

3.3. MATTERS DELEGATED TO COUNCIL COMMITTEES AND SUB-COMMITTEES

The current Council Committees, their terms of reference, and the functions delegated to them are set out in detail below:

- 3.3.1 Policy Committees
- 3.3.2 Arrangements for Urgent Decision Making
- 3.3.3 Area Committees
- 3.3.4 Regulatory Committees
- 3.3.5 Other Committees
- 3.3.6 Sheffield Health and Wellbeing Board

Unless otherwise stated, a Committee may further delegate to a Sub-Committee or Council Officer and a Sub-Committee may further delegate to a Council Officer.

The Full Council will decide the constitution, membership and terms of reference of each Committee (except for those matters relating to Area Committees which are set out in legislation).

The Monitoring Officer shall ensure that all consequential amendments to this part of the Constitution are made promptly.

3.3.1 POLICY COMMITTEES

The Council has established eight 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

Matters Reserved to All Policy Committees

Within the remit of each Policy Committee and subject to decisions being (i) within the approved Budget, (ii) not contrary to the 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 Strategy and Resources 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 this is outside the scope of an agreed Service Plan **and** the likely impact on present or future users of the service is considered significant;
- Any alterations to agreed budgets or Council Service Plans which the Chief Finance Officer considers to be significant (provided these remain within the constraints of the Budget and Policy Framework);
- 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 against approved plans.

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;
- Dealing with petitions in accordance with Council procedure.

Contracts

Agreeing the 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 which:

- is within available budget (including any proper virement) and does not, in the opinion of either the Chief Finance Officer, significantly affect the Council's overall budget strategy;
- is not contrary to any duly approved policy of the Council;
- is not a significant departure from a relevant Council Service Plan;
- has with a service delivery period of 4 years or less; and
- (a) has (or, is expected to have) a Contract Value which does not exceed £250,000 or (b) is for Commonly Recurring Items.

'Commonly Recurring Items' means (a) those things which the Council routinely purchases to enable the continuation of its day to day business activities (such as for example office supplies, fuel, utilities, IT support, travel and transport services, maintenance supplies and protective clothing); and (b) services purchased by the Council for which there is a constant need and where a break in provision could lead to the Council incurring a legal liability for breach of duty (such as for example adult social care services); but it does not simply mean

any thing or service of a kind which has been purchased by the Council, whether from the same or a different supplier, by way of a previous Contract.

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

- It is proposed that the contract is not awarded to the person submitting the most economically advantageous tender decided by reference to pre-determined award criteria, where payment is to be made by the Council, or the highest, where payment is to be received by the Council, unless the decision maker has decided on a single tender procurement strategy for the contract; or
- The contract is not within the approved budget (including any proper virement); or
- Award of the contract would contravene a Council policy; or
- Award of the contract would represent a significant departure from a relevant Council Service Plan.
- A variation of an existing contract results in:
 - An increase in contract value of more than £250,000;
 - An increase in service delivery period of more than four years;
 - A significant effect on Council's overall budget strategy; or
 - It is not within the available budget, contravenes policy or is a significant departure from a service plan.
- There are any additional procurement requirements imposed by an external funder which require consideration by the Committee

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 which fulfils any of the following criteria is reserved to the Committee:

- in the opinion of the Chief Finance Officer it would significantly affect the Council's overall budget strategy;
- in the opinion of the either the Chief Finance Officer or the Chief Legal Officer it would involve a significant level of risk to the Council;
- 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.

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

Shall be taken in accordance with the Arrangements for Urgent Decision Making set out at Part 3 3 2 below.

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

STRATEGY AND RESOURCES POLICY COMMITTEE

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 Sub-Committee, and such other Members as are necessary for political proportionality, , and to ensure an odd number of Members. Members of the Committee may not nominate substitute 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 where such decisions are not reserved to full Council
- 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 for any policy matter not otherwise allocated to a Committee
- 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 and Governance
- Human Resources and Customer Services
- Business Change and Information Solutions

The Committee will take decisions within its remit on any reserved matter. 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 for decision if it considers appropriate.

Another Policy 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) to Full Council only in exceptional circumstances.

Finance Sub-Committee

The Finance Sub-Committee is established as a sub-committee of the Strategy and Resources Policy Committee. Its membership may include Councillors who are not members of, and it may be chaired by a Member who is not the Chair of, the Committee.

