Governance Committee Report

Report of:	**The Director of Legal & Governance**
Date:	**25th January 2022**
Subject:	**Committee System Structure**
Author of Report:	**Gillian Duckworth, Director of Legal & Governance**

Summary: This report makes recommendations for some key aspects of Sheffield City Council's future governance arrangements under a committee system, such as the number of committees and broadly how they would make decisions. Continuing the Committee's iterative approach to design, and in line with the plan to define the 'what' before the 'how', a number of key areas are not yet defined. This includes some important areas such as eg the Council's approach to public engagement/participation within this system.

By agreeing these recommendations at this point, the Committee would provide the Monitoring Officer with enough certainty and direction to redraft the constitution accordingly and to make proposals for the rest of the detail over the coming weeks.

It should be noted that Full Council will be the final decision-maker on this matter.

Recommendations:

1. *That the elements of a committee system of governance set out in this report be agreed as set out in this report and illustrated in the diagram in Appendix 1 including the following key points:*

    a) *Seven themed Policy Committees which will be closely aligned to the functions of the Council;*
    b) *A Strategy & Resources Policy Committee including all Policy Committee Chairs within its membership, with overarching responsibility for the policy and budgetary framework, and a standing Finance Sub-Committee, both Chaired by the Leader of the Council;*

c) *Provision for Full Council but not individual Committees to agree the addition of sub-committees to this structure, and limits (to be defined) on the number and frequency of Task and Finish Groups carrying out detailed pre-decision scrutiny (policy development) on behalf of Policy Committees;*
d) *Seven Local Area Committees linked to the Policy committee with responsibility for Communities;*
e) *No change to the committees referred to as Other Committees in the Governance Framework;*
f) *An Urgency Sub-Committee linked to each Policy Committee and an ability for scheduled Strategy & Resources Policy Committee to take urgent decisions for the other Policy Committees if necessary;*
g) *A programme of six meetings a year of Council and each Policy Committee including the Strategy and Resources Policy Committee, and four meetings a year of each Local Area Committee;*
h) *No separate scrutiny committee;*
i) *Decision review triggered by 40% of the relevant Policy Committee's own membership, with referral to the Strategy & Resources Policy Committee;*
j) *A requirement for the Councillor with statutory responsibilities for children to be the Chair of the Policy Committee with responsibility for Children.*

2. *That a methodology for agreeing the size of committees be developed for the Committee's consideration, based on the need to deliver political proportionality to each committee and to the membership overall, working within the parameters of a committee size of between 8 and 11 members.*
3. *That the Monitoring Officer be asked to redraft the constitution in line with this report's recommendations, for Members' agreement between now and the 2022 AGM, including by making compatible recommendations to this Committee for all the other aspects of the system not defined yet by this paper;*
4. *That the requirement for an Extraordinary Council Meeting on 23 March for the purpose of agreeing the revised Constitution be noted; and*
5. *That the requirement for Council to suspend or adjust aspects of its standing orders for its 23 March meeting in order to effectively handle this business be noted.*

Background Papers: N/A

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
YES - Cleared by: Liz Gough
Legal Implications
YES - Cleared by: Sarah Bennett
Equality of Opportunity Implications
NO - Cleared by: James Henderson
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 Cabinet Portfolio Member
Councillor Julie Grocutt, Deputy Leader and Executive Member for Community Engagement and Governance
Is the item a matter which is reserved for approval by the City Council?
NO
Press release
NO

REPORT TITLE

1.0 INTRODUCTION

1.1 The Governance Committee has been appointed by Sheffield City Council to lead the work which will take the Council from a 'Leader and Cabinet' model of Governance to a 'Committee' model. Utilising the evidence and experience gathered during the engagement and inquiry phases, this report provides a recommended structural shape for the Committee system. The recommendations will be debated by the Governance Committee on 25th January 2022, to form the first part of the recommendation to an Extraordinary meeting of Full Council on the 23rd March 2022. The outcomes of the Governance Committee debate will steer the ongoing preparatory work including the continuing engagement and communication, constitutional redraft and design of the operating frameworks and procedures required to deliver a successful transition in May 2022.

2.0 BACKGROUND

2.1 The whole committee inquiry held between 30 November and 8th December 2021 was designed to follow on from, and somewhat mirror in form, the exercise undertaken by the Council's Overview and Scrutiny Management Committee in 2019 when it looked at what could be achieved by changing the Council's decision-making model. Using a 'select committee' approach, the Governance Committee held three evidence gathering sessions to hear from a range of witnesses, including contributions from citizens through a range of public engagement events.

