

Appendix

3.3.1 POLICY COMMITTEES

The Council has established ~~eight~~nine Policy Committees aligned with the functions of the Council:

1. Strategy and Resources
2. Communities, Parks and Leisure
3. Education, Children and Families
4. Adult Health and Social Care
5. Housing
6. Waste and Street Scene
7. Economic Development and Skills
8. Transport, Regeneration and Climate
9. Finance and Performance

~~A Finance Committee has also been established to make specific financial decisions on behalf of the Council.~~

Matters Reserved to All Policy Committees

Within the remit of each Policy Committee and subject to decisions being (i) within the approved budget (including any virement), (ii) not contrary to the Budget and Policy Framework, (iii) in accordance with the priorities set out in the Council's Corporate Plan, and (iv) any Capital Programme expenditure having been approved by the Finance and Performance Policy Committee, the following matters are reserved to Policy Committees:

Strategic Service and Financial Planning and Review

- Agreeing statutory and other strategies;
- Agreeing policy issues;
- Approval of the proposed withdrawal or variation of any service where the likely impact on present or future users of the service is significant;
- Agreeing fees and charges (other than any set by Full Council as part of the budget process) in line with the medium term financial strategy and any policies in respect of fees and charges;
- Agreeing to policy and performance priorities for the short and medium term, taking into account the needs of the Council as a whole;
- Considering reviews of Service performance.

In connection with this role, a Policy Committee may, subject to sufficient Officer and Member capacity, appoint Task and Finish Groups as appropriate to assist in the completion of their duties. Membership of such a Task and Finish Group is not limited to Members of the appointing Policy Committee and may include in an advisory capacity people who are not elected Members. Where a Policy Committee is developing a regulatory policy, it shall form a working group with Members of the relevant Regulatory Committee to inform the process.

Consultation and Petitions

- Agreeing the Council's response to consultation by Government or other external agencies where this relates to proposed policy changes which the Chair of the Committee or of the Strategy and Resources Policy Committee consider to be significant;
- Considering public petitions that have been presented or referred to the Committee.

Contracts

Agreeing the commission or purchasing decision (or a variation to an existing commission or purchasing decision) and the budget on any given requirement is reserved to a Policy Committee except where the proposed course of action is a contract or contracts which together:

- is/are not contrary to any duly approved policy of the Council;
- has/have a service delivery period of 4 years or less; and
- (a) has/have an estimated value over the lifetime of the contract(s) which does not exceed £250,000 or (b) is/are for Commonly Arising Items.

'Commonly Arising Items' means (a) those consumables that the Council routinely purchases to enable the continuation of its day to day business activities (such as for example office supplies, fuel, utilities, travel tickets, maintenance supplies, tyres and protective clothing); and/or (b) services purchased by the Council for which there is a need, which facilitate the delivery of its functions rather than being the mechanism for delivery of those functions, e.g. IT support and back office IT systems, and which do not have a direct customer facing interaction or service provision. Provision of the consumables or services to Sheffield Schools as well as for the benefit of the Council does not prevent it being a Commonly Recurring Item.

After a Policy Committee has made a reserved commissioning or purchasing decision, procurement and contracting decisions are reserved to Committee only if:

- The contract is inconsistent with the approved commissioning / purchasing strategy; or
- Award of the contract would contravene a Council policy.

Council Supply Agreements

A Council Supply Agreement is a contractually binding agreement under which the Council agrees to provide works, services or supplies to a third party in return for payment, in money or in-kind, otherwise than in fulfilment of a statutory duty, but does not include an agreement under which the Council receives grant aid.

The decision to enter into a proposed Council Supply Agreement or to agree a variation where one of the following criteria applies or to terminate an existing Council Supply Agreement is reserved to the Committee only if:

- it would require the Council to incur gross expenditure in order to discharge its obligations under the agreement which is (a) reasonably anticipated to be in excess of £100,000 or (b) not provided for in a relevant budget;

- it would involve the Council in receiving payment the value of which is reasonably anticipated to be in excess of £250,000;
- it would require the Council to provide works, services or supplies for a period exceeding 3 years; or
- it would contravene a Council policy.

Grant Aid, Loans and Guarantees

- Making any decision in relation to grant aid which is not within an agreed strategy;
- Agreeing to establish a fund in excess of £100,000 from which individual grants or loans will be paid and agreeing the eligibility criteria for these grants or loans;
- approving the payment of any grant or loan in excess of £50,000 (including a grant or loan paid wholly or in part by the Council out of external grant aid) except where (a) paying the grant or loan to that specific recipient, or to a recipient for a specific purpose, is required or clearly intended by the terms of the Council's agreement with an external funder, and (b) a decision has been made to accept the external funding in knowledge of this requirement/intention;
- Approving the withdrawal or reclaiming of grant aid which has been awarded to a third party where the amount of grant aid to be withdrawn or reclaimed is in excess of £25,000;
- Agreeing to the Council becoming the Accountable Body for any award of grant aid from an external funder to the Council or to a third party where:-
 - (i) the grant aid to be received by the Council is anticipated to be in excess of £750,000; or
 - (ii) the grant aid to be received by the third party is anticipated to be in excess of £50,000;
- Agreeing to the Council guaranteeing the liabilities of a third party where the financial exposure of the Council under the guarantee is or may be in excess of £50,000.