It may take decisions in respect of the following Finance and Property matters which are otherwise reserved to the Strategy and Resources Policy Committee, more particularly detailed below:

- a. Strategic financial overview
- b. Property decisions
- c. Accountable Body decisions
- d. Corporate Revenue and Capital monitoring and capital allocations

Finance

- Agreement upon the annual budget for Services within Portfolios including the application of the overall capital programme (within the Budget and Policy Framework);
- Agreement of Council policies in respect of fees and charges;
- Commitments to funding in future years not covered within the Council's medium term financial plan;
- 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 Portfolios or between Portfolios and within the approved budget.

Capital Programme

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 and
- (b) approval of a variation to an existing scheme which increases the value of the scheme by more than £100,000;

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 are clearly controversial;
 - 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 of surplus property that has not been identified for disposal by the Finance Sub-Committee or Strategy and Resources Committee to another purpose

Grant Aid, Loans and Guarantees

Provided that no decision that the Council will act as the Accountable Body for external grant aid or provide a guarantee in relation to the liabilities of a third party shall be taken unless the Chief Finance Officer has been consulted and has approved the arrangement:

- Making any decision in relation to grant aid which the Leader identifies as being of strategic importance;
- Agreeing to establish a fund (not being a fund wholly established with external grant aid for which the Council is the Accountable Body and which is received for this purpose) 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) subject to the proviso that an officer may make the decision where (a) paying the grant or loan to that specific recipient is required or clearly intended by the terms of the Council's agreement with the external funder, and (b) the committee has made the decision

to accept the external funding and act as Accountable Body 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.

Charity Trustee Sub-Committee

A standing sub-committee of the Strategy and Resources Policy Committee is established to take all decisions of the Council as charitable trustee, including but not limited to disposals of and other dealings with charitable land, and will meet as required.

COMMUNITIES, PARKS AND LEISURE POLICY COMMITTEE

Council Functions

The following functions are within the remit of Community, Parks and Leisure Policy Committee:

- Communities
 - Community Development
 - Cohesion and Migration
 - Community Safety
 - Youth Services
- Parks, Leisure and Libraries
 - Sport, physical activity and leisure facilities
 - Parks and Woodlands (including non-highway trees)
 - Allotments
 - Ecology
 - Bereavement Services
 - Libraries
- Voluntary Sector
 - Voluntary Sector Liaison
 - Voluntary Sector Grants, including Grant Aid
 - Strategic lead on relationships and development with the Voluntary, Community and Faith Sector, building capacity and sustainability in the sector

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 Communities, Parks and Leisure Policy Committee

Decision making in respect of Public Space Protection Orders (PSPOs):

- To approve a draft PSPO, including the proposed restrictions, and to carry out consultation;
- To consider the outcome of the consultation and to approve the making of the PSPO with such amendments as are necessary or to decide not to proceed.

The Committee oversees any communities or localism strategy within which Area Committees operate.

The Committee is the Council's Crime and Disorder Committee and exercises the functions under Section 19, Police and Justice Act 2006.

EDUCATION, CHILDREN AND FAMILIES POLICY COMMITTEE

Council Functions

The following functions are within the remit of Education, Children and Families Policy Committee:

- Education and Skills
 - Schools
 - Mainstream and specialist education (early years, children and young people)
 - Learning and Skills policy, programmes and interventions (children and young people)
- Children and Families
 - Children and family support and social work
 - Fostering and adoption
 - Children in care, care leavers and corporate parenting
 - Residential services
 - Youth justice
 - Child safeguarding

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 the Education, Children and Families Policy Committee
Decision making in respect of the establishment, alteration or discontinuance of schools, other than those that must be referred to the Schools Adjudicator.

ADULT HEALTH AND SOCIAL CARE POLICY COMMITTEE

Council Functions

The following functions are within the remit of Adult Health and Social Care Policy Committee:

- Adult Health and Social Care
 - Adult social work, care and support including specialist social work
 - Carers
 - Occupational therapy, enablement and support for independent living
 - Adult safeguarding

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

Health Scrutiny Sub-Committee

The Adult Health and Social Care Policy Committee is responsible 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 exercises this function through the Health Scrutiny Sub-Committee which is a standing sub-committee established for this purpose and whose membership comprises members of this Committee and Education, Children's and Families Policy Committee.

