

# **CITY COUNCIL – 10 SEPTEMBER 2012**

## **REPORT OF THE LEADER**

### **CITY CENTRE GOVERNANCE**

#### **1 SUMMARY**

- 1.1 This report proposes amendments to the Council's formal governance structure insofar as it relates to City Centre governance. Specifically, the report informs Council of revised executive arrangements made by the Leader and also requests that Council approves other related constitutional changes.

#### **2 RECOMMENDATIONS**

- 2.1 It is recommended that:

- (1) the City Centre Area Committee be disestablished with immediate effect;
- (2) a City Centre Forum be created as an advisory body with the terms of reference and membership detailed in Appendix 1, with the date of the first meeting to be confirmed;
- (3) the Leader's executive action be noted in appointing a Committee of the Executive Board (the Executive Board City Centre Committee) with the terms of reference and membership as detailed in Appendix 2, with the first meeting taking place on 18 September at 6.00 pm; and
- (4) that consequential amendments be made to the Constitution to reflect recommendations (1), (2) and (3).

#### **3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)**

- 3.1 The Council must keep its Constitution up to date in accordance with Section 37(1) of the Local Government Act 2000. The changes made by the Leader to executive arrangements, as described in this report need to be notified to Council in order that Council can fulfil its role in maintaining an up to date Constitution. With regard to the other non executive governance arrangements referred to in this report, Council alone has the authority to establish / disestablish these committees

and to determine membership and terms of reference.

- 3.2 The proposed revisions to City Centre governance have been the subject of consultation with local stakeholders who identified that there is potential for better collaboration through closer working with the private sector and wider partners involved in delivery in the City Centre.

#### **4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 4.1 In relation to recommendation (3), the Council would be in breach of its statutory duty if it were not to update its constitution and failure to do so would create confusion and uncertainty about sources of authority within the Council and about the Council's governance arrangements generally.
- 4.2 In relation to recommendations (1) and (2), it is not an option to establish or disestablish non-executive committees or amend memberships and remits without the approval of Council as this would be in breach of the Constitution.
- 4.3 In relation to recommendation (1), one option would be to retain the current City Centre Area Committee, but consultation with stakeholders and progress on the City Centre retail review has demonstrated that there needs to be a stronger executive involvement to maximise the potential of the City Centre and an improved mechanism for input from the private sector.

#### **5 BACKGROUND**

- 5.1 The Nottingham Growth Plan identifies that a vibrant City Centre, supported by a thriving retail and leisure sector, is vital for transforming the City's economy. Since the beginning of the year progress has been made through the establishment of a retail steering group which is currently working on producing a business led strategy for retail growth in the City Centre and also the development of a spatial plan. As this work has progressed, it has become clear that, in order to maximise the City's potential to support job creation, more wide ranging and effective engagement of stakeholders is required (especially with the private sector) and that there is a need for a clearer executive lead with improved joint decision making and stronger co-ordination of internal resources. To this end, I have

appointed an Executive Board City Centre Committee which will oversee the development and implementation of a City Centre Strategy and which has delegated powers to take decisions which impact on the City Centre. This Committee's role will also be to ensure that executive decisions and development of policy in respect of the City Centre are co-ordinated both in terms of internal and external stakeholder interests. The full terms of reference and membership of the Committee are set out in Appendix 2. Council will note that co-optees onto the Committee are proposed to be drawn from a new body, the City Centre Forum (see 5.2 below). Co-optees onto the Executive Board City Centre Committee will not have voting rights as this is prohibited by the provisions of Section 15 of the Local Government Act 2000 through which only the Leader, the Executive Board, a committee of the Board, a Portfolio Holder or an officer can exercise executive powers.

- 5.2 It is proposed that Council establishes a City Centre Forum to provide the wide ranging and effective engagement with stakeholders which has been identified as essential to a vibrant City Centre economy. The Forum will comprise both Councillors and representatives from the retail/leisure/tourism sectors. This body will link closely with the Executive Board City Centre Committee performing both an advisory and consultative role at a strategic level to support and inform more co-ordinated executive leadership on City Centre issues. The proposed terms of reference and membership of this Forum are set out in Appendix 1. The Local Government Act 1972 S.102 (4) permits voting rights to be given to all members of a body, including those who are not Councillors, where the role of the body is advisory only and the membership/ voting rights set out in Appendix 1 reflect the legal position. Such advisory bodies are also required to reflect political balance on the Council.
- 5.3 The role/remit of the current City Centre Area Committee is largely subsumed by the creation of the Executive Board City Centre Committee and City Centre Forum. Council is requested to approve its disestablishment with immediate effect noting that those elements of its remit which relate to the interests of City Centre residents and their local services already form part of the remits of Area Committees 4, 6 and 8. Those Area Committees' roles are not diminished as a result of this action. The City Centre Area Committee's terms of reference include specific responsibilities relating to co-ordination of City Centre crime and anti-social behaviour issues, the operational management of the Old Market Square and public spaces within the

City Centre, approval of the City Centre events programme and also the agreement of certain elements of the markets and fairs and street trading regimes. These are effectively subsumed within the remits of the relevant Portfolio Holders and their decisions relating to City Centre matters will be required to be consulted upon in advance at the Executive Board City Centre Committee.