2.2 As agreed by members, the inquiry included:

a) Collation of opinion, ideas and feedback gathered through council-led engagement with stakeholders, the public, members and council officers
b) Desktop research including review of relevant material received in the 2019 Scrutiny exercise and since, including the Big City Conversation
c) Research into comparator authorities' experiences and recognised best practice
d) Lessons learnt from the first few months of the active experimentation taking place within the Council's democratic arena via the Transitional Committees, Local Area Committees, Co-Chairing pilot and other Members' experiences of decision-making during the 2021/22 transitional year
e) Updated written or verbal submissions from a range of other contributors including an open invite to the witnesses from the 2019 Scrutiny exercise to update their submissions with any new or changed information. This included e.g. representatives from the business community, officers, academics, local campaign groups etc

f) Verbal and written submissions from Councillors and Officers from other authorities which have moved to operate a Committee System in the modern era

An open public call for evidence was not repeated in light of the open public engagement sessions recently undertaken and the ongoing work with the Council's partner Involve which is designed to hear from a greater diversity of voices from across the communities of Sheffield in 2022.

Links to inquiry papers and webcasts for the 30th November, 7th December and 8th December sessions are provided.

3.0 WHAT WE ARE TRYING TO ACHIEVE

3.1 This report outlines a proposal for a committee structure to be implemented in May 2022 based on the evidence and feedback received by the Committee and the Committee's understanding of best practice. There is no perfect system so it is important to build in regular reviews, the first being six months after implementation with a view to implementing any changes at the following AGM (2023).

3.2 The Full Council has the ability at any time to call for an amendment to any optional part of the structure that is implemented over the 10 year period that the Council is required by law to operate under this system of governance, however it is helpful to allow time for any structure to be properly tested.

3.3 The following paragraphs set out the framework as a first step to producing a constitution for a Committee system in May 2022. A significant amount of detail has yet to be agreed by this Committee including how Full Council will operate and most importantly how the public will engage and interact with this new system.

3.4 The intention is to broaden members' role in the decision making and governance of the organisation and ensure they have the ability to raise their constituents concerns no matter what roles they are appointed to at the Town Hall. Building transparency and forward planning into the model will help with this but it may also be beneficial to report here that there is an expectation that all members will have an ability to question senior members as a minimum in a Full council meeting.

4.0 POLICY COMMITTEES

4.1 The evidence and feedback received suggests that there is benefit for having themed committees making policy decisions and aligning these committees to the corporate functions or priorities, particularly when the budgets are also

aligned in accordance with function and priority[1]. As a large proportion of what the council does happens by function, it makes sense for Committees to align to Council services and budget headings in order to operate efficiently. By aligning to functions, the system allows sufficient flexibility for changing political priorities to be overlayed into work plans.

4.2 The Corporate plan, and therefore the political priorities, can be mapped on an annual basis and embedded in the workplans of the themed Policy Committees.

4.3 Themed Policy Committee functions naturally divide into a minimum of three groups:

1. Corporate direction and resourcing,
2. Adults, health, children and family; and
3. Place, communities and neighbourhoods.

This is the minimum structure of committees and should be the starting point. Theme 1 is usually captured in an overarching Strategy & Resources Policy Committee (see 6.0 below) by comparable councils who then subdivide the latter two groups of functions into other committees.

4.4 The statutory guidance originally issued with the Local Government Act 2000 recommended that a committee system form of governance should have no more than five themed policy committees.

4.5 There are currently eight Councils with a committee system that have the same functions as this Council. Of these:

- 1 council has three policy & services committees (Kingston Upon Thames),
- 1 council has four policy & services committees (Reading)
- 3 councils have five policy & services committees (Brighton & Hove, Hartlepool and Sutton)
- 1 council has six policy & services committees (Cheshire East)
- 2 councils have seven policy & services committees (Wirral and Barnet)

It should be noted that, following an External Assurance Review into the governance of Wirral Metropolitan Borough Council carried out by Ada Burns for the Department for Levelling Up, Housing and Communities (as a condition of that council's capitalisation direction for 2021/22), Wirral has been told it should "review the Committee system to reduce the number of

[1] See Governance Committee 301121; Supplementary Appendices to Agenda Item 8; The evidence provided for 7 Local Authorities indicates that all but one of the Councils have Themed Committees based around Council functions with only one being portfolio based. This evidence in practice bolsters our assumption that it is a robust approach.

committees…and significantly reduce the related administrative burden."

4.6 On the basis that one priority is to minimise the potential risks caused by having budgets and functional units of the council reporting to multiple different decision-making committees, a proposal has been made to align the council's Policy Committees with the future functional areas of the Council's operational delivery (and those areas' budgets). Compared to the majority of other councils which are operating committee systems this Council is significantly larger and operating in a more complex environment as a Core City. In addition this Council has 84 Councillors, meaning that it has more capacity amongst its political leadership than most smaller councils, many of which will have around half or two thirds that number. The contention is that any risks to efficacy associated with having a number of committees which is above average are outweighed by the risks of attempting to handle too much scale and complexity through any one committee if there were fewer.