HOUSING POLICY COMMITTEE

Council Functions

The following functions are within the remit of Housing Policy Committee:

- Housing
 - Public sector
 - Private sector
 - Homelessness
 - Refugee resettlement programmes
 - Gypsy and traveller sites

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 Housing Policy Committee

Delivery of the Housing Revenue Account (HRA) Business Plan

WASTE AND STREET SCENE POLICY COMMITTEE

Council Functions

The following functions are within the remit of Waste and Street Scene Policy Committee:

- Street Scene and Regulation
 - Parking
 - Emergency Planning
 - Highway maintenance and management
 - City Centre management
 - Waste management
 - Markets
 - Regulatory licensing policy
 - Environmental Protection

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 Waste and Street Scene Policy Committee

The 'Streets Ahead' Project (Highways PFI):

Decisions taken pursuant to the Highways Maintenance PFI Contract dated 31st July 2012 between (1) the Council and (2) Amey Hallam Highways Limited ('the Streets Ahead Contract') are reserved to the Committee where they relate to:-

- termination of the Streets Ahead Contract;
- the final approval of the making of High Value Changes (as defined in the Streets Ahead Contract); or
- step-in by the taking of any Required Action (as defined in the Streets Ahead Contract).

Functions arising from the Council's roles as the Highways Authority, including transport and parking matters, where these relate to:-

- The Capital Programme;
- policy statements;
- matters that have drawn objections from members of the public;
- schemes with a value in excess of £250,000.

ECONOMIC DEVELOPMENT AND SKILLS POLICY COMMITTEE

Council Functions

The following functions are within the remit of Economic Development and Skills Policy Committee:

- Economic Development, Skills and Culture
 - Business growth and economic strategy
 - Arts development and projects
 - Theatres. Museums, galleries etc
 - City and community events
 - Employment policy and programmes
- Adult education and Skills
 - Enterprise, employment and digital skills
 - Adult skills policy and programmes

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;
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- 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

TRANSPORT, REGENERATION AND CLIMATE CHANGE POLICY COMMITTEE

Council Functions

The following functions are within the remit of Transport, Regeneration and Climate Change Policy Committee:

- City Centre and Central Area Portfolio Development
 - Heart of the City 2
 - City Centre and Central Area major developments
- Investment, Climate Change and Planning
 - Regeneration
 - Strategic Development
 - Sustainable City
 - Flood Protection
 - Building standards and public safety
 - Planning policy
 - Strategic transport sustainability and infrastructure

Within its remit the Committee:

- Takes decisions on any reserved matter;
- Champions heritage;
- 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 Transport, Regeneration and Climate Change Policy Committee

Functions arising from the Council's roles as Road Traffic Authority, including transport and parking matters, where these relate to:-

- The Capital Programme;
- policy statements;
- matters that have drawn objections from members of the public;
- schemes with a value in excess of £250,000.

Review and scrutiny of the exercise by risk management authorities of flood risk management functions under section 9JB of the Local Government Act 2000.

3.3.2 ARRANGEMENTS FOR URGENT DECISION MAKING

An Urgency Sub-Committee is established for each Policy Committee with a quorum of three members (to include the Chair or Deputy Chair). All members of the parent committee and their named substitutes (where applicable) may act as substitute members of an Urgency Sub-Committee.

A meeting of an Urgency Sub-Committee may be convened to take any Urgent Decision reserved to the parent Policy Committee PROVIDED THAT

the Monitoring Officer in consultation with the Chair has confirmed that the decision could not have been foreseen and to delay taking the decision until the next scheduled meeting of the Policy Committee would seriously prejudice either the Council's or the public's interests.

Any Urgent Decision may be taken at a scheduled meeting of Strategy & Resources Policy Committee for reasons of efficiency ONLY IF the Urgency Sub-Committee of the relevant Policy Committee has been unable to meet in the necessary timeframe.

An Urgent Decision may be taken by certain Officers in consultation (wherever practicably possible) with the Chair of the appropriate Policy Committee, ONLY IF, in the opinion of the Monitoring Officer in consultation (wherever practicably possible) with the Chair, it would not be possible to convene an Urgency Sub-Committee Meeting or take the decision to a scheduled meeting of Strategy and Resources Policy Committee within a timescale that would not seriously prejudice either the Council's or the public's interests. In the Chair's absence the Deputy Chair should be consulted or in their absence the Leader of the Council.

The Officers who may take an Urgent Decision are:

Any matter:

- The Chief Executive

Where the matter falls within his/her portfolio, service or budget area or such other corporate area of responsibility to which s/he may be nominated from time to time:

- Executive Director
- Chief Legal Officer
- Director of Finance and Commercial Services

In cases of Extreme Urgency (where a decision-maker reasonably believes that a failure to deal with a matter immediately would be likely to result in an appreciable risk of significant administrative, financial or other detriment to the Council and/or another individual or organisation) decisions may be taken by certain Officers in accordance with the provisions for Extreme Urgency at paragraph 3.5.7 of the Arrangements for the Delegation of Functions to Officers at Part 3.5 of this Constitution.