## **6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)**

6.1 As part of the formal governance structure of the Council, these meetings will be serviced by Constitutional Services. It is anticipated that the staffing and print costs involved can be met from within existing budgets.

6.2 Co-opted members would be entitled to claim travel and subsistence expenses on the same basis as Councillors as set out in the Constitution and a financial loss allowance is also payable in lieu. These amounts cannot be quantified at this stage but it is anticipated that any costs could be met from within existing budget provision within Democratic Services.

## **7 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS)**

7.1 Under the provisions of the Local Government Act 2000, the Council is required to keep its constitution under review. As detailed in the report at paragraphs 5.1 and 5.2, proposed memberships and voting rights of the Executive Board City Centre Committee and of the City Centre Forum respectively comply with the provisions of the Local Government Act 2000 and the Local Government Act 1972.

## **8 EQUALITY IMPACT ASSESSMENT (EIA)**

8.1 An EIA is attached as Appendix 3.

## **9 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

9.1 Email correspondence between colleagues within the City Council providing commentary and advice on the proposed governance arrangements.

**10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

- 10.1 The Constitution, The Local Government Act 1972, the Local Government and Housing Act 1989 and the Local Government Act 2000.

**COUNCILLOR JON COLLINS  
LEADER**

## **City Centre Forum – Terms of Reference and Membership**

### Terms of Reference

The City Centre Forum aims to support the aspirations within the Nottingham Growth Plan to develop a sustainable, vibrant city centre through a thriving retail and leisure offer. To achieve this objective, and via its relationship to the Executive Board City Centre Committee, the Forum will have an advisory and consultative role on city centre issues at a strategic level and will encourage cross-collaboration between partners. It will influence and steer activities aligned to the City Centre Strategy.

The role of the Forum is:

- (a) to review the implementation of the City Centre Strategy and Retail Review;
- (b) to develop a cross partnership forward plan to ensure that City Centre transformation is part of the City Centre Strategy;
- (c) to advise the Executive Board City Centre Committee on key issues and policies affecting the City Centre and the appropriate responses to address such issues;
- (d) to ‘scan the horizon’ and interpret key challenges, strategic issues and national policy to inform future plans and to mitigate against any negative impacts upon the City Centre.

### Membership

Membership will comprise the following **voting** members :

The Portfolio Holder for Jobs, Skills and Business

The Portfolio Holders for Planning and Transportation, Leisure, Culture and Tourism and Area Working, Cleansing and Community Safety (it being noted that the provisions regarding attendance at meetings as set out in paragraph 1.3, Section 5, Part 2 of the Constitution do not apply to these Councillors in respect of attendance at this Forum)

One Councillor from each of the 4 City Centre wards, Arboretum, Bridge, Radford and Park and St Anns

One Councillor from the minority group ( if not included as a city centre ward councillor)\*

The Chair of the Retail/Leisure BID  
3 representatives from the Retail/Leisure BID  
The Chair (or their nominee) from the IIN Retail Forum  
The Chief Executive (or their nominee) from Experience Nottinghamshire  
The Chair of the Licensing Committee  
The Chair of the Development Control Committee  
1 Councillor representing the Bridge Estate (drawn from the Trusts and Charities Committee)  
1 representative from Capital Shopping Centres  
The Deputy Director for Community Protection, Notts Constabulary

The Chair will be elected by the Forum from its membership. The Vice-Chair will be elected by the Forum from amongst the business sector members only.

Substitutes are allowed for all members provided that notice of substitution is provided to Constitutional Services no less than one hour in advance of any meeting.

All co-opted members on the Forum (i.e. all those who are not Councillors of Nottingham City Council) must observe the Council's Code of Conduct and sign the acceptance of office.

\* N.B. political balance applies to advisory bodies within the formal governance structure of the Council and membership drawn from minority groups must be reviewed when the political balance on the Council changes.

### Meetings

The Forum will meet at least quarterly but the Chair shall have the right, in consultation with the Vice-Chair, to convene additional meetings of the Forum as appropriate.

The quorum will comprise 3 voting members and must include one Councillor and one representative from the business sector.

It is expected that most issues will be agreed by consensus but where this is not possible matters will be decided by a majority of those present and entitled to vote. If there are an equal number of votes for and against, the Chair will have a second or casting vote.

All business of the Forum will be conducted in public in accordance with the provisions of Schedule 12 of the Local Government Act 1972 (as amended).