Therefore the initial proposal for subject headings could be as follows. This reflects the number and titles of the functional areas described by the Chief Executive in her evidence to the Inquiry:

1. Communities, parks and leisure
2. Education, children and families
3. Adult Health and Social Care
4. Housing
5. Waste and street scene
6. Economic development and skills
7. Transport, Regeneration and Climate

These can be seen in the diagram found in Appendix 1.

4.7 During its inquiry the committee explored the matter of what size its Policy Committees should be in order to find a balance between efficiency and inclusivity. Of significant concern was the risk that the new system created too much of a time burden on Councillors at the Town Hall, interfering with their effectiveness at a local level or making it harder for people to be councillors who are also parents, carers, or in full time work. The time demand on Members of various options of committee size is demonstrated in the table below, taking into account this proposal as part of the context of the whole governance model:

Table 1

Time/ Resource	8 Seats per Policy Committee	9 Seats per Policy Committee	10 Seats per Policy Committee		11 Seats per Policy Committee
Time taken for the whole	4,938	5,064	5,190	5,316	5,585

model for the year (hours)					
Time taken for the whole model for the year in 7.5hr working days	658	675	692	709	745
Time taken for the whole model in 5 day weeks	132	135	138	142	149
Number of meetings per year for the full model	200	200	200	200	230
Number of meetings per month for the full model	16	16	16	16	19

4.8 It should be noted that the above figures are an approximation and includes the time of all 84 Members, all potential 27 total Committees featured within the diagram in Appendix 1 within this report with the exception of the 8 as-and-when Urgency Sub-Committees, the 1 potential Finance Sub-Committee, the Partnership Boards where we were unable to attain seat numbers within the desktop exercise and the 'other' sub-committees where no meeting had happened since 2019.

4.9 Members are aware that alongside the work to develop a governance model, consideration is being given to the staffing structures required in order to support whatever is agreed. This proposal considers the evidence provided and has yet to have support resource and capacity costs fully applied. This is being developed in tandem. The Democratic Services team has a funding envelope of £1.2 Million that the support model must fit into were it to remain cost neutral. Therefore for the purpose of this report this structural model must be considered potentially subject to change once those costs are more fully defined.

4.10 The committee system is expected to also require additional preparation time, Political Party meetings, public engagement as well as Officer support

time factored in when compared to the current system, creating additional resource and time requirements for more members and officers. This is consistent with the information provided by other authorities who have made this change, particularly when operating under No Overall Control.

4.11 Good forward planning will help Members manage agendas and in turn their time commitments to ensure they can achieve a balance of time in meetings and time in their wards with constituents[2]

4.12 Whilst the evidence suggests that the number of Committees should be limited as far as possible, it is considered that good forward planning coupled with investment in support to the Committees and member development[3] will have more of an impact on the efficiency of the system than limiting the numbers of committees. Therefore, the proposal is to plan for 7 thematic Policy Committees from May 2022. It should be noted that the current budget for this is £1.2 million and further work is underway to access the financial implications of this suggested proposals which may require additional funding to be found.

5.0 SUB-COMMITTEES OF POLICY COMMITTEES

5.1 The evidence and feedback received suggests that allowing committees to establish sub committees can result in a lack of control of the agenda and of the time Members are spending in formal meetings[4]. Sheffield's own experience of a committee system pre-2000 included periods of time with hugely impractical numbers of committees and sub-committees in existence. However, it is likely that in certain circumstances the establishment of a Sub-Committee may be beneficial and time efficient. For example, the Strategy & Resources Policy Committee may require a standing Finance Sub-Committee to be established in order to deal with the management of the Council's finances given the uniquely fundamental and all-encompassing nature of this subject area, which has the potential to swamp the other business of the committee were it not delegated.

[2] See Appendix 2- Inquiry Sessions 07th and 08th December 2021- Evidence Received and Members Reflections v0.2 170122; Members reflected that they would need to account for what is expected to go through the committees with a clear forward plan that is pre-agreed and to consider this when scaling the system. This will ensure that the work is spread out, will not be overwhelming and will enable them to focus on engagement and delivery.

[3] See Appendix 2- Inquiry Sessions 07th and 08th December 2021- Evidence Received and Members Reflections v0.2 170122; Councils from Hartlepool to Cheshire East indicated a need to work with Members, provide briefings, training and support to enable this system to work. Anecdotally, Wirral have repeatedly stressed the impact on Officers and the need to ensure suitable support in addition to the need to train and support Members.

[4] See Appendix 2- Inquiry Sessions 07th and 08th December 2021- Evidence Received and Members Reflections v0.2 170122 Suggested that where Committees establish sub-committees it was important to have very clear Terms of References to avoid duplication and tangential working as well as impressing the challenge of increasing time delays in decisions being made, keeping a tight agenda (2-3 items maximum). It was also raised that the more time spent in meetings and sub-committees, the more time it takes away from local engagement and representing the communities. This can be further demonstrated by Table 1 of this report.

