

# Public Document Pack



**Nottingham**  
**City Council**

You are hereby summoned to attend a meeting of **CITY COUNCIL**  
at Council House, Old Market Square on Monday 8 May 2017 at 2.00 pm to transact the  
following business

<b><u>AGENDA</u></b>	<b><u>Pages</u></b>
<b>1 APOLOGIES FOR ABSENCE</b>	
<b>2 DECLARATIONS OF INTERESTS</b>	
<b>3 TO ELECT THE LORD MAYOR AND APPOINT THE SHERIFF</b>	Verbal
<b>4 TO APPOINT THE LORD MAYOR'S CHAPLAIN</b>	Verbal
<b>5 QUESTIONS FROM CITIZENS</b>	To Follow
<b>6 PETITIONS FROM COUNCILLORS ON BEHALF OF CITIZENS</b>	Verbal
<b>7 TO CONFIRM THE MINUTES OF THE LAST MEETING OF COUNCIL HELD ON 6 MARCH 2017</b>	3 - 22
<b>8 TO RECEIVE OFFICIAL COMMUNICATIONS AND ANNOUNCEMENTS FROM THE LEADER OF THE COUNCIL AND/OR THE CHIEF EXECUTIVE</b>	Verbal
<b>9 QUESTIONS FROM COUNCILLORS - TO THE CITY COUNCIL'S LEAD COUNCILLOR ON THE NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AND RESCUE AUTHORITY</b>	To Follow
<b>10 QUESTIONS FROM COUNCILLORS - TO A MEMBER OF EXECUTIVE BOARD, THE CHAIR OF A COMMITTEE AND THE CHAIR OF ANY OTHER CITY COUNCIL BODY</b>	To Follow
<b>11 EXECUTIVE APPOINTMENTS, REMITS AND FIRST MEETINGS 2017-18</b> Report of the Leader	23 - 24
<b>12 APPOINTMENTS AND FIRST MEETINGS OF COMMITTEES AND JOINT BODIES 2017-18</b> Report of the Leader	25 - 68
<b>13 AMENDMENTS TO THE CONSTITUTION AND APPOINTMENT OF INDEPENDENT PERSON FOR STANDARDS</b> Report of the Leader	69 - 84
<b>14 DECISIONS TAKEN UNDER URGENCY PROCEDURES</b> Report of the Leader	85 - 90

**15 DATES OF FUTURE MEETINGS**

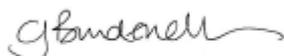
To consider meeting at 2pm on the following Monday's:

<u>2017</u>	<u>2018</u>
10 July	22 January
11 September	5 March
13 November	

***Please note that questions to Council are received after the agenda has been published. Questions will be published as a supplementary agenda by 5pm on Friday 5 May 2017.***

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT [WWW.NOTTINGHAMCITY.GOV.UK](http://WWW.NOTTINGHAMCITY.GOV.UK). INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.



Dated 27 April 2017  
Corporate Director for Strategy and Resources  
**To: All Councillors of Nottingham City Council**

**MINUTES OF THE MEETING OF THE CITY COUNCIL**

held at the Council Chamber - at the Council House

on 6 March 2017 from 14.00 – 17.42

**ATTENDANCES:**

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<ul style="list-style-type: none"> <li>✓ Councillor Mohammed Saghir (Lord Mayor)</li> </ul>	
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<ul style="list-style-type: none"> <li>✓ Councillor Liaqat Ali</li> <li>✓ Councillor Jim Armstrong</li> <li>✓ Councillor Cat Arnold</li> <li>✓ Councillor Leslie Ayoola</li> <li>✓ Councillor Ilyas Aziz</li> <li>✓ Councillor Alex Ball</li> <li>✓ Councillor Steve Battlemuch</li> <li>✓ Councillor Merlita Bryan</li> <li>✓ Councillor Eunice Campbell</li> <li>✓ Councillor Graham Chapman</li> <li>✓ Councillor Azad Choudhry</li> <li>✓ Councillor Alan Clark</li> <li>✓ Councillor Jon Collins</li> <li>✓ Councillor Josh Cook</li> <li>✓ Councillor Georgina Culley</li> <li>✓ Councillor Michael Edwards</li> <li>✓ Councillor Pat Ferguson</li> <li>✓ Councillor Brian Grocock</li> <li>✓ Councillor Chris Gibson</li> <li>✓ Councillor John Hartshorne</li> <li>✓ Councillor Rosemary Healy</li> <li>✓ Councillor Nicola Heaton</li> <li>✓ Councillor Mohammed Ibrahim</li> <li>✓ Councillor Patience Uloma Ifediora</li> <li>✓ Councillor Corall Jenkins</li> <li>✓ Councillor Glyn Jenkins</li> <li>✓ Councillor Sue Johnson</li> </ul>	<ul style="list-style-type: none"> <li>✓ Councillor Carole-Ann Jones</li> <li>✓ Councillor Gul Nawaz Khan</li> <li>✓ Councillor Neghat Nawaz Khan</li> <li>✓ Councillor Ginny Klein</li> <li>✓ Councillor Dave Liversidge</li> <li>✓ Councillor Sally Longford</li> <li>✓ Councillor Carole McCulloch</li> <li>✓ Councillor Nick McDonald</li> <li>✓ Councillor David Mellen</li> <li>✓ Councillor Jackie Morris</li> <li>✓ Councillor Toby Neal</li> <li>✓ Councillor Alex Norris</li> <li>✓ Councillor Brian Parbutt</li> <li>✓ Councillor Anne Peach</li> <li>✓ Councillor Sarah Piper</li> <li>✓ Councillor Andrew Rule</li> <li>✓ Councillor David Smith</li> <li>✓ Councillor Wendy Smith</li> <li>✓ Councillor Chris Tansley</li> <li>✓ Councillor Dave Trimble</li> <li>✓ Councillor Jane Urquhart</li> <li>✓ Councillor Marcia Watson</li> <li>✓ Councillor Sam Webster</li> <li>✓ Councillor Michael Wildgust</li> <li>✓ Councillor Malcolm Wood</li> <li>✓ Councillor Linda Woodings</li> <li>✓ Councillor Steve Young</li> </ul>
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✓ Indicates present at meeting

