



## SHEFFIELD CITY COUNCIL Report to Council

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**Report of:** Chief Executive

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**Date:** 4<sup>th</sup> June 2014

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**Subject:** Establishment of Council Committees in 2014/15 and Appointment of Members to Serve on those Committees

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**Author of Report:** Paul Robinson – Head of Democratic Services (Council and Members)

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### **Summary:**

This report outlines the requirements set out in the Local Government and Housing Act 1989 to allocate seats on Council Committees to political groups on a politically proportionate basis. The report asks Council to establish, and agree the terms of reference of, its Committees, and to appoint named Members to them to reflect the wishes of each of the political groups. Alternative arrangements in not applying strict political proportionality can be put in place provided Council gives unanimous support without any Member dissenting from that approach.

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### **Recommendations:**

That the Council:-

- (1) Notes the political proportionality framework and the illustrative example of how this might be applied as set out in the report.
- (2) Considers how it wishes to allocate seats on Committees in light of this illustrative approach.
- (3) Determines whether to continue to disapply proportionality to the Senior Officer Employment Sub-Committees and the Appeals and Collective Disputes Sub-Committees (for the reasons set out in paragraph 3.2.3 of the report), and to the Standards Committee (paragraph 3.3.2).
- (4) Agrees:
  - (i) the sizes of individual Committees to be subject to proportional balance and the initial allocation of seats to political groups on individual Committees before final adjustment;

- (ii) the final adjustments of seats to ensure that each group has the required number of seats overall in comparison to the total number of seats available on all Committees to reflect their composition on the Council as a whole; and
  - (iii) the appointment of Members to Committees to reflect the wishes of the political groups in accordance with the schedule to be circulated at the meeting and including substitutes where appropriate; and
- (5) Agrees that the terms of reference of the Committees in 2014/15 be as currently set out in the Constitution, but that the Overview and Scrutiny Management Committee becomes subject to proportional balance, whilst its membership is still to include the Chairs and Deputy Chairs of the other 4 Scrutiny and Policy Development Committees (as described in paragraph 3.1.2 of the report), and gives authority for consequential amendments to be made to the Constitution accordingly.

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**Background Papers:** Constitution of Sheffield City Council

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**Category of Report:** OPEN

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## Statutory and Council Policy Checklist

<b>Financial implications</b>
YES – Cleared by Pauline Wood
<b>Legal implications</b>
YES – Cleared by Gillian Duckworth
<b>Equality of Opportunity implications</b>
NO
<b>Tackling Health Inequalities implications</b>
NO
<b>Human Rights implications</b>
NO
<b>Environmental and Sustainability implications</b>
NO
<b>Economic impact</b>
NO
<b>Community Safety implications</b>
NO
<b>Human Resources implications</b>
NO
<b>Property implications</b>
NO
<b>Area(s) affected</b>
None
<b>Relevant Scrutiny Committee if decision called in</b>
N/A
<b>Is the item a matter which is reserved for approval by the City Council?</b>
Yes
<b>Press release</b>
NO

## **Establishment of Council Committees in 2014-15 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, but that the existing size of the Overview and Scrutiny Management Committee be amended to become subject to proportional balance, whilst its membership is still to include the Chairs and Deputy Chairs of the other 4 Scrutiny and Policy Development Committees (see section 3.1 of this report). In order to meet these requirements, the Committee is required to be established with 18 seats (an increase of 10 seats from its size in 2013/14).
- 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 Municipal Elections held on 22<sup>nd</sup> May, 2014, and on the assumption that the 3 newly elected Councillors from the UK Independence Party will formally register as a political group on the Council, the Council will have 4 political groups. The Labour Group has 59 seats, the Liberal Democrat Group has 18 seats, the Green Group has 4 seats, and the UKIP Group has 3 seats. The total number of seats on the Council is 84.

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

Labour:	$59 \div 84 \times 100 = 70.24\%$
Liberal Democrat:	$18 \div 84 \times 100 = 21.43\%$
Greens:	$4 \div 84 \times 100 = 4.76\%$
UKIP:	$3 \div 84 \times 100 = 3.57\%$

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	$59 \div 84 \times 13 = 9.13$
Liberal Democrat	$18 \div 84 \times 13 = 2.79$
Greens	$4 \div 84 \times 13 = 0.62$
UKIP	$3 \div 84 \times 13 = 0.46$

This shows that 11 whole seats are allocated, 9 to the Labour Group and 2 to the Liberal Democrat Group. Two seats remains for allocation and are awarded on the highest part percentage claim, i.e. to the Liberal Democrat Group (0.79) and the Green Group (0.62), giving an overall allocation of 9 : 3 : 1 : 0 seats (Labour : Liberal Democrat : Green : UKIP), 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 2013/14 except for the Overview and Scrutiny Management Committee (see section 3.1 of this report) which needs to be established with 18 seats (an increase of 10 seats) so as to fulfil the political proportionality requirements whilst also providing sufficient seats to accommodate the appointment to the Committee of the Deputy Chairs of the other 4 Scrutiny and Policy Development Committees, as these Members are appointments from the

largest opposition group on the Council.

