



SHEFFIELD CITY COUNCIL Report to Council

Report of: Director of Legal and Governance (Monitoring Officer)

Date: 19th May 2021

Subject: Notification of Executive Arrangements and Shadow Cabinet Appointments for the Municipal Year 2021-22

Author of Report: Jason Dietsch, Head of Democratic & Member Services
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Summary:

This report outlines the constitutional requirements for the appointment of a Leader of the Council and notification of arrangements for the discharge of Executive functions.

Recommendations:

That the Council:-

- (1) Receives, notes and approves where relevant, the Leader's notification of:-
 - (i) appointment of a Deputy Leader and Cabinet Members, including their portfolio areas of responsibility;
 - (ii) appointment of advisors to the Cabinet;
 - (iii) appointment of Cabinet Members to serve on the Cabinet Highways Committee, including substitutes; and
 - (iv) the scheme of delegation for the discharge of Executive functions(all to be circulated in a schedule presented at the meeting).
 - (2) Notes the main opposition group's notification of the Leader of the Opposition and approves the appointment of Shadow Cabinet Members (to be circulated in a schedule presented at the meeting).
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Background Papers: Constitution of Sheffield City Council

Category of Report: OPEN

Statutory and Council Policy Checklist

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

Notification of Executive Arrangements and Shadow Cabinet Appointments for the Municipal Year 2021-22

1. INTRODUCTION

- 1.1 This report outlines the constitutional requirements for the appointment of a Leader of the Council and notification of arrangements for the discharge of Executive functions, as set out in Chapter 2 of the Local Government Act 2000.

2. THE ESTABLISHMENT OF THE EXECUTIVE

- 2.1 Under the Constitution, the Council at its Annual Meeting is required to appoint a Leader to hold office until the next Annual Meeting (and it will do this under a separate item of business on the agenda for the Annual Meeting). The Executive (Cabinet) shall consist of up to 10 Members, including the Leader (Section 9C(5) of the Local Government Act 2000). The Constitution provides for the Leader to present to the Council's Annual Meeting the names and Wards of the Members he or she has appointed to be members of the Executive, including the Deputy Leader, and in addition, a scheme of delegation for the discharge of Executive functions. The functions of the Executive, including portfolio holder areas of responsibility, are set out in the current Leader's Scheme of Delegation, but are subject to change at the discretion of the Leader.

- 2.2 The Leader may also establish sub-groups consisting of Executive members which can also take decisions. There is currently one established sub-group, the Cabinet Highways Committee, comprising 4 of the Cabinet members, with the remaining Cabinet Members acting as substitutes. The functions delegated to the Committee are described in Schedule 4 of the Leader's Scheme of Delegation and are to:-

“Exercise all the Council's executive functions arising from the Council's roles as the Highways Authority and Road Traffic Authority, including transport and parking matters, where these relate to:-

1. the Capital Programme;
2. policy statements;
3. matters that have drawn objections from members of the public; and
4. schemes with a value in excess of £250,000.”

The Leader may establish further sub-groups and delegate functions to them, reporting this to Council at the earliest opportunity.

- 2.3 The separate report published with this agenda under the item of business “Sheffield City Council Governance Referendum”, will report to the Council the result of the Referendum and outline the steps to be taken in consequence of its outcome. The Council will be required to change to a committee model form of governance. The new committee model will be developed during 2021/22 for implementation from the Annual Meeting of the Council in 2022/23. The existing Leader and Cabinet model of governance, and Council committees, including the new Local Area

Committees, will be operated in the Municipal Year 2021/2.

- 2.4 Details of the Leader's notification of appointments of a Deputy Leader; the Cabinet Members (including their portfolio areas of responsibility); advisers to the Cabinet; Cabinet Members to serve on the Cabinet Highways Committee (including substitutes); and the scheme of delegation for the discharge of Executive functions, will be circulated in a schedule presented at the Council's Annual Meeting.
- 2.5 Details of the main opposition group's notification of the Leader of the Opposition and the appointment of Shadow Cabinet Members, will also be circulated in a schedule presented at the meeting.