**75 APOLOGIES FOR ABSENCE**

Councillor Jim Armstrong – personal  
Councillor Alex Ball – personal  
Councillor Alan Clark - personal  
Councillor Steve Young – personal  
Councillor Nick McDonald - personal

**76 DECLARATIONS OF INTERESTS**

Councillors Brian Parbutt, Alex Norris and Corall Jenkins declared interests in agenda item 13 – Pay Policy Statement, as they are employed by Trade Unions. They left the chamber for consideration of this item.

**77 QUESTIONS FROM CITIZENS**

Ms R. J asked the following question of the Portfolio Holder for Community Services:

I understand that the present practise of collecting paper and glass together in the same recycling bin and lorry is making the paper useless for recycling. This is because it contains broken glass. Will the City Council change its collection method, so paper and glass are kept separate throughout the recycling process?

Councillor Nicola Heaton responded as follows:

Thank you very much for her question. We currently recycle over 9,500 tonnes of paper every year through the practise of collecting paper, glass and other recyclables together. Whilst there would be some advantages to the quality of paper and glass available to the market if the two were separated, the mixing of glass and paper does not prevent recycling. What is more, there is evidence that the additional vehicle use required for separate collection could offset any environmental benefit. There would also be additional inconvenience for citizens of having extra bins and this could also lead to reduced take up of recycling. Therefore, we are not looking at changing our collection method for recycling, however I would like to thank Ms R J for their concerns.

**78 PETITIONS FROM COUNCILLORS ON BEHALF OF CITIZENS**

Councillor Jackie Morris submitted a petition on behalf of 33 signatories, requesting Nottingham City Council support and endeavour to continue the YMCA Physical Activity referral classes at Bulwell Riverside.

**79 TO CONFIRM THE MINUTES OF THE LAST MEETING OF COUNCIL HELD ON 16 JANUARY 2017**

The minutes of the meeting held on 16 January 2017 were confirmed and signed as a true record by the Lord Mayor.

**80 OFFICIAL COMMUNICATIONS**

The Chief Executive reported the following:

There has been widespread sporting achievement in Nottingham over the past two months, with the Nottingham Wildcats Girls Under 16s basketball team beating Southend in their first ever National Championship Cup Final in February. Nottingham U13 Boys football team also beaten Liverpool and will meet Newcastle-Upon-Tyne in the semi-final of the English Schools FA Playstation Trophy at University Highfields Sports Ground on 18 March. This is the first time since 2006 that a Nottingham team has reached a national semi-final. We have also received funding from Sport England to support the Council's delivery of the 'This Girl Can Swim' project in the city. This project seeks to address some of the barriers to swimming participation in women and girls aged 14+.

Nottingham Futures, Advice Skills and Employment received an Ofsted outstanding rating for its delivery of the East Midlands National Careers Service – the first in the country to receive this rating.

Nottingham and the surrounding districts have also secured £10m European funding through the Sustainable Urban Development Strategy.

At the Royal Town Planning Institute awards held last week, the Planning services team were awarded Local Authority Team of the year.

Nottingham has been awarded £100,000 from the national Domestic Abuse Fund. The money will go towards ensuring that survivors of domestic abuse with complex needs such as alcohol and substance addiction and mental health issues are fully supported.

Finally, it is with sadness that I report to Council the death of Sir Peter Mansfield, who passed away aged 83 on 8 February 2017. Sir Peter pioneered the creation of Magnetic Resonance Imaging (MRI), one of the most important and revolutionary breakthroughs in modern medical science. Sir Peter was awarded the Nobel Prize for this achievement in 2003 and he continued to help the diagnosis, research and the treatment of millions of patients around the world. In July 2013, Sir Peter was made Honorary Freeman of this city and held the position of Professor of Physics from 1979 until his retirement in 1994 at the University of Nottingham.

Councillor Mike Edwards and Georgina Culley spoke in tribute to Sir Peter Mansfield and a minutes' silence was held.

**81 QUESTIONS FROM COUNCILLORS – TO THE CITY COUNCIL'S LEAD COUNCILLOR ON THE NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AND RESCUE AUTHORITY**

None.

**82 QUESTIONS FROM COUNCILLORS - TO A MEMBER OF EXECUTIVE BOARD, THE CHAIR OF A COMMITTEE AND THE CHAIR OF ANY OTHER CITY COUNCIL BODY**

Councillor Dave Liversidge asked the following question of the Deputy Leader:

Would the Deputy Leader advise Council whether Nottingham has been offered the same deal as the one offered to Surrey County Council?