## **Executive Board City Centre Committee – Terms of Reference and Membership**

### **Terms of Reference**

- (a) To oversee the development and implementation of the City Centre Strategy;
- (b) To agree and implement outcomes from the retail review undertaken by the City Centre Retail Steering Group as part of the City Centre Strategy;
- (c) To evaluate the impact and success of the City Centre Strategy and retail review;
- (d) To identify and review ongoing challenges affecting the growth of the City Centre, formulating and approving plans for addressing them where appropriate;
- (e) To make decisions (including key decisions only where specifically empowered to do so by the Leader) which relate to the development and implementation of the City Centre Strategy and retail review or which otherwise impact primarily on the City Centre in terms of the portfolios of jobs, skills and business; planning and transportation; leisure, culture and tourism and area working, cleansing and community safety;
- (f) To approve executive policy decisions relating to the City Centre or to make recommendations where decisions are reserved to the Executive Board or Council;
- (g) To require proposed portfolio holder decisions, which would impact on the City Centre, to be referred to the Committee in advance of those decisions being taken to enable appropriate co-ordination and consultation with internal and external stakeholders, but noting that there may be exceptional circumstances when an urgent decision is required and advance referral to the Committee is not possible;
- (h) To co-opt the Chair and Vice-Chair of the City Centre Forum;

- (i) To identify issues for discussion and review by the City Centre Forum and to receive their advice on and responses to key issues and policies affecting the City Centre.

NB. (1) Commercially sensitive issues will not be within the remit of this Committee.

- (2) Executive Board will retain its role in considering Local Development Framework documents.

The Committee is accountable to the Executive Board and its minutes are to be reported to the Board.

The Committee will meet six weekly.

### Membership

The Committee's membership comprises the following:

The Portfolio Holder for Jobs, Skills and Business (Chair)

The Portfolio Holder for Planning and Transportation

The Portfolio Holder for Leisure, Culture and Tourism

The Portfolio Holder for Area Working, Cleansing and Community Safety

2 Co-opted Members (non-voting) - the Chair and Vice-Chair of the City Centre Forum.\*\*

The quorum for this Committee has been fixed at 3 voting members.

Substitute members are not allowed.

\*\* NB – Where the Chair of the City Centre Forum is a non-executive Councillor, formal co-option to an executive body is not allowed under the provisions of the Local Government Act 2000. In these circumstances, the chair of the Forum would be an invitee to the Executive Board City Centre Committee and would have speaking rights.

## Appendix 3

### **Name and brief description of proposal / policy / service being assessed**

City Centre Governance – creation of City Centre Forum and disestablishment of City Centre Area Committee

The purpose of the City Centre Forum will be to provide the wide ranging and effective engagement with stakeholders which has been identified as essential to a vibrant city centre economy. The Forum will comprise both councillors and representatives from the retail/leisure/tourism sectors. This body will link closely with the Executive Board City Centre Committee performing both an advisory and consultative role at a strategic level to support and inform more coordinated executive leadership on City Centre issues.

The role/remit of the current City Centre Area Committee is largely subsumed by the recently created Executive Board City Centre Committee as well as the City Centre Forum. Those elements of its remit which relate to the interests of city centre residents and their local services already form part of the remits of area committees 4, 6 and 8.

### **Information used to analyse the effects on equality**

Unemployment figures; Nottingham City Council unemployment updates and evidence relating to unemployment rates of disabled people ([link](#))

	<b>Could particularly benefit (X)</b>	<b>May adversely impact (X)</b>	<b>How different groups could be affected: Summary of impacts</b>	<b>Details of actions to reduce negative or increase positive impact (or why action not possible)</b>
People from different ethnic groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Potential positive impacts have been identified in respect of the potential increase in employment that the City Centre Strategy may be able to achieve, in conjunction with wider measures by the Council and partners under the Nottingham Growth Plan, based on the higher incidence of unemployment in relation to young people, disabled people and some minority ethnic groups.</p> <p>Opportunities to develop a membership that is reflective of the local community are limited, based on the need to involve specific private sector partners and public sector stakeholders – however it should be noted that the Forum's remit is promoting growth and fostering public-private partnership rather than the previous committee remit to represent the local community. Local residents will continue to be represented by relevant area committees, and based on the current profile of the City Centre committee no loss of representation is anticipated.</p>	<p>Proceed with changes with a view to achieving increases in employment.</p> <p>The City Centre Forum and committee will have the ability to invite representatives from (for example) the BME or LGBT community where appropriate, for example to assist in focussing the City's centre's tourist offer on key demographic segments.</p>
Men, women (including maternity/pregnancy impact), transgender people	<input type="checkbox"/>	<input type="checkbox"/>		
Disabled people or carers	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
People from different faith groups	<input type="checkbox"/>	<input type="checkbox"/>		
Lesbian, gay or bisexual people	<input type="checkbox"/>	<input type="checkbox"/>		
Older or younger people	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Other (e.g. marriage/civil partnership, looked after children, cohesion/good relations, vulnerable children/adults)	<input type="checkbox"/>	<input type="checkbox"/>		

### **Outcome(s) of equality impact assessment:**

No major change needed  Adjust the policy/proposal  Adverse impact but continue  Stop and remove the policy/proposal

**Arrangements for future monitoring of equality impact of this proposal / policy / service:**

Review this assessment if subsequent information identifies additional impacts.

*Debra La Mota*

Date sent to equality team for publishing: 21st August 2012

Approved by (manager signature):