Community Right to Challenge

The decision to accept an expression of interest (including a modified expression of interest) submitted pursuant to the Community Right to Challenge contained in Part 5 of the Localism Act 2011.

Urgent decisions

Establishing an Urgency Sub-Committee with a quorum of three members (to include the Chair or Deputy Chair of the Policy Committee) to take Urgent Decisions in accordance with the Arrangements for Urgent Decision Making set out at Part 3 3 2 below; all members of the parent committee and their named substitutes (where applicable) may act as substitute members of an Urgency Sub-Committee.

The Terms of Reference, including any Sub-Committees, for each Policy Committee ~~and the Finance Committee~~ are detailed below.

The Leader of the Council is the Chair of the Committee. Membership includes the Chairs of each of the Council's other Policy Committees, ~~the Chair of the Finance Committee~~, and such other Members as are necessary for political proportionality, and to ensure an odd number of Members.

Corporate responsibilities

The following Corporate responsibilities are within the remit of the Committee:

- Cross-cutting responsibility for development and submission to Full Council for adoption of the Budget and Policy Framework
- Providing strategic direction to the operation of the Council by developing and recommending the Corporate Plan (including determination of the priorities set out therein) to Full Council and making decisions on cross-cutting policies and practice (except those decisions in relation to grants which are reserved to Finance and Performance Policy Committee) where such decisions are not reserved to full Council
- Responsibility for decisions on any commitments to funding in future years not covered within the Council's medium term financial plan
- Responsibility for any issue identified as being of significant strategic importance or financial risk to the Council (which is considered to be by its nature cross-cutting)
- Responsibility, including referral to another Policy Committee for consideration if appropriate, for any policy matter not otherwise allocated to a Committee
- Lead responsibility for complaints including monitoring of complaint handling performance
- Considering reports which an Ombudsman requires to be published by the Council where it is proposed that the Council take the recommended action

Council Functions

~~The following functions are within the remit of Strategy and Resources Policy Committee:~~

- ~~• Finance and Commercial Services~~
- ~~• Legal Services~~
- ~~• Democratic Engagement~~
- ~~• Human Resources and Employee Engagement~~
- ~~• Organisational Strategy, Performance and Delivery~~
- ~~• ICT and Digital Innovation~~
- ~~• Information Management~~

The Committee will take decisions within its remit on any reserved matter ~~and may take decisions on any matter otherwise reserved to Finance Committee~~. When devising policy, evaluating service delivery and taking decisions the Committee must consider:

- Public engagement in informing its work
- Equality, diversity and inclusion implications
- Climate and Bio-diversity

Relationship with the other Policy Committees

The Committee is responsible for:

- Developing an annual work plan (including work programming), with reference to the Corporate Plan, in consultation with the other Policy Committees. The Committee co-ordinates and implements the Corporate Plan and will consider the combined Policy Committee Work Programme every other meeting to ensure corporate objectives are being achieved.
- Determining key cross-cutting policies and key plans that impact on more than one Policy Committee, decisions that have a significant impact on a cross cutting issue, strategy or plan, and determining any matter that has a major impact on a number of Council services or the Council as a whole.
- Determining any matter of dispute or difference between any Policy Committees.
- A co-ordinating role across all other Policy Committees and exercising a corporate view of outcomes, performance, budget monitoring and risk management.
- Considering the overall performance of the Authority and the performance of other Policy Committees, including holding them to account with regard to delivery against the Corporate Plan. Where there is a serious performance concern, the Committee may refer this concern to Full Council for consideration.
- The exercise of any function not otherwise allocated and, if it considers appropriate, the exercise of functions of any Policy Committee or Sub-Committee.
- Monitoring referrals from Area Committees to Policy Committees, including monitoring patterns and lessons to be learned, in consultation with Area Committee chairs. For the avoidance of doubt an Area Committee may only refer a matter to the Committee if it is the appropriate Policy Committee for that referral.

Strategy and Resources Policy Committee may refer any issue falling within its remit to another Policy Committee, or Sub-Committee ~~or Finance Committee~~ for decision if it considers appropriate.

Another Policy Committee, or Sub-Committee ~~or Finance Committee~~ may refer any matter within its remit to Strategy and Resources Policy Committee if it considers appropriate.

Strategy and Resources Policy Committee may refer any matter (within its own remit or the remit of another Policy Committee, or Sub-Committee ~~or Finance Committee~~) to Full Council only in exceptional circumstances.

Charity Trustee Sub-Committee

The Strategy and Resources Policy Committee shall establish a politically proportionate Charity Trustee Sub-Committee, whose membership is not limited to members of the Committee, as a standing sub-committee to meet as required.