Councillor Graham Chapman responded as follows:

Thank you Lord Mayor. Nottingham City Council has not been offered the same deal as Surrey County Council. I have written to the Department of Communities and Local Government about receiving the same deal and I have had an acknowledgement but no substantive reply. Actually, we do not know what the precise deal is. In an article in the Municipal Journal last week it was stated that Whitehall had refused to disclose details of the discussion, not just with Surrey, but with other potential pilot areas.

Although the DCLG has insisted that all councils will be free to participate in these public pilots, those in the frame do not know what they are applying for. Except, of course, if you are a Conservative council threatening a 15% council tax rise, a referendum and if you happen to have the Chancellor in your area as an MP. If you meet these objective criteria, not only will you know what you are applying for, you can do deals on the internet, with people called 'Nick' in the Cabinet Office who for some reason, are empowered to cut through the normal rules of fairness and good governance and offer sweeteners, because that is precisely, what is happening. Unfortunately, the Leader of Surrey got his 'Nicks' in a twist and by mistake he tried to deal with the Leader of the LGA Labour Group who is also called Nick, as opposed to the Nick in the Cabinet Office. If he hadn't, we would never have known about this deal.

Even though we know there was skulduggery, only Surrey and Nick in the Cabinet Office seem to know what the nature of it is. Legitimate pilots have been agreed to take place from 2017 but they are designed to be 100% cost neutral at the point of delivery. So, the question begs to be asked what precisely was in it for Surrey for them to do a U-turn on the referendum and what precisely were they offered by the Cabinet Office during phone calls and internet messages that were going back and forth between Surrey and the Cabinet Office.

I suspect the following - that Surrey will be able to retain 100% of their business rates without the strings other authorities will be asked for, without the expectation of a mayoral system and possibly not top sliced by the government. I also believe that it will apply not from this year but from next and that it will not be announced with a fanfare but hidden in some obscure document which is slipped out into the public domain under the cover of a much bigger event, perhaps even as a coda for the Chancellor's announcement next month. I have two further thoughts, firstly Surrey, not only has it got this sweetheart deal, it was the foremost recipient of two years running of transitional grant, which was dished out to mainly Conservative authorities – Surrey received an additional £24 million. Transitional grant was dished out 80% to certain types of authorities, and they were mainly down south. People will note that the vast bulk of transitional grant has been distributed to the south of England. People will also note that there are little patches across the country where people did not get a penny and they are the cities and the urban areas. Mostly, the transitional grant went to counties, inner London got nothing, outer London received a lot. Birmingham got very little and a band across England (from Hull to Liverpool) got very little indeed, as did the north east. The political distribution of that grant is even

more interesting, virtually all of the Conservative authorities received additional funding. In north east and across through south Yorkshire in the urban areas, received nothing.

So, you have a combination, of shifting money down south, to places like Surrey, which is already well-off, from urban areas in the north which are Labour. It is from Labour to Conservative, from poor to rich and from the north/midlands to the south. That is what has happened with that transitional grant and the biggest recipient is the impoverished county of Surrey. The second point I would make is the real litmus test of how legitimate this move was and just imagine that it was a Labour authority which had threatened a 15% council tax rise and a referendum. Would the Cabinet Office have come riding to the rescue? You can bet that it wouldn't. It would have ringing its hands with delight telling everybody just how mismanaged that authority was. It would have called its friends in the Telegraph and the Daily Mail and they would have been crawling over that council to find places where they had misspent money. That is what would have happened.

As it was, it was a Conservative authority, which held a gun to the Cabinet Office's head and they blinked and dished out money in the form of the transitional grant and in this sweetheart deal.

The whole of local government grant system, that when I was brought up, was fair, objective, administered by mutual civil service, is being corrupted, at the expense of areas like Nottingham. We have got nothing out of this, yet Conservatives like Surrey, have had three bungs out of this, they've had fewer cuts than we've had overall, it has got £24 million of transitional grant and on top of that it has got the deal with the Cabinet Office which we cannot get information about. Meanwhile, Leicester, Derby and Nottingham, the big cities, did not get a penny. It is corrupt as far as I am concerned. The problem is for us is that the one area we can look to for help is our own opposition and quite honestly, since this has been happening, we have had no support from them. They have supported their government in what I think is a national scandal.

Councillor Liaqat Ali asked the following question of the Portfolio Holder for Education, Employment and Skills:

Can the Portfolio Holder comment on the fact that under new Government proposals Nottingham schools are set to lose £578 per pupil and how this will affect education levels?

Councillor Sam Webster responded as follows:

Thank you Lord Mayor and can I thank Councillor Ali for his question. As a school governor is Radford, I know he is as concerned as I am about the government's proposed funding cuts to schools in Nottingham. On 14 December 2016, the Secretary of State for Education, Justine Greening MP, proposed a new national funding formula for schools. The Conservative government's new method of funding directly targets schools in Nottingham for, potentially, the biggest real term budget reduction they've ever faced.