2.7 This illustration also shows that the total number of seats across all politically proportionate Committees is **141**. The sizes of any of the Committees is however at the discretion of the Council to vary should it so choose, providing there are sufficient seats across the Council's scrutiny, planning and licensing committees to enable each non-executive member of the Council to be appointed to one of those committees in accordance with Council Procedure Rule 25.4 which specifies that every Member of the Council, except those appointed to the Cabinet, shall be appointed a member of at least one Scrutiny and Policy Development Committee or one Regulatory Committee. The basis of the mathematical calculation on differing sized Committees is shown at Appendix 2.

2.8 Applying each group's percentage allocation (set out in paragraph 2.4) to the total number of seats on Committees (141), gives the following results:-

Labour	141 x 70.24%	= 99.04
Liberal Democrat	141 x 21.43%	= 30.22
Greens	141 x 4.76%	= 6.71
UKIP	141 x 3.57%	= 5.03

This shows that 140 whole seats are allocated, 99 to the Labour Group, 30 to the Liberal Democrat Group, 6 to the Green Group and 5 to the UKIP Group. One seat remains for allocation and is awarded on the highest part percentage claim, ie to the Green Group (0.71).

2.9 The closest practical distribution to political groups (after rounding) is therefore 99 : 30 : 7 : 5 (Labour : Liberal Democrat : Green : UKIP).

2.10 There is no requirement for the Cabinet or any Cabinet Committee, Shadow Cabinet or Area Committees to be politically balanced. Neither do the political balance rules apply to the Licensing Committee, but the Council chooses to apply the rules to this Committee. The Council has agreed to disapply proportionality to the Standards Committee. Taking into account the allocation detailed in the table in Appendix 1, a number of adjustments (5 seats) are required to ensure political balance on the overall number of seats across all Committees available to each political group. This illustrates that the Labour Group has an over allocation of 1 seat; the Liberal Democrat Group has an over allocation of 2 seats; and the Green Group has an over allocation of 2 seats, and the UKIP Group is under represented by 5 seats, and final adjustment is required. The practical arrangements for making the required adjustments are outlined at the end of Appendix 1. A schedule of nominations from each of the political groups to occupy the requisite number of allocated seats, will be tabled at the meeting.

### **3. THE ESTABLISHMENT OF COMMITTEES/SUB-COMMITTEES UNDER THE CONSTITUTION**

#### **3.1 Scrutiny Committees**

3.1.1 The Constitution provides for the appointment of Scrutiny Committees and they are subject to the rules on political proportionality. In 2013/14, 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 membership of the Children, Young People and Family Support Scrutiny and Policy Development Committee also includes provision for at least 2 voting co-opted parent governor representatives and 2 voting co-opted members nominated by each of the local Church of England and Roman Catholic Diocesan Boards. An overview and scrutiny committee of a local authority, or a sub-committee of such a committee, may not include any member of the authority's executive.

3.1.2 The terms of reference and remits of the Scrutiny and Policy Development Committees are set out in Part 3 of the Council's Constitution. The Healthier Communities and Adult Social Care Scrutiny and Policy Development Committee has the responsibility for the review and scrutiny of local health services, including the power of referral to the Secretary of State for Health, under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. It is proposed that existing arrangements be continued, but that the Overview and Scrutiny Management Committee becomes subject to proportional balance, whilst its membership is still to include the Chairs and Deputy Chairs of the other 4 Scrutiny and Policy Development Committees. This change to the composition of the Management Committee was one of several recommendations identified, following a review of the operation of the Council's scrutiny function, with the aim of enabling the Council to improve the impact and effectiveness of scrutiny. The report on the review of the scrutiny function was submitted to the meeting of the Cabinet held on 16<sup>th</sup> April 2014. Several minor consequential amendments will be required to be made to the Constitution (i.e the Scrutiny Procedure Rules) to reflect the change to the composition of the Committee (plus other recommendations from the scrutiny review).

#### **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 2013/14, these Committees (and their membership sizes) were as follows:

Planning and Highways Committee	(13)
Licensing Committee	(15)
Audit Committee	(6)
<i>(6 Non-Executive Members of the Council, plus 2 non-voting co-opted</i>	

<i>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 2014/15.

- 3.2.2 The Licensing Committee, set up under the Licensing Act 2003, can have a minimum of 10 and no more than 15 members under the legislation. Whilst technically this Committee is not required to be politically balanced, past practice has ensured that it is. It is proposed that this approach is continued, having a membership of 15.

