of the Council showing:-

- Proposed committee seat allocation between groups
- Proposed membership of each committee

(NB agreement of chairs of committees will take place under a separate item on the agenda for the annual meeting. Sub-Committees of Policy Committees will be formally established at the first meetings of the Policy Committees which are to be held at the conclusion of the annual meeting.)

Appendix 2 – Calculation of proportional seat allocation on committees, by committee size (illustrative).

James Henderson
Director of Policy and Democratic Engagement

**TEMPLATE FOR PROPOSED MEMBERSHIP OF POLITICALLY
PROPORTIONATE COUNCIL BODIES 2024/25**

(Schedule of named Councillor appointees to be tabled at the meeting)

Policy Committees

(Committee size to be between 8 and 11 Members [9 seats in 2023/24], except for Strategy and Resources Policy Committee [11 seats, then increased to 13 seats during 2023/24])

Strategy and Resources - *membership to comprise the Leader of the Council, plus the Chairs of the other Policy Committees and the Finance Committee, and such other Members as are necessary for political proportionality, and to ensure an odd number of Members; unless otherwise appointed as Chairs, it is expected that provision is also to be made to include the Deputy Leader of the Council and the Leaders of Groups forming the Council Administration.*

Adult Health and Social Care

Communities, Parks and Leisure

Education, Children and Families

Economic Development and Skills

Housing

Transport, Regeneration and Climate

Waste and Street Scene

Pool of Policy
Committee
Substitutes

Finance Committee

(Committee size to be between 8 and 11 Members [9 seats in 2023/24])

Pool of Committee
Substitutes

Standing Sub-Committees of Policy Committees *(to be formally established by their parent Committee)*

Charity Trustee Sub-Committee *(of the Strategy and Resources Policy Committee) [5 seats in 2023/24]*

Health Scrutiny Sub-Committee *(of the Adult Health and Social Care Policy Committee) – membership to include*

Pool of Sub-
Committee
Substitutes (drawn
from the parent

Members from the parent Policy Committee and from the Education, Children and Families Policy Committee) [9 seats in 2023/24]

Policy Committee/s)

Urgency Sub-Committees of Policy Committees (5 seats each) (to be formally established by their parent Committee)

These Sub-Committees have 5 seats, with membership to include the Chair and Deputy Chair of the parent Committee, plus 3 other Members of the Committee, with the remaining Members of the Committee and their named substitutes being able to act as substitute members of the Urgency Sub-Committee.

Regulatory and Other Council Committees (number of seats in 2023/24 are showing in brackets)

Planning and Highways Committee (13)

Pool of Planning Committee Substitutes

Licensing Committee (15)

Audit and Standards Committee (7)

Governance Committee (11 seats, then reduced to 9 seats, during 2023/24)

Pool of Governance Committee Substitutes

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)

MEMBERSHIP OF NON-POLITICALLY PROPORTIONATE COUNCIL BODIES 2024/25

Local Area Committees (x7) (12 Members per Committee)

Ward Member appointments based per each Local Area Committee geographical boundary.

Health and Wellbeing Board

Comprises 3 Members of the Council (being the Chairs of the Adult Health and Social Care Policy Committee, the Education, Children and Families Policy Committee and the Housing Policy Committee), plus additional membership as set out in its terms of reference 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.

APPENDIX 2**CALCULATION OF PROPORTIONAL SEAT ALLOCATION
OF COMMITTEES, BY COMMITTEE SIZE**

These hypothetical figures would be subject to the overall allocation of seats across the Council (see paragraph 2.2 above) and therefore may legitimately differ from committee to committee once properly applied.

% Share of Council	42.86%	32.14%	16.67%	7.14%	1.19%
Number on Committee	Labour	Liberal Democrat	Green	Sheffield Community Cllrs	Other (Ind)
3	1.286	0.964	0.500	0.214	0.036
4	1.714	1.286	0.667	0.286	0.047
5	2.143	1.607	0.833	0.357	0.060
6	2.572	1.928	1.000	0.428	0.072
7	3.000	2.250	1.167	0.500	0.083
8	3.429	2.571	1.334	0.571	0.095
9	3.857	2.893	1.500	0.643	0.107
10	4.286	3.214	1.667	0.714	0.119
11	4.715	3.535	1.834	0.785	0.131
12	5.143	3.857	2.000	0.857	0.143
13	5.572	4.178	2.167	0.928	0.155
14	6.000	4.500	2.334	1.000	0.166
15	6.429	4.821	2.500	1.071	0.179
16	6.858	5.142	2.667	1.142	0.191
17	7.286	5.464	2.834	1.214	0.202
18	7.715	5.785	3.001	1.285	0.214
19	8.143	6.107	3.167	1.357	0.226
20	8.572	6.428	3.334	1.428	0.238
21	9.001	6.749	3.501	1.499	0.250
22	9.429	7.071	3.667	1.571	0.262
23	9.858	7.392	3.834	1.642	0.274

	Seats	%
Labour	36	42.86
Liberal Democrat	27	32.14
Green	14	16.67
Sheffield Community Cllrs	6	7.14
Other (Independent)	1	1.19
	84	100%