All decisions taken in accordance with these Arrangements for Urgent Decision Making must be reported at the next scheduled meeting of the Policy Committee. Use of these Arrangements shall be monitored by the Strategy and Resources Policy Committee and shall be considered by the Governance Committee in reviews of the Constitution and of the effectiveness of the current arrangements for a committee system of governance.

3.3.3 AREA COMMITTEES

Terms of Reference

- (a) To promote the involvement of local people in the democratic process and to bring decision making closer to local people.
- (b) To agree a Community Plan setting priorities for the area of the committee, monitor delivery of that plan and keep it under review.
- (c) To agree a plan for engaging with local residents and voluntary and community sector organisations in improving the committee area.
- (d) To take decisions about local matters delegated by the Council after engagement with the community or public consultation carried out pursuant to a prior decision.
- (e) To make decisions relating to funding as delegated from time to time by the Council to fit with the priorities set out in the Community Plan and following engagement with the community:
 - (i) Approve grants from budgets allocated to the Area Committee.
 - (ii) Approve the funding of community projects from budgets allocated to the Area Committee.
 - (iii) Approve other expenditure from the Area Committee budgets
- (f) To act as a formal consultation mechanism on Council and partner strategies and policies.
- (g) To engage with local people and oversee an ongoing programme of events to enable local people to influence Council decisions.
- (h) To act as a focal point for the results of consultation and engagement exercises and respond appropriately.
- (i) Where a matter does not fall within the powers delegated to the Area Committee, to make recommendations to the appropriate decision-maker or body.
- (j) Where a matter under consideration impacts on another Area Committee's area, the Area Committee shall not take a decision without first consulting the other Area Committee.

- (k) To meet a minimum of four times in every year.
- (l) To provide a report to Full Council on its Community Plan and progress against objectives no more than once in a municipal year.

3.3.4 REGULATORY COMMITTEES

LICENSING COMMITTEE

The Licensing Committee operates as two distinct Committees (Statutory Licensing Committee and Regulatory Licensing Committee) with identical membership and in accordance with the Terms of Reference set out below.

Terms of Reference

(a) **Statutory Licensing Committee**

The Statutory Licensing Committee shall be the licensing committee for the purposes of Section 6, Licensing Act 2003, and shall exercise the functions of the Council as licensing authority under the Licensing Act 2003 and Gambling Act 2005, when it shall operate in accordance with the provisions of the Licensing Act 2003 and regulations made thereunder.

Where licensing matters (including policy and adoption of legislation) are to be determined by Full Council the Statutory Licensing Committee shall consider the matters and make recommendations to Full Council.

(b) **Regulatory Licensing Committee**

Except where by law or this Part of the Constitution they are functions reserved to Full Council, or where by virtue of this Constitution responsibility is delegated elsewhere, the Regulatory Licensing Committee (which may include a Regulatory Licensing Sub-committee) shall exercise all other functions of the Council relating to licensing, registration and ancillary matters, when it shall operate as a Committee of the Council in accordance with the Council Procedure Rules at Part 4 of this Constitution. Such functions include but are not limited to:

- acupuncture, tattooing, ear-piercing, electrolysis;
- animal breeding, boarding, training and exhibiting, zoos, dangerous wild animals etc;
- caravan sites;
- charity collections and street collections;

- hackney carriage and private hire vehicle licences, drivers and operators;
- hypnotism exhibitions, demonstrations or performances;
- market and street trading,
- pavement licences;
- pleasure boats and pleasure vessels;
- scrap metal dealers and motor salvage operators;
- sex establishments including sexual entertainment venues;
- solemnisation of marriages;
- sports ground safety;
- theatres, cinemas and entertainments.

The Regulatory Licensing Committee shall exercise the powers of the Council as Commons Registration Authority to register common land or town and village greens, and to exercise the power to register variation of rights of common, PROVIDED that authority to determine the validity of an application to register land as common land or a town or village green is delegated to the Director of Legal and Governance.

PLANNING AND HIGHWAYS COMMITTEE

The Committee exercises the Council's Planning and Highways functions with the following terms of reference.

Terms of Reference

- (a) To exercise the functions of the Council as planning and highways authority including
- development control
 - advertisement control
 - building control
 - conservation matters
 - tree preservation orders
 - listed buildings
 - enforcement
 - removal of permitted development rights
 - "hybrid" applications or notifications
 - street naming
 - functions relating to public rights of way under the Highways Act 1980 and other legislation
 - control of scaffolding and hoarding

Including but not limited to considering and determining applications submitted under the Planning Acts and related legislation for planning permission, permission in principle, technical details consent, listed building consent, and reserved matters pursuant to major planning applications.