5.2 Therefore, this proposal enables Full Council to establish sub-committees at the request of a Policy Committee. Policy committees would not by themselves by able to create sub committees; they can however set up task specific, time limited working groups[5]. There will need to be specific limits on the duration and number of concurrent 'task and finish' exercises in order to operate within the reasonable bounds of officer and Member capacity – this to be defined at a later point by this Committee.

6.0 STRATEGY AND RESOURCES POLICY COMMITTEE

6.1 All authorities within the desktop exercise referenced having an overarching committee to oversee strategic matters including the budget[6] and provided compelling evidence that there should be a controlling mind when dealing with the finances of the Authority as well as the Corporate Plan and Policy Framework which that budget enables. It's important to remind members that you will collectively be managing a business with a turnover in excess of £1 billion. The most effective method of ensuring there is sufficient organisational grip of this is by creating an overarching committee made up of the Chairs of the Policy committees that has responsibility for recommending a balanced budget to Full Council[7]. This Committee will be politically proportionate[8], therefore including representation from all political groups on the Council. It would be chaired by the Leader of the Council.

6.2 The Governance Committee has heard and expressed concern that such an arrangement might be considered to be 'a Cabinet by another name'. Other evidence and feedback received disputed this notion as such a committee has oversight and responsibility rather than all of the decision-making power, which remains distributed amongst various politically proportionate policy committees and, critically, is politically proportionate itself[9]. It should be noted that the membership of this committee will include members of all Groups on the Council, including members who are not chairs of a Policy Committees,

[5] See Appendix 2- Inquiry Sessions 07th and 08th December 2021- Evidence Received and Members Reflections v0.2 170122; Members reflected on the evidence provided and indicated that the consensus was no policy development was to be done in sub-committees, therefore working groups/task and finish groups would be adequate to conduct the discrete pieces of work as and when required.

[6] See Governance Committee 301121; Public Document Pack; These diagrams demonstrate the models for the 7 authorities explored via desktop exercise. Each diagram features an approximation of an overarching committee, differing in title (i.e. Finance and Policy (x2), Policy and Resources (x2), Corporate Policy, Corporate Resources, Policy)

[7] See Appendix 2- Inquiry Sessions 07th and 08th December 2021- Evidence Received and Members Reflections v0.2 170122; Several witnesses gave testimony to the need for a central committee and clarified proposed seat owners. Dr Karen Ford indicated that a Chair from each Themed Committee would provide at least the minimum proportionality and that we might also consider other means to incorporate additional representations (including but not limited to geography and gender) with the National Expert on Local Governance & Decision Making supported the former suggestion. Additionally, within the desktop exercise, it was found that authorities such as Hartlepool, Wirral, Cheshire East all have membership of their Overarching Committee made up from at least the Chairs of the Themed Policy Committees found within the document: Governance Committee 301121; Supplementary Appendices to Agenda Item 8

[8] See Appendix 2- Inquiry Sessions 07th and 08th December 2021- Evidence Received and Members Reflections v0.2 1701221 – Some voices in the public engagement sessions said that they would like to see an 'Overarching Committee' act in a more consultative approach with cross-party working.

[9] See Appendix 2- Inquiry Sessions 07th and 08th December 2021- Evidence Received and Members Reflections v0.2 170122; the Summary Report of Transitional Committees and Lessons Learned triggered discussion of how an 'Overarching Committee' might stream-lining cross-cutting issues to ensure pace and remove blockages. Witnesses such as Kingston indicated that their Overarching (Resources) Committee is responsible for finance and assets, receiving the benefit of having this function in one place instead of spreading across themed committees. It was also advised that this committee would encourage a moderating influence on the system instead of control. The National Expert on Local Governance & Decision Making further suggested that instead of 'Cabinet' typed practices, we use this committee as a forum to bring together the key citywide socio-economic matters with a wider-lens also in an advisory oversight capacity.

because membership must reflect the Council's overall political proportionality.

63 As the ambition is to have the budget closely aligned to the Policy Framework, it makes sense for this Committee to also have responsibility for recommending the Policy Framework to Full Council. This committee will therefore take responsibility for setting and co-ordinating the delivery of the Corporate Plan commitments and for managing the delegation to, and performance of, the Policy Committees. It is likely that it will directly manage any cross-cutting priorities (such as early intervention and prevention for example) as well as providing an escalation route for the Policy Committees in matters which are especially cross-cutting or which have implications beyond the committee's budget and policy framework.

7.0 LOCAL AREA COMMITTEES

7.1 2021 saw the establishment of Local Area Committees and a commitment from the organisation to work with and learn from our communities. The proposed structure therefore retains the 7 Local Area Committees in their current form including the range of decisions delegated to them. The proposal is that they will have a direct link to the thematic Policy Committee with responsibility for Communities. This Policy committee would be responsible for considering issues raised by LACs and their effect and impact across the City[10] and could refer issues on to other committees if needed. They will also be responsible for reviewing the effectiveness of LACs, delivering a coherent strategy for our work on Communities and providing an Annual Communities Report to Full Council.[11]

8.0 OTHER COMMITTEES

8.1 The change in Governance can be effected without any change to the non-policy-making committees such as the regulatory committees of Planning and Licensing, Audit & Standards and Employment Committees.