The appointment of Licensing Sub-Committees to review cases under Section 10 of the Licensing Act 2003, is a statutory function reserved by the Act to the statutory Licensing Committee. Accordingly, it is a matter for the Licensing Committee to appoint these Sub-Committees and the custom and practice has been for any 3 Members of the Committee to be called to hear individual cases. It is proposed that existing arrangements be continued.

- 3.2.3 The Senior Officer Employment Committee and the Appeals and Collective Disputes Committee, with terms of reference set out in Part 3 of the Constitution, are established as politically proportionate committees of 15 Members. However, built into the terms of reference of both Committees is the facility to establish Sub-Committees to undertake their functions. The custom has been to disapply proportionality to these Sub-Committees and for any 3 Members of the parent Committee to be called to hear individual matters. It is proposed that this approach be continued.

### **3.3 Standards Committee**

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

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

### **3.4 Health and Wellbeing Board**

- 3.4.1 The Council has established a Health and Wellbeing Board in accordance



with, and to discharge the statutory functions under, the Health and Social Care Act 2012. The membership and powers and responsibilities of the Board are set out in Article 9 of the Constitution, and the political balance rules do not apply to the Board. It is proposed that existing arrangements be continued.

### **3.5 Area Committees**

3.5.1 The Council did not establish any Area Committees in 2013/14 and has no plans to do so in 2014/15.

## **4. FINANCIAL IMPLICATIONS**

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

4.2 However, the posts of Chairs of Scrutiny and Policy Development Committees, Chair of Planning and Highways Committee, and Chair and Deputy Chair of Licensing Committee all attract Special Responsibility Allowances (SRAs) under the Council's Members' Allowances Scheme. Therefore, any structural or operational changes made in respect of those particular Committees do have the potential to impact on the SRAs associated with those Committees.

4.2 The Members' Allowances Scheme for 2014/15 approved by the Council at its special meeting held on 7<sup>th</sup> March 2014, made no changes to the Special Responsibility Allowances, so the amounts paid in 2013/14 for the roles referred to in paragraph 4.2 above will be the same in 2014/15. On the basis that the Council retains all its existing Committees/Sub-Committees and makes no changes to their operation such that it impacts on any of their associated SRAs, then there will be no financial implications.

4.3 The financial implications of the appointments of Members to positions of Special Responsibility in the Municipal Year 2014/15, will be outlined at the Council's annual meeting.

## **5. LEGAL IMPLICATIONS**

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

## **6. RECOMMENDATIONS**

That the Council:-

- (1) Notes the political proportionality framework and the illustrative example of how this might be applied as set out in the report.
- (2) Considers how it wishes to allocate seats on Committees in light of

this illustrative approach.

- (3) Determines whether to continue to disapply proportionality to the Senior Officer Employment Sub-Committees and the Appeals and Collective Disputes Sub-Committees (for the reasons set out in paragraph 3.2.3 of the report), and to the Standards Committee (paragraph 3.3.2);
- (4) Agrees:
  - (i) the sizes of individual Committees to be subject to proportional balance and the initial allocation of seats to political groups on individual Committees before final adjustment;
  - (ii) the final adjustments of seats to ensure that each group has the required number of seats overall in comparison to the total number of seats available on all Committees to reflect their composition on the Council as a whole; and
  - (iii) the appointment of Members to Committees to reflect the wishes of the political groups in accordance with the schedule to be circulated at the meeting and including substitutes where appropriate; and
- (5) Agrees that the terms of reference of the Committees in 2014/15 be as currently set out in the Constitution, but that the Overview and Scrutiny Management Committee becomes subject to proportional balance, whilst its membership is still to include the Chairs and Deputy Chairs of the other 4 Scrutiny and Policy Development Committees (as described in paragraph 3.1.2 of the report), and gives authority for consequential amendments to be made to the Constitution accordingly.

John Mothersole  
Chief Executive

**MEMBERSHIP OF NON POLITICALLY PROPORTIONATE  
COUNCIL BODIES 2014/15  
(Schedule of named Councillor appointees to be tabled at the meeting)**

**Executive (Cabinet) (9 in 2013/14)**

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 2013/14)**

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

**Shadow Cabinet (9 in 2013/14)**

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 (8 in 2013/14)**

Comprises 8 Elected Members, plus up to 4 non-voting co-opted members (including 1 representative of the 3 Parish and Town Councils).