(b) To exercise the function under Section 278, Highways Act 1980.

Matters Reserved

Matters are reserved to the Planning and Highways Committee where the matter falls within the Committee's Terms of Reference and:-

- (a) the proposal is a major opportunity for development that represents a significant regeneration opportunity for the City;
- (b) the decision would represent a significant departure from policy;
- (c) the Council's policy position is unclear or difficult to determine;
- (d) the decision would be in conflict with a substantial number of representations made on planning grounds and where the outcome is not clearly predetermined by approved planning policy;
- (e) the matter relates to a planning application submitted by or on behalf of a Council officer who is involved in the planning application process or a Member of the Planning and Highways Committee where the matter relates to the exercise of a planning function;
- (f) the matter relates to an application submitted by or on behalf of an officer of the Local Highway Authority or by a Member of the Planning and Highways Committee where the matter relates to the exercise of a highway function;
- (g) formal enforcement or legal proceedings in respect of unauthorised development which are subject to the appropriate application of criteria (a) to (e).

For the avoidance of doubt, functions falling within the Planning and Highways Committee's Terms of Reference but which are not reserved to the Planning and Highways Committee are exercisable by the Planning and Highways Committee but are also exercisable by Council officers in accordance with the Arrangements for Delegation of Functions to Officers at Part 3.5 of this Constitution.

3.3.5 OTHER COMMITTEES

GOVERNANCE COMMITTEE

Terms of Reference

- (a) To keep the Council's constitutional arrangements, including the Constitution and the governance system it describes, under review.
- (b) To consider officers' proposals for changes to the Constitution and recommend such changes as it considers necessary to Full Council for approval.
- (c) To keep the thresholds for decisions reserved to Policy Committees under review and recommend any changes as it considers necessary to Full Council.
- (d) To seek direct engagement and participation of the public and stakeholders and partners in the Committee's ongoing consideration of the health of Sheffield's democratic environment.
- (e) To be responsible for the Council's Member Development Strategy and annual Member Development and Induction Plan, including to monitor, review and make recommendations to the Council with regard to the Learning and Development policy for Councillors, Co-opted members and Representatives.
- (f) To conduct a review of the effectiveness of the arrangements for a committee system of governance, commencing six months after implementation (November 2022) with a view to Full Council implementing any necessary changes at its Annual Meeting in May 2023. This review will:
 - a. Take account of any changes to the local and national context;
 - b. Include the previously agreed 'strategic aims' and 'design principles' in its assessment criteria; and
 - c. Actively seek and use feedback from residents, stakeholders, councillors, officers and partners to inform its judgements against those criteria.

AUDIT AND STANDARDS COMMITTEE

Terms of Reference

Accounts

- (1) To approve the Council's Statement of Accounts and the Annual Governance Statement in accordance with the Accounts and Audit Regulations 2015.
- (2) To consider and accept the Annual Letter from the Local Auditor in accordance with the Accounts and Audit Regulations 2015 and to monitor the Council's response to any issues of concern identified.
- (3) To consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

Audit Activity

- (4) To consider the Internal Audit annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
- (5) To consider summaries of specific Internal Audit reports as requested.
- (6) To consider reports dealing with the management and performance of the Internal Audit service, including compliance with Public Sector Internal Audit Standards.
- (7) To consider reports dealing with the implementation of agreed Internal Audit recommendations.
- (8) To consider any report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
- (9) To consider specific reports as agreed with the local auditor.
- (10) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (11) To liaise with the Public Sector Audit Appointments or any relevant organisation over the appointment of the Council's local auditor and to decide upon the appointment process for the local auditor and to participate in the process, as and when required.

Regulatory Framework and Risk Management

- (12) To maintain an overview of the Council's Constitution in respect of contracts standing orders, financial regulations and codes of conduct and behaviour.
- (13) To monitor the effective development and operation of risk management in the Council.
- (14) To monitor Council policies on the anti-fraud and anti-corruption strategy.
- (15) To oversee the production of the Council's Annual Governance Statement and monitor progress on any issues and consider the Council's compliance with its own and other published standards and controls.