8.2 As there will be a significant organisational shift required to mobilise the Policy Committees, the proposal here is not to make any changes to these Committees at this stage.

8.3 This proposal includes the retention of a Governance committee to oversee the operation of the new system and to consider all matters of governance including the Council's Member development strategy[12]. This Committee

[10] See Governance Committee 301121; Public Pack; Some voices at public engagement sessions told us that they did not see strategic aim or vision concerning the LACs so far and no strategic alignment for the LACs to make a real impact. Aligning the LACs to a single committee with a view of the city-wide approach would provide clear links, escalation and a central place for cross-cutting/symbiotic requests and support a joined up strategic view.

[11] See Governance Committee 301121; Supplementary Appendices to Agenda Item 8; Kingston is the only authority evidenced that has Local Area Committees. They chose to have the LACs feed directly into Full Council. However, as Kingston is approx. 180,000 population with nearly half the number of Members that Sheffield has, it could be argued that we need to scale up this model to ensure a robust approach to consistency and oversight. As such, we propose a parent link to the Themed Committees layer, with the Communities Committee as the most appropriate space.

[12] See Governance Committee 301121; Supplementary Appendices to Agenda Item 8; ; This is a similar approach taken to that of Hartlepool, who retained a Constitution Committee, responsible for: reviewing, monitoring, and where

should include senior Member representation. This Committee should report to Full Council in a similar way to the Audit and Standards Committee.

9.0 SIZE OF COMMITTEES

9.1 The evidence and feedback suggests that committees of between approximately 8 and 11 members is desirable in order to find a balance between effectiveness of the committee when in discussion, the workload on individual members and political proportionality. The proposal is to agree these as parameters with actual numbers per committee to be determined at the AGM in accordance with the calculation of political proportionality.

9.2 This parameter would not apply to committees other than the Policy Committees. The Strategy and Resources Policy Committee's size would need to be defined by political proportionality once the Chairs of the Policy Committees had been appointed and it was therefore known which Group or Groups they were drawn from.

9.2 However, it should be noted that this provides a maximum of 77 seats on Policy Committees, meaning not every member will have a seat on a t*hemed Policy* Committee. There is a lack of consensus in the evidence and feedback as to whether every member should have a seat on a Policy Committee[13]. There is no requirement for this to be the case[14] and the system of Local Area Committees means that every Councillor does have a decision-making role in the council as well as clear access to an escalation route through the Communities Committee. There will also be a need for members to have seats on the regulatory committees (also decision-making roles with very real and strategic impacts on local areas). Therefore on average each member will need to be on around three committees each, plus act as a substitute on one or two more. Our recommendation is not to make it a requirement for every councillor to sit on a ***Policy*** committee.

9.10 However, members will not be short of strategic decision-making roles. Depending on the size of the Policy Committees, the full structure proposed in this paper has between 327 and 348 committee seats in it, including the new Policy Committees, Local Area Committees and all other formal, strategic decision-making committees. 87 of these seats are Local Area Committees. Even if the Policy Committees are at the minimum end of the size bracket proposed, members can be expected to have an average of 3 or

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necessary, recommending changes to the Constitution to full Council, so that the aims and principles of the Council's Constitution are given full effect. However, our proposal is that this committee also has a softer role to attain and review feedback, lessons learned etc. as part of the period prior to implementation review. As part of the Inquiry Session; Appendix 1- Inquiry Sessions 07th and 08th December 2021- Evidence Received and Members Reflections v0.1 131221; we were advised multiple times to ensure we had a robust period of implementation review and it is clear that the Governance Committee would play a vital role in this, given their oversight of the pre-implementation work.

[13] See Appendix 2- Inquiry Sessions 07th and 08th December 2021- Evidence Received and Members Reflections v0.2 170122; Kingston found that members have concerns about losing their voices and increased seat numbers in committees so that everyone could participate in at least one forum while Brighton indicated that their third party don't hold any seats in Themed Committees. Members' reflections afterwards were varied, from every Member must have a seat to there shouldn't be a rule that every Member must have a seat but considered that all Members would want to.

[14] See Governance Committee 301121; Public Pack; - Some voices at our public engagement events told us that they think that the size of committees needs to be relevant and proportionate to the work being done by that Committee.

4 seats each on formal decision-making bodies at the Council. This is before considering all of the outside bodies on which members can also be appointed. This also does not take into account the need for many of these seats to also have nominated substitute members. Many members will have a number of substitute positions in addition to their main committee seats.