While our schools in Nottingham are set to lose tens of millions of pounds in keeping with the current Conservative theme, schools in some of the wealthiest places in England are set for big gains. In targeting Nottingham, the Conservatives have demonstrated yet again, that they do not act in the interests of our children, our schools or our city. This latest move quite simply takes money from children in Nottingham only to hand it to wealthy, rural and mainly Conservative voting shires, such as Cambridgeshire and Buckinghamshire, very similar to the way the transition grant has been distributed, as Councillor Chapman set out earlier. Other large cities, urban areas and areas with the highest levels of child poverty, such as Birmingham, Manchester and Liverpool are also being targeted in exactly the same way.

Nottingham schools are set to lose £22 million by 2020. Our children are set to lose an average of £578 each by 2020. Ninety eight per cent of local schools would lose out, Council maintained community schools, academies and free schools are all set to face harmful funding reductions. Councillor Ali rightly asks what impact these cuts will have and in all honesty, I feel the scale of these reductions will damage local schools and would ultimately reduce the effectiveness of our schools to provide a good standard of education. Eighty per cent of children in Nottingham currently attend a school rated as either good or outstanding by Ofsted and Nottingham City has the highest proportion of outstanding schools in the region.

However, this Council's ambition is that every child should attend a school rated as good or better by Ofsted. To achieve that ambition, as a city, given the challenges that local schools and academies face, it is, I believe, essential, that adequate funding is forthcoming. Alas, the government, so far, has not listened to any voices calling for action on education or equality and it is important that we all understand that Conservative education policies have widened education inequality in this country. One of the shocking features of our education system nationally, is that the gap between poor pupils and their better off peers' increases during their time at school, rather than reduces. In the current education system, the progress poor pupils make is all but wiped out during secondary. The consequence is that successive generations of poorer children are being let down by a school system that is supposed to be there to help them move up and get on. They are not my words Lord Mayor, those words of from the government's own commission on social mobility which only last month highlighted this widening gap in education outcomes and encouraged more funding for schools in areas of deprivation, not less, which is what the government is currently offering, more funding, not less. The recently retired Chief Inspector of Schools, Sir Michael Wilshaw, in his final contribution warned the government that they must do more to tackle the growing gap in education outcomes for children in wealthy areas and lower outcomes for children in poorer parts of the midlands and the north of England.

This latest announced shows that yet again, the government is ignoring the problem of educational inequality, rather than recognising and working to deal with the challenge, the government proposals, in my view, will make matters worse. This programme is being driven with overall funding cuts in mind nationally and the National Audit Office has warned that schools face an 8% real terms cut in funding, per pupil by 2020. The scale of the cuts mean that schools in England will have to reduce spending by £3 billion between now and 2020, incidentally, the first drop in funding since the mid-90s, when the Conservatives were last in majority government. In fact, I'm so concerned about the potential impact of these cuts, that I've asked

schools to work with the Council to inform all parents and carers of the proposed changes and I have asked for a consultation process to take place to get opinions and views of Nottingham people. I can inform Council now that the response to date has been overwhelming. The number of responses received, even if the first few days of the consultation have broken all records. We on this side of the chamber will continue to raise awareness of this disgraceful, short-sighted and totally unnecessary attack on our schools. Reducing school investment in England's big cities will not help to increase skill levels and therefore, productivity will not get the boost it urgently needs. I say unnecessary, because there are choices here for the government, rather than cutting £674 per pupil at Edale Rise Primary School, they could stop wasting money on half empty free schools where they are not needed. Rather than cutting £843 per pupil at Nottingham Girls Academy, they could stop wasting money on new grammar schools that no one voted for. Rather than cutting £742 per pupil at Bulwell Academy, the government could reverse the £7 billion corporate tax giveaway. That is why parents and teachers are so outraged by the proposed cuts, because there are choices, but sadly the government is making the wrong choice.

I know that many of my Labour Group colleagues, just like Councillor Ali, volunteer as school governors and are well aware of the existing strain on school budgets, even before these cuts come into effect. That's why this week we'll be out across the city, talking to parents at school gates and inviting their opinions, making sure that they know just how much money is being taken away from their children. The people of Nottingham see this for exactly what this is - another Conservative attack on our city. That is why they have been sending us their views in opposition to this proposal and thousands have responded in the first few days alone. There is no way to dress it up I'm afraid – the Conservative government wants to take money away from children in Nottingham with one hand and give it to schools to some of the wealthiest parts in the country with the other. These are choices; time and time again the Conservatives make the wrong choices for Nottingham.

So, our point of difference here, between Nottingham Labour Group and Nottingham Conservatives, we oppose the cuts to our schools, they Lord Mayor, support the cuts.

Councillor Gul Khan asked the following question of the Portfolio Holder for Adults and Health:

Does the portfolio Holder for Adults and Health agree that the government has failed to adequately fund adult social care, leading to a crisis in the system?

Councillor Alex Norris responded as follows:

Thank you Lord Mayor and I thank Councillor Khan for his question. I know that this is a question that we both feel very strongly about. I have said before in this chamber that in the UK we have a care crisis. It has been characterised in the past as an accident and emergency crisis, but that is no longer true, it has also been characterised as a winter crisis and similarly, that is not true as it is very much all year round. It is a national crisis and a crisis made in Downing Street. According to Age UK, in a ten year comparison, government funding for social care is now 20% less in real terms than it was a decade ago. In that time we have seen a number of people aged over 85 increase by a third, with more people to look after and less money to look after them with.