Standards

- (16) To promote and maintain high standards of conduct by Councillors, Co-opted Members and Representatives on Committees and Sub-Committees.
 - (17) To assist Councillors, Co-opted Members and Representatives to observe the Councillor Code of Conduct.
 - (18) To advise the Council on the adoption or revision of the Councillor Code of Conduct and Protocols relating to Councillor and Officer behaviour.
 - (19) To monitor the operation of the Councillor Code of Conduct.
 - (20) To advise, train or arrange to train Councillors, Co-opted Members and Representatives on matters relating to the Councillor Code of Conduct.
 - (21) To discharge the functions of dealing with complaints against Councillors and Co-opted Members as set out in Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-Opted Members.
 - (22) To advise the Council on the adoption and revision of its Whistle-blowing Policy and monitoring the operation of that Policy.
 - (23) To monitor and review procedures relating to gifts, hospitality and personal interests, for Councillors and officers.
 - (24) To monitor the Council's complaints process and the Council's response to complaints to the Ombudsman.
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ADMISSIONS COMMITTEE

Terms of Reference

To hear and determine:-

- (a) admission cases and appeals against decisions of the Executive Director, People relating to parental choice of schools; and
- (b) appeals against decisions of the Executive Director, People relating to the issue of home to school travel passes.

APPEALS AND COLLECTIVE DISPUTES COMMITTEE

Terms of Reference

- (a) To hear and determine all matters which require Member decision relating to processes in connection with:-
 - (i) the discipline and dismissal of staff (other than senior officers within the terms of reference of the Senior Officer Employment Committee); and
 - (ii) disputes between the Council and its employees.
- (b) To establish such Sub-Committees as appropriate to undertake the hearing or determination of matters relating to the discipline and dismissal of staff (other than Senior Officers within the terms of reference of the Senior Officer Employment Committee) and disputes between the Council and its employees.

SENIOR OFFICER EMPLOYMENT COMMITTEE

Terms of Reference

- (a) To consider, subject to legal requirements relating to the Council's Statutory Officers (within the meaning of section 2 of the Local Government and Housing Act 1989) and to the Officer Employment Procedure Rules in Part 4 of this Constitution, and to make recommendations to the Council on all matters relating to the appointment of the Chief Executive and the dismissal of the Chief Executive, Monitoring Officer and Chief Finance Officer.

- (b) To determine, subject to legal requirements relating to the Council's Statutory Officers and to the Officer Employment Procedure Rules in Part 4 of this Constitution, all matters relating to the appointment of:-
- Executive Directors and other Officers who report directly to the Chief Executive;
 - The Council's Statutory Chief Officers, other than the Chief Executive.
- (c) To determine, subject to legal requirements relating to the Council's Statutory Officers and to the Officer Employment Procedure Rules in Part 4 of this Constitution, all matters relating to the dismissal of:-
- Executive Directors and other Officers who report directly to the Chief Executive;
 - The Council's Statutory Officers, other than the Chief Executive, Monitoring Officer and Chief Finance Officer.
- (d) To determine, subject to legal requirements relating to the Council's Statutory Officers and to the Officer Employment Rules in Part 4 of this Constitution, all matters relating to the discipline short of dismissal of:-
- Executive Directors and other Officers who report directly to the Chief Executive;
 - The Council's Statutory Officers.
- (e) To determine, subject to legal requirements relating to the Council's Statutory Officers and to the Officer Employment Rules in Part 4 of this Constitution, all matters relating to the appointment, discipline and dismissal of:-
- Officers who report directly to any of the Officers described above (other than the Monitoring Officer) for all or most of their duties (but not any person whose duties are solely secretarial or clerical).
- (f) To establish such Sub-Committees as appropriate to undertake recruitment and to hear individual matters, which may include authority to make appointments and other decisions, and authority to make recommendations direct to the Council.

COMPLAINTS REVIEW PANEL

Terms of Reference

To consider and determine, in accordance with legislative requirements, complaints in relation to the discharge of, or any failure to discharge the Council's social services functions in relation to an individual.

INDEPENDENT REMUNERATION PANEL

Terms of Reference

To make recommendations to the Council on the allowances to be paid to elected Members, as laid down in the Local Authorities (Members' Allowances) (England) Regulations 2003 and Section 7, Superannuation Act 1972, namely:-

- (a) the level of basic allowance for all Members;
- (b) categories of special responsibility for which a special responsibility allowance should be paid and the levels of those allowances;
- (c) the rate of childcare / dependency allowance;
- (d) Travel & Subsistence Allowance;
- (e) any annual uplift;
- (f) which Members of the Council are entitled to join the LGPS;
- (g) which aspect of Members' Allowance is to be pensionable.