Table 2

Local Authority	# Cllrs	# Cttees	# Seats on Overarch. Cttee.	# Seats on each Policy Cttee.
Hartlepool	36	5	11	7
Wirral	66	7	13	8 - 10
Cheshire East	82	6	13	13
Kingston	48	3	13	13
Reading	46	4	17	10, 15, 17
Brighton & Hove	54	5	10	10
Sutton	54	5	15	10 - 11
Barnet	63	7	13	10 - 11

Comparator authority committee sizes

10.0 CHAIRING OR CO-CHAIRING POLICY COMMITTEES

10.1 The Committee heard a range of perspectives and evidence about the potential benefits of more than one member sharing a Chairmanship role, either on the basis of a 'job share' (where the total capacity equals 1FTE) or as 'co-chairs' (where the total could equal more than 1FTE). Furthermore there have been a range of views expressed by witnesses and Committee members on the subject of whether to mandate that the chairmanship of any committees, or any proportion of committees, should be done by members from one or more specific political Group.

10.2 At the Council's AGM each May the political proportionality of the Council is calculated and seats on committees allocated accordingly. Members at that point are able to vote on the appointment of Chairs of committees. There are currently no restrictions preventing the appointment of Chairs from more than one Group. The proposal is for the constitution to allow for co-chairs, job shares and the annual appointment of Committee Chairs in order that this matter can be defined by Full Council at its AGM in light of the changing political environment.

11.0 FREQUENCY OF COMMITTEE MEETINGS

11.1 The evidence and feedback received suggests that meetings should be scheduled as far as possible to enable a flow of information through the

system[15]. The frequency of meetings has a very direct impact on the scale of bureaucracy and workload of both members and officers, but must be sufficient to allow for informed and efficient transaction of business. Therefore the proposal is for Strategy and Resources Policy Committee to be scheduled on alternate months to themed Policy Committees and Full Council meetings. Each committee meeting approximately 6 times per year[16]. Additionally, this would allow urgent matters to be tabled at the intervening Strategy and Resources Policy Committee as an alternative to calling an additional meeting of an urgency sub-committee as part of an urgency procedure (see below).

12.0 URGENT DECISIONS

12.1 The evidence gathered suggests that all structures and models of governance require an urgency procedure. It will no longer be possible for individual Councillors to take urgent decisions. The option in a committee system that appears to be most effective, that is not a delegation to an officer, is an urgency sub-committee. One of these can be attached to each committee or one set up centrally to take any decision from either Strategy & Resources Policy Committee or any other policy committee. Having one sub-committee attached to each committee means that the Members with the knowledge in that area are equipped to make an informed and consistent decision quickly therefore this seems to be the better option. This can be combined with the ability for Strategy & Resources Policy Committee to take urgent decisions for other committees at any of their scheduled meetings as above, perhaps with the agreement of the relevant Policy Committee Chair.

13.0 POST-DECISION SCRUTINY (DECISION REVIEW)

13.1 The Committee system model of governance is predicated on politically proportionate decision-making[17] meaning that the emphasis is on members to hold each other's party political positions to account in the development and execution of policy. The absence of this cross-party environment in the Leader and Cabinet model of governance was the original reason for the creation of the 'Overview and Scrutiny' system in 2000. A significant benefit of the committee system is that in this cross-party decision-making environment, decisions are therefore scrutinised before they are made, *theoretically* leaving no requirement for either a separate scrutiny function or call in within a committee system.

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[15] Appendix 2- Inquiry Sessions 07th and 08th December 2021- Evidence Received and Members Reflections v0.2 170122; Kingston advised us to book meetings far ahead enough in advance that we could brief leaders prior to the meeting to ensure that discussion of the agenda items can be focused, intentional and informed. It was also widely agreed that we would need to provide Officers with enough capacity to attend and add value, which would be supported by providing enough forward planning and notice. Members further reflected and agreed that there would need to be more planning involved to ensure that the increase in meetings with this system could be managed.

[16] See Governance Committee 301121; Supplementary Appendices to Agenda Item 8; Most of the authorities reviewed as part of the desktop exercise had Themed Committees that meet between once every 2-3 months. During the Inquiry Session, Governance Committee- Inquiry Session 071221, we heard from Kingston, Brighton & Hove who verified this.

[17] See Governance Committee 301121; Public Pack; – Some voices at our public engagement sessions told us that there needs to be a shift in language from scrutiny to decision review to make it more accessible and also more current to our new position. Furthermore, see Appendix 2- Inquiry Sessions 07th and 08th December 2021- Evidence Received and Members Reflections v0.2 170122; further supported this view, with De Montfort indicating the term 'scrutiny' is outdated away from a Cabinet model

13.2 Some Local Authorities have chosen to retain such functions but evidence and feedback received suggests that it is not necessary to replicate scrutiny but that some of the good features of the scrutiny system can be designed into a committee structure. For example, scrutiny committees are used in the executive model of governance to consider matters such as, for example, a poor Ofsted report. In a committee system this might be something that is considered by the Strategy & Resources Policy Committee rather than the Policy Committee with responsibility for Children's Services, in order to present an element of check and challenge. In that example, the Strategy and Resources Policy Committee can hold the Children's Committee to account.