We have actually seen the raw number of people receiving services from their councils over the last six years has actually gone down, despite a much bigger population. It means less care, it means later care, it means care in institutional settings like hospitals and it means costly care. This is bad for individuals and it is bad for their independence, bad for their choice and dignity and it is bad for all of us too as it leads to a system that is so overburdened that we are struggling to make the finances work.

We in Nottingham are not immune to this at all and we will speak a little later about the decisions we have to make to meet this growing problem. I was listing on my way over to the meeting the very worst decisions taken by our government, such as imposing the bedroom tax at the same time of cutting the top rate of tax, failure to meet the 'Dubs' amendment, real signs of ineptitude and inability to lead. With regards to social care we have the shining example of dereliction of duty. In November last year, in the Chancellors' autumn statement, a chance to really show a vision for public finances and crucially, a vision for public services for our community in Britain. How much did they talk about social care, what proportion of that important session was dedicated to social care? Nothing, not one word. It had been all across the media with commentary on the implications for social care, yet not one word was mentioned which was absolutely astonishing.

In the days after when people questioned the silence over social care the government sought a quick dash to action and scabbled together their social care precept that they are imposing via local rate payers. In terms of where we go next, the government has another chance to get it right in the budget on Wednesday and a chance to lay out a vision for public services and public finances.

Councillor Linda Woodings asked the following question of the Portfolio Holder for Community Services:

Can the Portfolio Holder comment on the HMIC report which states that Nottinghamshire Police requires improvement? What measures can the new Chief Constable put in place to support community policing?

Councillor Nicola Heaton responded as follows:

Thank you Lord Mayor and I'd like to thank Councillor Woodings for her question. Over the last decade Nottingham's Community Safety Partnership has taken great strides to make Nottingham a safer place for people to live and for businesses to invest. Since 2006, Nottingham's Community Safety Partnership and Nottinghamshire Police have reduced overall levels of crime by around 60% largely as a result of partnership working.

This has been achieved with many successful local initiatives such as the Aurora Project. The Aurora Project involved the creation of a single, integrated enforcement service with Police Officers working alongside 100 Community Protection Officers within a neighbourhood policing structure across Nottingham. This successful programme was recognised by Her Majesty's Inspectorate of Constabulary in several national reports.

Furthermore, the establishment of the Nottingham Integrated Drug and Alcohol Treatment Service – or the newly named Nottingham Recovery Network - introduced in July 2016 is now demonstrating clear benefits for all partners with increasing numbers of service users successfully completing treatment. Nottingham has the second highest successful treatment rate out of all core cities in England and Wales.

However, in recent years there has been increasing financial pressures on all public sector services across the country. Central government funding has been significantly reduced for local authorities since 2010/11 as we will hear in the budget discussion later today. Likewise, police funding in England and Wales has been reduced significantly in real terms since 2010/11. As it stands crime in the City has recently increased across a broad range of crime categories following years of sustained reductions. In the last year, the City recorded a 5.3% increase in overall levels of recorded crime.

Victim based crime – a Council Plan commitment - increased by 3.8% in the City and is now only one percentage point beneath our original baseline from 2014/15. The renewed focus on the quality and compliance of crime recording practices following HMICs national report on crime data is thought to be largely responsible for these crime type increases. However further clarity is needed on the proportion of recent increases that are attributable to improved crime recording practices. For example, increases in shop lifting and vehicle offences can be attributed to this process. However, they could be connected with the police no longer treating prolific offenders as prolific offenders for these offences.

Last week Her Majesty's Inspectorate of Constabulary (HMIC) released a series of national reports on police effectiveness across England and Wales. HMIC determined in their report that Nottinghamshire Police required improvement to keep people safe and to reduce crime. This was a deterioration on the previous year where HMIC judged them to be good.

The report contains many positive points with Nottinghamshire Police being judged to be good at investigating crime and tackling serious and organised crime. However, there are some concerns expressed by HMIC that I wish to raise with members today. HMIC found that Nottinghamshire Police were redeploying neighbourhood officers, on pre-planned bases, to support policing response teams in other areas. The report does not state the scale of redeployment across the force area, or indeed within the city.

The report also stated that Nottinghamshire Police had a limited understanding of the communities it serves. With Nottingham's increasingly diverse population it is becoming more important that public services understand their communities to break down cultural barriers, build trust and form productive partnerships. In the last year I believe the police have taken a number of steps which will have hindered this, including abolishing the Nottingham City Division.

Finally the findings showed that Nottinghamshire Police's overall performance for protecting vulnerable people had deteriorated since 2015. The report highlighted that the force identified vulnerable and repeat victims at the first point of contact inconsistently. The report also showed that some vulnerable people with a poor response as a result of inappropriate demands placed on the control room and

response officers, resulting in sometimes significant delays in attending some calls for victims who are vulnerable.

Since the publication of the report the new Chief Constable has said that the vulnerability issues were immediately addressed following the inspection - which took place back in July 2016. The Chief Constable has also said that he will commit to community policing and will continue to invest in neighbourhoods whilst also maintaining neighbourhood officers and PCSOs despite the current financial challenges. Finally, he has also stated that his organisation will adapt accordingly to engage with the people they serve. I firmly believe that community policing – bringing policing back down to a more local level and increasing its visibility in communities – will improve outcomes for our citizens in terms of reducing levels and improving perceptions of crime and anti-social behaviour. International evidence shows that public satisfaction and confidence in policing services is improved with high levels of visible policing and constant engagement with local communities.