3.3.6 SHEFFIELD HEALTH AND WELLBEING BOARD

Terms of Reference

1. Role and Function of the Health and Wellbeing Board
 - 1.1 The Sheffield Health and Wellbeing Board (the Board) is established under the Health and Social Care Act 2012 as a statutory committee of Sheffield City Council (the Council) from 1 April 2013. However, it will operate as a multi-agency board of equal partners.
 - 1.2 The Board will develop and maintain a vision for a city free from inequalities in health and wellbeing, taking a view of the whole population from pre-birth to end of life.
 - 1.3 The Board will be the system leader for health & wellbeing, acting as a strong and effective partnership to improve the commissioning and delivery of services across the NHS and the Council, leading in turn to improved health and wellbeing outcomes and reduced health inequalities for the people of Sheffield.

- 1.4 In doing this, the Board will take an interest in all the determinants of health and wellbeing in Sheffield and will work across organisational boundaries in pursuit of this.
- 1.5 The Board will be ambitious for Sheffield and hold organisations in Sheffield to account for the delivery of the Board’s vision for the city. It should enable organisations to work in an integrated way, for the purpose of advancing the health and wellbeing of people in Sheffield.
- 1.6 The Board is statutorily required to carry out the following functions:
- To undertake a Joint Strategic Needs Assessment (JSNA);
 - To undertake a Pharmaceutical Needs Assessment (PNA);
 - To develop and publish a Joint Health and Wellbeing Strategy (JHWS) for Sheffield;
 - To provide an opinion on whether the Council is discharging its duty to have regard to the JSNA, and the JHWS, in the exercise of its functions;
 - To review the extent to which the Clinical Commissioning Group (CCG) has contributed to the delivery of the JHWS; to provide an opinion to the CCG on whether their draft commissioning plan takes proper account of the JHWS; and, to provide an opinion to NHS England on whether a commissioning plan published by the CCG takes proper account of the JHWS;
 - To support joint commissioning and encourage integrated working and pooled budget arrangements in relation to arrangements for providing health, health-related or social care services;
 - To discharge all functions relating to the Better Care Fund that are required or permitted by law to be exercised by the Board; and
 - To receive and approve any other plans or strategies that are required either as a matter of law or policy to be approved by the Board.
- 1.7 In addition to these the Board will also take an interest in how all organisations in Sheffield function together to deliver on the Joint Health & Wellbeing Strategy.
- 1.8 The Board will own and oversee the strategic vision for health and wellbeing in Sheffield, hold all partners and organisations to account for delivering against this by taking an interest in all associated strategies and plans and when appropriate requesting details on how specific
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policies or strategies help to achieve the aims of the Joint Health & Wellbeing Strategy.

1.9 The Board will continue to oversee the strategic direction of the Better Care Fund and the delivery of better integrated care, as part of its statutory duty to encourage integrated working between commissioners. This will include signing off quarterly and annual Better Care Fund submissions.

2. Membership

2.1 The membership of the Board is as follows:

- Sheffield City Council:
 - Chair of Adult Health and Social Care Policy Committee
 - Chair of Education, Children and Families Policy Committee
 - Chair of Housing Policy Committee
 - Chief Executive
 - Director of Adult Social Services
 - Director of Children’s Services
 - Executive Director for Operational Services
- Sheffield NHS Clinical Commissioning Group
 - Governing Body Chair
 - One other Governing Body GP
 - Accountable Officer
 - Medical Director
 - Director of Strategy
- Other Commissioners
 - Senior Representative from NHS England
- Providers
 - Accountable Care Partnership Programme Director
 - NHS Provider – Clinical Representative
 - NHS Provider – Non-Executive Representative
 - VCF Provider
 - VCF Organisation
 - Blue Light Service
- Independent Voice
 - Chair of Healthwatch Sheffield
 - Director of Public Health
 - University

2.2 Other representatives from the wider health and wellbeing community in Sheffield may be invited to attend the Board from time to time to contribute to discussion of specific issues.

2.3 Any changes to personnel will be approved through Full Council on an annual basis.

3. Governance

3.1 Chair: The Board will be co-chaired by the Council Chair of the Adult Health and Social Care Policy Committee and the Chair of the CCG, with chairing of meetings generally alternating between them.

3.2 Attendance at meetings and deputies: In order to maintain consistency it is assumed that Board members will attend all meetings. Each member must name 1 deputy, who should be well briefed on the Board's purpose and activities, fulfil the same or similar function in their primary role (as opposed to being from the same organisation), and attend meetings and vote on behalf of the member when they are absent.

3.3 Quorum: 1 Elected Member of the Council & 1 other Council Representative (Elected Member or Officer), 1 CCG Governing Body GP and 1 other CCG Representative, 1 Provider Representative, and 1 Independent Voice Representative, with an in-meeting majority for Commissioners.