The Charity Trustee Sub-Committee shall take all decisions of the Council as charitable trustee, including but not limited to

- Disposals of and other dealings with charitable land
- Matters about which the Charity Commission must be contacted
- Matters of which charitable trustees should be aware in accordance with Charity Commission Guidance
- Use of charitable assets by the Council for purposes that do not directly meet the charitable aims
- Any other matter that has a significant impact on the use of a charitable asset for the charitable purposes for reasons of duration, area of the asset impacted, or other restriction, including that permission may be granted or withdrawn for the regular or exclusive use of an area of charitable land for recreational, business or other purposes by a single person or organisation
- Matters relating to land that is not itself charitable and other incidental matters which depend on or are directly related to a decision that must be made by the Charity Trustee Sub-Committee

FINANCE AND PERFORMANCE POLICY COMMITTEE

Council Functions

The following functions are within the remit of Finance and Performance Policy Committee:

- Finance and Commercial Services
- Legal and Information Governance
- Policy and Democratic Engagement
- People and Organisational Culture
- Transformation
- ICT and Digital Innovation

Within its remit the Committee:

- Takes decisions on any reserved matter;
- Is responsible for regular monitoring of data including performance and financial information and for monitoring the performance of services;
- Is responsible for working within the budget framework agreed by Council, including taking timely action to address any overspend within services;
- Is responsible for delivery against the Corporate Plan and any associated Annual Plans and reporting performance to Strategy and Resources Policy Committee;
- Must keep its work programme under review at each meeting;
- May consider any matters referred by an Area Committee.

The Committee may refer matters within its own remit (but not matters within the remit of any other Policy Committee) to Full Council only in exceptional circumstances. The Committee may refer matters to Strategy and Resources Policy Committee but to no other Policy Committee. It is responsible for delivery on matters referred by Strategy and Resources Policy Committee and, in the case of cross-cutting issues, for communication, through the Chairs, with any affected Policy Committee.

When devising policy, evaluating service delivery and taking decisions the Committee must consider:

- Public engagement in informing its work
- Equality, diversity and inclusion implications
- Climate and Bio-diversity

Matters Reserved to Finance and Performance Policy Committee

The Finance and Performance Policy Committee may take decisions in respect of the Performance, Finance and Property matters (but for the avoidance of doubt not those matters which are reserved to the Charity Trustee Sub-Committee) more particularly detailed below.:

Performance:

- Receiving and considering reviews of Service, Financial and Corporate performance and reports on any performance issue;
- Referring performance matters to the relevant Policy Committee (notifying Strategy and Resources of all referrals) and escalating significant concerns to Strategy and Resources Policy Committee for consideration.

Finance:

- Monitoring Council budget each quarter;
- Agreement of Council policies in respect of fees and charges;
- Agreement upon virements of £500,000 and over or representing a major change of policy (any value) from one division of a Service to another or between Services within Directorates or between Directorates and within the approved budget;
- Reviewing proposals for the medium term financial plan and the budget prior to their consideration by Strategy and Resources Policy Committee;
- Responsibility for decisions up to the value of £500,000 on commitments to funding in future years not covered within the Council's medium term financial plan;
- Reserved decisions in relation to grants where they are cross-cutting or do not fall within the remit of another Policy Committee..

Capital Programme:

Subject to decisions being not contrary to the Capital Strategy, agreement of reports on the implementation of the capital programme provided under the Capital Programme Financial Reporting and Control Procedures, including:-

- (a) approval of all new schemes; except expenditure relating to feasibility works up to the value of £100,000 in accordance with the Financial Procedure Rules;
- (b) approval of a variation to an existing scheme which increases the value of the scheme by more than £100,000; and
- (c) acceptance and issue of capital grant funding (and where appropriate associated revenue grant funding) to enable capital scheme implementation.

Property:

- (a) Acquisitions of Property where the consideration to be paid by the Council exceeds £250,000, but not including any acquisition of Property that the Council is obliged by law to complete;
- (b) Disposals of Property, being of the freehold or leasehold but not including a mortgagee sale or disposal that Council must by law complete such as Right to Buy, lease enfranchisement or easements to certain service providers
 - Where the Council has been required by Law to publicly advertise the proposed Disposal (e.g. public open space); **and** one or more objections to the proposed Disposal has been received;
 - Which are not subject to a competitive process where the consideration to be received by the Council exceeds £300,000;
 - For less than the best consideration reasonably obtainable;
 - Which for any statutory or other legal reason need to be decided by a committee, not an officer
 - Which involve the transfer of a freehold interest, the grant of a lease for a term of not less than twenty-five years or the assignment of a lease with a remaining term of not less than twenty-five years AND a relevant councillor or parish/town council has objected
- (c) Appropriation to another purpose of surplus property that has not been identified for disposal by the Finance and Performance Policy Committee.

The Committee may refer matters to Strategy and Resources Policy Committee but (except for performance matters) to no other Policy Committee and is responsible for delivery on matters referred by Strategy and Resources Policy Committee.

~~The Finance Committee shall establish an Urgency Sub-Committee with a quorum of three members (to include the Chair or Deputy Chair of the Committee) to take Urgent Decisions in accordance with the Arrangements for Urgent Decision Making set out at Part 3.3.2 below; all members of the Committee and their named substitutes (where applicable) may act as substitute members of the Urgency Sub-Committee.~~