I therefore, believe that the following measures in relation to community policing will improve outcomes for our citizens:

I would like to see a long-term commitment from the new Chief Constable on a forward plan to build on our previous success of Operation Aurora to drive forward integration, co-location and demand management between the City Council's Community Protection and Nottinghamshire Police, which has been previously recognised by HMIC as national best practice.

I also believe that the Chief Constable should look to increase the Community Safety Accreditation Scheme powers available to our capable Community Protection Officers so that the Council can do more to tackle quality of life and low level crimes issues and reduce demand on frontline policing services.

I would welcome further joint work between Community Protection and Nottinghamshire Police on community engagement so that we can all better understand our new and emerging communities, build trust and confidence and prevent exploitation.

Additionally, I would also like to see policing accountability brought back closer to local communities, with police and crime plans not based at the force level, but at the local authority level. This should include the Chief Constable reinstating a Nottingham City Divisional Commander and a Nottingham City Division to support this. I believe that by giving Nottingham's citizens more opportunity to influence policing priorities we can improve accountability at the local level, public satisfaction and confidence in policing services.

Given the current landscape there is now an opportunity for us to strengthen partnership working and I am ready to support our new Chief Constable to help deliver a truly innovative community safety policing service across the City. I hope to discuss these matters with the Chief Constable at his earliest convenience.

## **83 DECISIONS TAKEN UNDER URGENCY PROCEDURES**

The Leader submitted a report on decisions taken under urgency procedures, as set out on pages 29 to 34 of the agenda.

**RESOLVED to note the urgent decisions taken, as follows:**

**(1) Urgent decisions (exempt from call-in);**

<u>Decision ref number</u>	<u>Date of decision</u>	<u>Subject</u>	<u>Value</u>	<u>Reasons for urgency</u>
2708	19/01/17	Property Investment Acquisition – Project Oasis	Exempt	Heads of Terms had been agreed with the vendor and a condition of the sale was an exchange on the 20 December 2016 with completion on the 10 January 2017, subject to timely receipt of the legal pack, which was due to arrive imminently.
2710	19/01/17	Investment Acquisition – Project Flame	Exempt	The delay likely to be caused by the call in process would seriously prejudice the Council's interests because Heads of Terms have been agreed with the vendor and a condition of the sale is a 4 week completion from receipt of the legal pack, which is due to arrive imminently.
2720	10/01/17	To enable the staff transferred from the City Council to Robin Hood Energy access to the Local Government Pension Scheme	Exempt	An urgent decision was required in order to meet the deadline for the transfer of staff from the Council to Robin Hood Energy.
2756	23/02/17	Investment Acquisition – Project Abbey	Exempt	In order to put in place the necessary arrangements (e.g. staffing, etc) can commence with immediate effect so that the proposals can be delivered from 1st December 2016.

**(2) Key decisions (taken under special urgency procedures).**

<u>Date of decision</u>	<u>Subject</u>	<u>Value</u>	<u>Decision Taker</u>	<u>Reasons for special urgency</u>
21/02/2017	Medium Term Financial Plan (MTFP) 2017/18 – 2020/21 – Key Decision	£106.933m	Executive Board	The decision is urgent because the Council’s budget has to be approved at the Full Council meeting on 6 March 2017, and the next Executive Board isn’t until 21 March 2017.

#### **84 TREASURY MANAGEMENT 2017/18 STRATEGY**

The Deputy Leader submitted a report on the Treasury Management Strategy for 2017/18, as set out on pages 35-28 of the agenda.

#### **RESOLVED to**

- (1) approve the 2017/18 Treasury Management Strategy Document, including the strategy for debt repayment and the investment strategy, as detailed in Appendix 1;**
- (2) approve the Prudential Indicators and limits from 2015/16 to 2019/20, as detailed in Appendix 3 (pages 15-17);**
- (3) adopt the current Treasury Management Policy Statement, as detailed in Appendix 5 (pages 20-21).**

#### **85 BUDGET 2017/18**

The Deputy Leader submitted a report on the 2016/17 Budget, as set out on pages 39-44 of the agenda.

Councillor Georgina Culley proposed an amendment to the Budget, as follows:

**“In recommendation 2.1 (1) add after “the revenue budget for 2017/18”**

**Subject to the following:-**

<b>Section 1</b>	<b>Net 2017/18 £</b>
<b>Reduce the number of management post to 2015 levels and replace with the same number of non-management posts delivering a part year saving of £341,000 (full year impact £585,000)</b>	<b>-341,000</b>
<b>Reduce the cost of Special Responsibility Allowances by not appointing Executive Assistants delivering a part year saving of £29,792 (full year saving of £32,500)</b>	<b>-29,792</b>
<b>Removal of three Press Officer positions delivering a part year saving of £53,133 (full year saving of £106,265)</b>	<b>-53,133</b>
<b>Removal of the payments to Trade Unions delivering a</b>	<b>-176,752</b>