13.3 The other element of the current post-decision scrutiny function is call-in of decisions. Evidence and feedback suggests that any decision review or 'call-in' function built into the new committee system should be neither overly complex nor too casually available as either can have a disruptive effect on decision-making. There is also an absurdity to be avoided in allowing one politically proportionate body of members to interfere with a decision made by another politically proportionate body of members unless there is a clear logic to that intervention. There is considered to be some merit in reserving the power of call-in to the actual committee itself, but a minority of those committee members. This would be in order that there is a mechanism for the majority to be held to account in extremis, or for a committee to react to critical information received immediately after the fact of a decision. The trigger should be a significant percentage of the membership in order to reduce the likelihood of abuse of this system. The suggestion is a 40% threshold and the referral to be to the Strategy & Resources Policy Committee to uphold or overturn the decision[18].

13.4 There are some statutory scrutiny functions that must be built into the new structure:

- Flood Risk Management
- Crime & Disorder; and
- Health

This can either be part of the remit of the relevant themed committee Policy Committee or operated by a separate committee set up for that purpose[19]. These are primarily outward-looking areas of scrutiny. As the themed Policy committees develop the policy in any given area, it seems sensible for them to also carry out the scrutiny of these external functions related to their own areas of expertise and this is therefore recommended.

[18] See Appendix 2- Inquiry Sessions 07th and 08th December 2021- Evidence Received and Members Reflections v0.2 170122; Kingston, for example, sets their criteria for call in as 9 Members or 2.5k residents (approx. 2% of their population, while another Authority requires hall of the membership of Full Council to call-in a decision

[19] See Appendix 2- Inquiry Sessions 07th and 08th December 2021- Evidence Received and Members Reflections v0.2 170122; Multiple sources gave testimony that we should keep the best elements of scrutiny and build them into our model as opposed to keeping scrutiny siloed in its own unique space. De Montfort indicated that a committee system has more Member engagement, more cross-party working and reduces challenge, which in turn reduces the likelihood of requiring decision-based scrutiny. Cheshire East echoed this by suggesting that by collaborating in this type of model, scrutiny has already been achieved. It's Our City also argued that using separate scrutiny is "not a good thing" and asked that we instead consider how we make sure we make good decisions that stand the test of time.

13.5 The evidence presented also indicated how Authorities have included the citizen voice and enabled communities, groups and individuals to call in decisions made. It is considered that our current route of optimising the petition process would be the best option at least in the short to mid-term, however it is of course the case that the Council's mechanisms for engagement and participation in the democratic environment must continue to be under review as part of this iterative design process.

14.0 STATUTORY FUNCTIONS OF MEMBERS

The requirement to have nominated councillor under the Children's Act is retained in the new system. The proposal is for this Member to be the Chair of the Themed committee with responsibility for Children. This also ensures that this Member has a seat on the Strategy & Resources Policy Committee

15.0 NEXT STEPS

14.1 Once these fundamental aspects of the structure of the new system have been agreed by the committee, its detailed work on the constitution can proceed. There is probably a need for extraordinary meetings of the Governance Committee during February and March to achieve this. The Monitoring Officer will provide members with options on matters within this framework such as the operation of Full Council, the Scheme of Delegation and crucially how the committee system will interact with the public as part of the Council's wider objectives to improve its public engagement and participation.

14.2 The Governance Committee will ultimately recommend a complete constitution and governance framework to Full Council for agreement at its 23 March Extraordinary meeting, called for this purpose. In order to avoid critical risks that could arise were the Council to either to fail to agree a system in March or to agree a system which was not lawful or internally coherent, it is to be proposed to an intervening Full Council meeting that a partial suspension or adaptation of the Council's Standing Orders is employed for the 23 March meeting, mirroring the approach taken to the Council's February budget meeting. In effect this would allow for each Group to propose a single comprehensive amendment to the Committee's recommendation if they wish to, having been supported by officers in advance to ensure that each of these is internally consistent and legally compliant, with no facility for agreement in part.

15.0 LEGAL, FINANCIAL AND EQUALITY OF OPPORTUNITY IMPLICATIONS

15.1 There will be significant legal implications to the Governance Committee's final recommendations to Full Council in March 2022. At this point the committee's decision takes the form of an endorsement of the framework within which the detailed constitutional work will be conducted. The recommendations in this paper are consistent with the legal framework within

which the Council must operate from the date of its AGM in May 2022 and for at least 10 years thereafter.