3.4 Decision-making and voting: The Board will operate on a consensus basis. Where consensus cannot be achieved the matter will be put to a vote. Decisions will be made by simple majority: the Chair for the meeting at which the vote is taken will have the casting vote. All votes shall be taken by a show of hands unless decided otherwise by the Chair.

3.5 Authority of representatives: It is accepted that some decisions and / or representations will need to be made in accordance with the governance procedures of the organisations represented on the Board: however, representatives should have sufficient authority to speak for their organisations and make decisions within their own delegations.

3.6 Accountability and scrutiny: As a Council committee, the Board will be formally accountable to the Council.

3.7 Relationship to other groups: The Board has formally agreed a protocol with the city's Safeguarding Boards. The Board will seek to develop close relationships with the city's Accountable Care Partnership and any Committee or Sub-Committee of the Council with responsibility for the

review and scrutiny of local health services as part of its work to hold the health and wellbeing system to account. It will also develop relationships with other bodies in the city such as the Sheffield City Partnership Board and Safer & Sustainable Communities Partnership, especially where the agendas of such bodies overlap with the Board's.

4. Meetings, agendas and papers

- 4.1 The Board will normally meet quarterly in public, interspersed with private strategy development meetings. There will be no fewer than 2 meetings per financial year, with a maximum of 32 weeks between meetings.
- 4.2 Dates, venues, agendas and papers for public meetings will be published in advance on the Council's website.
- 4.3 The Co-Chairs will agree the agenda for each meeting, supported by an officer subgroup.
- 4.4 Agendas and papers will be circulated to all members and be available on the Council's website 7 days in advance of the meeting.
- 4.5 Minutes will be circulated to all members and published on the Council's website as soon as possible after the meeting.
- 4.6 It is expected that those who write papers will work collaboratively with others to provide a city-wide perspective on any given issue.

5. Role of a Health and Wellbeing Board Member

- 5.1 All members of the Board, as a statutory committee of the Council, must observe the Council's code of conduct for members and co-opted members. Other responsibilities include:
 - Attending Board meetings whenever possible and fully and positively contributing to discussions, reading and digesting any documents and information provided prior to meetings;
 - The membership of the Health & Wellbeing Board is constructed to provide a broad range of perspectives on the development of strategy. With this in mind, members are asked to bring the insight, knowledge, perspective and strategic capacity they have as a consequence of their everyday role, and not act simply as a representative of their organisation, but with the interests of the whole city and its residents at heart;
 - Fully and effectively communicating outcomes and key decisions of the Board to their own organisations, acting as ambassadors for the work of the Board, and participating where appropriate in communications/marketing and stakeholder engagement activity to

support the objectives of the Board, including working with the media;

- Contributing to the development of the JSNA and JHWS;
- Ensuring that commissioning is in line with the requirements of the JHWS and working to deliver improvements in performance against measures within the public health, NHS and adult social care outcomes frameworks;
- Declaring any conflict of interest, particularly in the event of a vote being required and in relation to the providing of services;
- Acting in a respectful, inclusive and open manner with all colleagues to encourage debate and challenge.

6. Engagement with the public and providers

6.1 Healthwatch Sheffield is the Board's statutory partner for involving Sheffield people in discussions and decision-making around health and wellbeing in the city. It is expected that the Healthwatch Sheffield representative(s) will clearly ensure Sheffield people's views are included in all Board discussions, with Elected Members, and other Independent Voice members also having a role in this regard.

6.2 Formal public meetings will be held quarterly, with members of the public invited to ask questions. An answer may take the form of:

- An oral answer;
- A written answer to the member of the public, circulated to the Board and placed on the Council's website;
- Where the desired information is contained in a publication, a reference to that publication.

The Board's chairs retain the right to restrict the length of time given to answering public questions at any meetings held.

6.3 The Board will work with Healthwatch Sheffield to engage with the public on the issues affecting health and wellbeing in Sheffield through a range of means, ensuring the output from this engagement is linked to the Board's Forward Plan, and is fed into and reflected in Board discussions. This work will:

- Provide an avenue for members of the public to impact on the Board's discussions and work;
- Engage the public and/or providers in the development of the Joint Health & Wellbeing Strategy;
- Develop the Board's understanding of local people's and providers' experiences and priorities for health and wellbeing;

- Communicate the work of the Board in shaping health and wellbeing in Sheffield;
- Develop a shared perspective of the ways in which providers can contribute to the Board’s delivery.

6.4 The Board will maintain a website with up-to-date information about its work and send out regular newsletters.

7. Review

7.1 These Terms of Reference will be reviewed annually.

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