<b>part year saving of £176,752 (full year saving of £353,504)</b>	
<b>Removal of Marketing and Communications budgets associated with the publication of the Arrow and What's On Guide delivering a part year saving of £154,382 (full year saving of £308,763)</b>	<b>-154,382</b>
<b>That a sum of £600,000 from a combination of uncommitted 2016/17 Area Capital reserves and top slicing the 2017/18 capital allocation be released to support revenue spending in 2017/18</b>	<b>-600,000</b>
<b>The proposed budget for Neighbourhood Services is reduced by lowering the standard of street cleaning to be just in the top quartile of the cleanest cities delivering a part year saving of £300,000 (full year saving of £400,000)</b>	<b>-300,000</b>
<b>The redundancy and other associated costs (estimated to be £560,000) in relation to the removal of the above posts be funded from the Service Realignment reserve in 2017/18</b>	<b>Nil</b>
<b>That a sum of £258,655 from the General Fund Balance be released to support revenue spending in 2017/18 (to be repaid in 2018/19 from full year savings)</b>	<b>-258,655</b>
<b>TOTAL NET FINANCIAL IMPACT</b>	<b>-1,913,714</b>

In recommendation 2.1 (2) add after “the capital programme to 2021/22”

Subject to the following:-

	<b>Net 2017/18 £</b>
<b>Remove Area Capital reserves and top slice the 2017/18 capital allocation contribution from the capital programme releasing funds that can be used to support the General Fund revenue budget</b>	<b>-600,000</b>
<b>TOTAL NET FINANCIAL IMPACT</b>	<b>-600,000</b>

## Section 2

It is recommended that review of the following areas be undertaken:

- Further expand shared services with other local authorities
- Review of company structures and future funding plans
- Review the rent level policy for Council owned commercial properties

And amend the following recommendations as indicated:

- In recommendation 2.1 (3) substitute £99,033,399 for £100,947,113;
- In recommendation 2.1 (3) (a) substitute £982,339,819 for £983,427,423;
- In recommendation 2.1 (3) (b) substitute £883,306,420 for £882,480,310;
- In recommendation 2.1 (3) (c) substitute £99,033,399 for £100,947,113;

- In recommendation 2.1 (4) substitute £1,562.83 for £1,593.03

And amend the following sections as indicated:

- In section 5.2 substitute £99,033,399 for £100,947,113 and £1,562.83 for £1,593.03
- In section 5.3 and 5.6 substitute the following basic amounts of council tax for the ones shown in the report:

Band	Basic Amount of Council Tax
A	£1,041.89
B	£1,215.53
C	£1,389.18
D	£1,562.83
E	£1,910.13
F	£2,257.42
G	£2,604.72
H	£3,125.66

- In section 5.6 substitute the following aggregate council taxes for those shown in the report:

Band	Aggregate
A	£1,214.36
B	£1,416.75
C	£1,619.14
D	£1,821.54
E	£2,226.33
F	£2,631.11
G	£3,035.90
H	£3,643.08

Councillors voted as follows on the proposed amendment:

Councillor	In favour of the budget amendment	Against the budget amendment	Abstained
Liaqat Ali		✓	
Jim Armstrong			
Cat Arnold		✓	
Leslie Ayoola			
Ilyas Aziz		✓	
Alex Ball			
Steve Battlemuch		✓	
Merlita Bryan		✓	
Eunice Campbell			
Graham Chapman		✓	
Azad Choudhry			
Alan Clark			
Jon Collins		✓	

Josh Cook		✓	
Georgina Culley	✓		
Michael Edwards		✓	
Patricia Ferguson		✓	
Chris Gibson		✓	
Brian Grocock			
John Hartshorne		✓	
Rosemary Healy		✓	
Nicola Heaton		✓	
Mohammed Ibrahim		✓	
Patience Ifediora		✓	
Corall Jenkins		✓	
Glyn Jenkins		✓	
Sue Johnson		✓	
Carole Jones		✓	
Gul Khan		✓	
Neghat Khan		✓	
Ginny Klein		✓	
Dave Liversidge		✓	
Sally Longford		✓	
Carole McCulloch		✓	
Nick McDonald			
David Mellen		✓	
Jackie Morris		✓	
Toby Neal		✓	
Alex Norris		✓	
Brian Parbutt		✓	
Anne Peach		✓	
Sarah Piper		✓	
Andrew Rule	✓		
Mohammed Saghir		✓	
David Smith		✓	
Wendy Smith		✓	
Chris Tansley		✓	
Dave Trimble		✓	
Jane Urquhart		✓	
Marcia Watson		✓	
Sam Webster		✓	
Michael Wildgust			
Malcolm Wood		✓	
Linda Woodings		✓	
Steve Young			

**RESOLVED to reject the proposed budget amendment.**

**Councillors voted as follows on the recommendations in the Budget report:**

Councillor	In favour of the budget report	Against the budget report	Abstained
Liaqat Ali	✓		
Jim Armstrong			
Cat Arnold	✓		
Leslie Ayoola			
Ilyas Aziz	✓		
Alex Ball			
Steve Battlemuch	✓		
Merlita Bryan	✓		
Eunice Campbell	✓		