15.2 There are likely to be direct and indirect financial implications to the Governance Committee's final recommendations to Full Council in March 2022. Whether positive or negative, some of the financial impacts will be quantifiable in advance and others, such as the overall impact if any on the capacity of the Council's officer leadership corps, will only become clear once the system has been in operation. At this point the committee's decision takes the form of an endorsement of the framework within which the detailed constitutional work will be conducted, and so the work to model potential financial impact of these options, insofar as this is possible, continues alongside this process. The recommendations in this paper are designed to be consistent with the committee's agreed principle that the new committee system "…should not be overcomplicated or costly" however the full picture of any costs will not be clear until closer to that Full Council decision. The current budget for the officer teams which directly support the functioning of committees and members is £1.2m.

15.3 There are no immediate equalities implications to this report. Equalities will be a key consideration in the design and implementation of the Council's wider public engagement programme within which this decision-making environment should function. The Council is committed to ensuring that the development of our governance is inclusive, with involvement from all communities and Sheffielders with protected characteristics. An Equality Impact Assessment is underway to support the final decision and is being kept under review as a 'live document'.

APPENDICES

- Appendix 1 – Proposed Governance Arrangements May 2022 (diagram)
- Appendix 2 - Inquiry Sessions 07th and 08th December 2021, Evidence Received and Member Reflections

Appendix 1

Proposed Governance Arrangements May 2022

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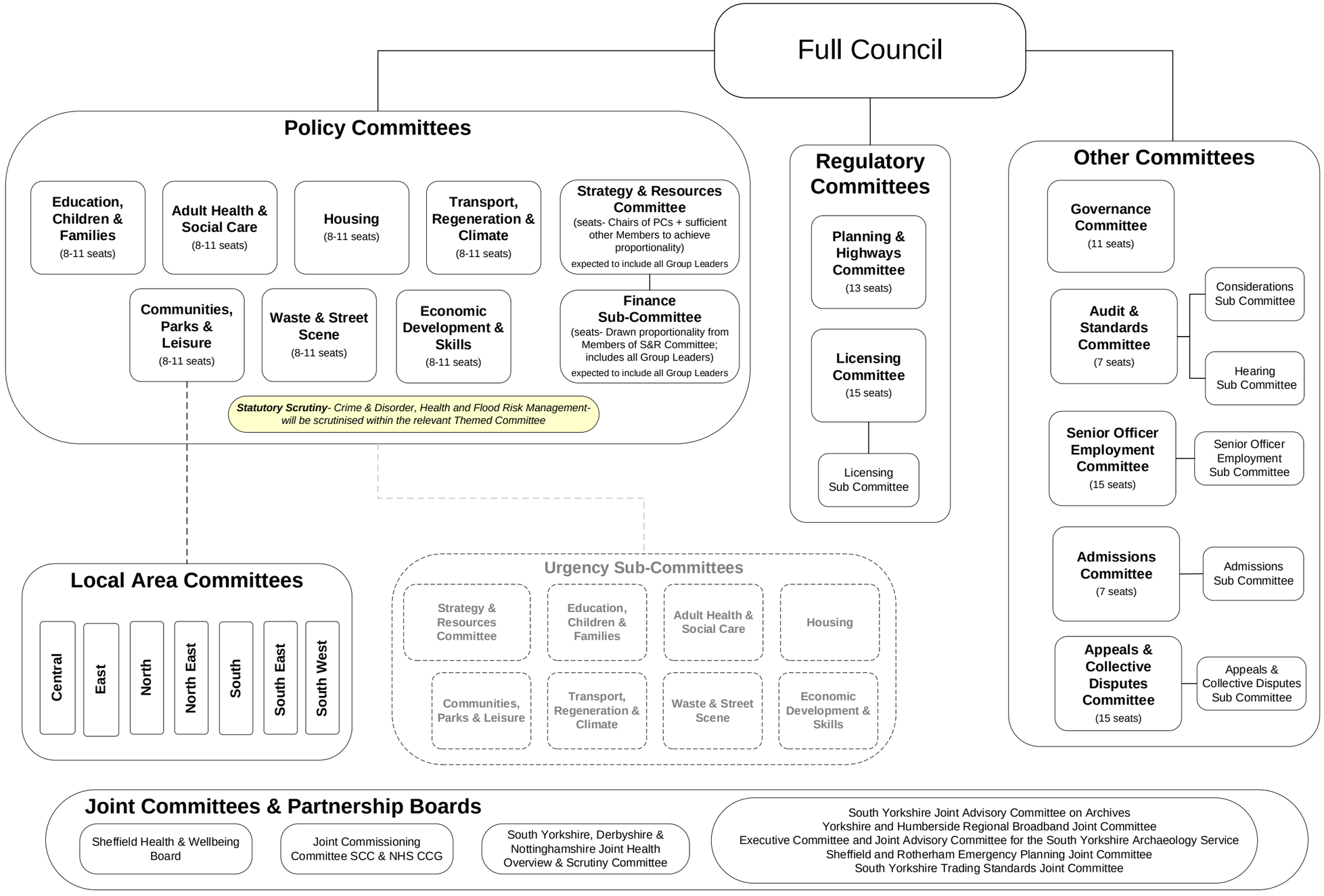

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