3. FINANCIAL IMPLICATIONS

- 3.1 Under the Council's Members' Allowances Scheme, the Leader of the Council receives a Special Responsibility Allowance (SRA) (currently £19,615.67 per annum) in addition to the Basic Allowance received by each Member of the Council.
- 3.2 It is possible that the appointments to be made by the Leader of the Council at the Council's Annual Meeting will have financial implications. The posts of Cabinet Member and Cabinet Adviser attract SRAs under the Council's Members' Allowances Scheme, which are paid in addition to the Basic Allowance received by each Member of the Council. SRAs at Band A level (currently £9,807.85 per annum) are paid to Cabinet Members, and SRAs at Band D level (currently £4,478.91 per annum) are paid to Cabinet Advisers. The Executive (Cabinet) may consist of up to 10 Members, including the Leader and Deputy Leader. Currently, in addition to the Leader and Deputy Leader, there are a further 8 Cabinet Members in receipt of an SRA, and this is the maximum number permitted. There were 10 Cabinet Advisers appointed in the Municipal Year 2020/21. If the newly appointed Leader of the Council makes the same number of appointments, then this would have a cost neutral effect compared to the arrangements in place currently.
- 3.3 An SRA at Band B level (currently £8,107.82 per annum) is available for the Leader of any Opposition Group with more than 20% of the membership of the Council. SRAs at Band C level (currently £5,688.55 per annum) are also available for Opposition Group Office Holders, with the number of posts attracting an allowance being determined by the size of the opposition group – a group with more than 40% membership of the Council is entitled to three SRAs, two Band C SRAs with more than 30% membership, and one Band C SRA with more than 20% membership. In the Municipal Year 2020/21, an SRA was paid to the Leader of the main opposition group and two Shadow Cabinet Members received an Opposition Group Office Holder SRA.
- 3.4 The Members' Allowances Scheme for 2021/22 approved by the Council at its meeting on 3rd March 2021, made no changes to either the roles for which Special Responsibility Allowances are paid, or the amounts of those Allowances (other than the annual index-linked adjustment). However, any changes to the numbers of appointments made to the various roles will have financial implications, which will have to be managed within the overall

finances of the Council.

- 3.5 As regards payment of SRAs to Opposition Group Office Holders, following the Municipal Elections held on 6th May 2021, the political composition of the Council is now 41 : 29 : 13 : 1 (Labour : Lib Dem : Green : Other, respectively), which equates to a percentage allocation of 48.81% : 34.52% : 15.48% ; 1.19%, respectively. This means that the number of Shadow Cabinet Member posts that will attract an allowance in 2021/22 will continue to be two, on the basis that the main opposition group now has 34.52% (i.e. more than 30% but less than 40%) of the membership of the Council. This membership size also entitles the Leader of the main opposition group to retain his/her SRA. This has a cost neutral effect compared to the current position on Opposition Group SRAs.
- 3.6 The financial implications of all the appointments of Members to positions of Special Responsibility in the Municipal Year 2021/22, will be outlined at the Council's Annual Meeting.

4. LEGAL IMPLICATIONS

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

5. EQUALITY OF OPPORTUNITY IMPLICATIONS

- 5.1 There are no equalities implications.

6. RECOMMENDATIONS

- 6.1 That the Council receives, notes and approves where relevant, the Leader's notification of:-
- 6.1.1 appointment of a Deputy Leader and Cabinet Members, including their portfolio areas of responsibility;
- 6.1.2 appointment of advisers to the Cabinet;
- 6.1.3 appointment of Cabinet Members to serve on the Cabinet Highways Committee, including substitutes; and
- 6.1.4 the scheme of delegation for the discharge of Executive functions;
- (all the above to be circulated in a schedule presented at the meeting).
- 6.2 That the Council notes the main opposition group's notification of the Leader of the Opposition and approves the appointment of Shadow Cabinet Members (to be circulated in a schedule presented at the meeting).

Gillian Duckworth
Director of Legal & Governance (and Monitoring Officer)

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