### **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 2014/15**

### **Scrutiny and Policy Development Committees**

Overview & Scrutiny Management Committee (18) *(now to be politically balanced whilst still including the Chairs and Deputy Chairs of the 4 Scrutiny 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)

Safer & Stronger Communities S&PD Cttee (13)

Pool of Scrutiny  
Committee  
Substitutes

### **Regulatory Committees**

Planning and Highways Committee (13)

Licensing Committee (15)

Audit Committee (6)

Admissions Committee (7)

Pool of Planning  
Committee Substitutes

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	UKIP	Total
Overview and Scrutiny Management Committee	13	4	1	0	18
CYP&FS Scrutiny Cttee	9	3	1	0	13
E&EW Scrutiny Cttee	9	3	1	0	13
HC&ASC Scrutiny Cttee	9	3	1	0	13
S&SC Scrutiny Cttee	9	3	1	0	13
Planning and Highways Cttee	9	3	1	0	13
Licensing Cttee	11	3	1	0	15
Audit Cttee	4	2	0	0	6
Admissions Cttee	5	2	0	0	7
Senior Officer Employment Cttee	11	3	1	0	15
Appeals and Collective Disputes Cttee	11	3	1	0	15
<b>Total Initial Allocation</b>	<b>100</b>	<b>32</b>	<b>9</b>	<b>0</b>	<b>141</b>
Overall Political Balance Requirement	99	30	7	5	141
Adjustments Required	<b>-1</b>	<b>-2</b>	<b>-2</b>	<b>+5</b>	

## Adjustments Required Under this Illustrative Example

1. The Council is required to ensure that there are sufficient seats across the Council's scrutiny, planning and licensing committees to enable each non-executive member of the Council to be appointed to one of those committees, in accordance with Council Procedure Rule 25.4 which specifies that every Member of the Council, except those appointed to the Cabinet, shall be appointed a member of at least one Scrutiny and Policy Development Committee or one Regulatory Committee. There are 18 members of the Liberal Democrat Group and in the illustrative example there are 22 seats allocated across those Committees to the Group. However, the four seats allocated to the Group on the Overview and Scrutiny Management Committee are to be taken by the four members of the Group who will be appointed to the positions of Deputy Chair of the other four Scrutiny and Policy Development Committees. These four members therefore take 8 of those 22 seats, leaving 14 seats available for the remaining 14 members of the Group. Accordingly, the two adjustments required to be made by that Group must be one seat from two of either the Audit Committee, the Admissions Committee, the Senior Officer Employment Committee or the Appeals and Disputes Committee, with those two seats being allocated to the UKIP Group.
2. The Labour Group is required to make one adjustment and the Green Group is required to make two adjustments, with those three seats being allocated to the UKIP Group. It is necessary, in accordance with Council Procedure Rule 25.4, for all three of those seats to come from either the Scrutiny and Policy Development Committees or the Planning or Licensing Committees (one seat from any three of those Committees) to ensure that each of the three UKIP Councillors either play a role in holding the Executive to account through the overview and scrutiny process, or participate in a regulatory function, and thereby be represented on committees that meet on a regular basis.

## In Summary

- Liberal Democrat Group – one seat to be given up from any two of the Audit Committee, the Admissions Committee, the Senior Officer Employment Committee or the Appeals and Disputes Committee; to be allocated to the UKIP Group;
- Labour Group – one seat to be given up from any one of the Scrutiny and Policy Development Committees or the Planning or Licensing Committees; to be allocated to the UKIP Group; and
- Green Group – two seats to be given up from any two of the Scrutiny and Policy Development Committees or the Planning or Licensing Committees (except that Committee from which the Labour Group gives up a seat); to be allocated to the UKIP Group.

**CALCULATION OF PROPORTIONAL SEAT ALLOCATION OF COMMITTEES**

% Share of Council	70.24%	21.43%	4.76%	3.57%
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Number on Committee	Labour	Liberal Democrat	Green	UKIP
3	2.11	0.64	0.14	0.11
4	2.81	0.86	0.19	0.14
5	3.51	1.07	0.24	0.18
6	4.21	1.29	0.29	0.21
7	4.92	1.50	0.33	0.25
8	5.62	1.71	0.38	0.29
9	6.32	1.93	0.43	0.32
10	7.02	2.14	0.48	0.36
11	7.73	2.36	0.52	0.39
12	8.43	2.57	0.57	0.43
13	9.13	2.79	0.62	0.46
14	9.83	3.00	0.67	0.50
15	10.54	3.21	0.71	0.54
16	11.24	3.43	0.76	0.57
17	11.94	3.64	0.81	0.61
18	12.64	3.86	0.86	0.64
19	13.35	4.07	0.90	0.68
20	14.05	4.29	0.95	0.71
21	14.75	4.50	1.00	0.75
22	15.45	4.71	1.05	0.79
23	16.16	4.93	1.09	0.82
24	16.86	5.14	1.14	0.86
25	17.56	5.36	1.19	0.89

	<u>Seats</u>	<u>%</u>
Labour	59	70.24
Liberal Democrat	18	21.43
Greens	4	4.76
UKIP	3	3.57
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	84	100%

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