Graham Chapman	✓		
Azad Choudhry			
Alan Clark			
Jon Collins	✓		
Josh Cook	✓		
Georgina Culley		✓	
Michael Edwards	✓		
Patricia Ferguson			
Chris Gibson	✓		
Brian Grocock			
John Hartshorne	✓		
Rosemary Healy	✓		
Nicola Heaton	✓		
Mohammed Ibrahim	✓		
Patience Ifediora	✓		
Corall Jenkins	✓		
Glyn Jenkins	✓		
Sue Johnson	✓		
Carole Jones	✓		
Gul Khan	✓		
Neghat Khan	✓		
Ginny Klein	✓		
Dave Liversidge	✓		
Sally Longford	✓		
Carole McCulloch			
Nick McDonald			
David Mellen	✓		
Jackie Morris	✓		
Toby Neal			
Alex Norris	✓		
Brian Parbutt	✓		
Anne Peach	✓		
Sarah Piper	✓		
Andrew Rule		✓	
Mohammed Saghir	✓		
David Smith	✓		
Wendy Smith	✓		
Chris Tansley	✓		
Dave Trimble	✓		
Jane Urquhart	✓		
Marcia Watson	✓		
Sam Webster	✓		
Michael Wildgust			
Malcolm Wood	✓		
Linda Woodings	✓		
Steve Young			

**RESOLVED to**

- (1) approve the revenue budget for 2017/18, including:
  - (a) The recommendations of the Strategic Director for Finance/ Chief Finance Officer in respect of the robustness of the estimates made for the purpose of the budget calculations and the adequacy of reserves;

- (b) The delegation of authority to the Strategic Director for Finance/ Chief Finance Officer in consultation with the Deputy Leader to finalise the MTFP for publication;**
  - (c) The delegation of authority to the appropriate Directors to implement savings after undertaking the appropriate consultation;**
  - (d) The retention of the Council Tax Support Scheme, currently in operation for the financial year 2017/18.**
- (2) approve the capital programme to 2021/22;**
- (3) approve a council tax requirement of £100,947,113, including the calculations required by Section 30 to 36 of the Local Government Finance Act 1992 (“the Act”), as set out below:**
  - (a) £983,427,423 being the aggregate of the expenditure, allowances, reserves and amounts which the Council estimates for the items set out in Section 31A(2) (a) to (f) of the Act;**
  - (b) £882,480,310 being the aggregate of the income and amounts which the Council estimates for the items set out in Section 31A(3) (a) to (d) of the Act;**
  - (c) £100,947,113 being the amount by which the aggregate at 2.1 (3)(a) above exceeds the aggregate at 2.1(3)(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its council tax requirement for the year;**
- (4) approve a City Council Band D basic amount of council tax for 2017/18 of £1,593.03 being the amount at 2.1(3)(c) divided by the amount at 2.2(3) below, calculated by the Council, in accordance with Section 31B(1) of the act, as the basic amount of its council tax for the year (as set out in section 5 of the report);**
- (5) approve the setting of the amounts of council tax for 2017/18 at the levels described in section 5.6 of the report;**
- (6) note a Nottinghamshire and City of Nottingham Fire and Rescue Authority precept at Band D for 2017/18 of £75.29;**
- (7) note a Nottinghamshire Police and Crime Commissioner precept at Band D for 2017/18 of £183.42;**
- (8) note in January 2017, the City Council calculated the amount of £63,368 as its council tax base for the year 2017/18 in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.**

**86 CHANGES TO ARRANGEMENTS FOR THE APPOINTMENT OF EXTERNAL AUDITORS**

The Deputy Leader submitted a report on the changes to the arrangements for the appointment of external auditors, as set out on pages 45-50 of the agenda.

**RESOLVED to opt in to the national scheme for auditor appointments led by the Public Sector Audit Appointments Ltd.**

**87 PAY POLICY STATEMENT 2017/18**

The Portfolio Holder for Community Services submitted a report on the Pay Policy Statement for 2017/18, as set out on pages 51-140 of the agenda.

**RESOLVED to**

- (1) approve and endorse the Council's Pay Policy Statement for 2017/18;**
- (2) note that the statement may need to be amended in-year for any necessary changes the Council may wish to adopt. Any such changes will be presented to Full Council for approval.**

**88 MOTION**

Moved by Councillor Alex Norris, seconded by Councillor Ginny Klein:

"This Council profoundly regrets the failure of the Government to adequately fund adult social care. In Nottingham, the 3% raise in Council tax allowed by government would raise £3 million; however the current shortfall is £10 million.

Since 2010, social care funding has been exposed to a 40% real terms fall in local government funding, and social care funding now accounts for less than 2% of Gross Domestic Product. Vital services that reduce the need for more expensive health interventions later in life are under pressure, adding extra cost to the system as a whole.

The government remains committed to the integration of health services and local authority social care by 2020. Working together in this way should strengthen services in the community and achieve some savings and efficiencies. However, continued failure to fund adult social care puts these benefits at risk.

**Therefore, this Council calls upon the Government to:**

- Make available the £2.3bn estimated by the King's Fund that is required to safeguard statutory social care services as a matter of urgency, which along with the Government's social care precept, would help to support local authorities' spend on social care and would prevent the need to further reduce vital social care services;
- Release all information of any deal made available to Surrey County Council and ensure that all local authorities have access to the same deal;
- Establish a more sustainable national base for funding social care;

- Protect vital funding for Health Visitors which gives children the best start in life and reduces the need for later interventions;
- Protect vital Public Health funding which greatly reduces the need for later interventions;
- Ensure that locally elected representatives are put at the heart of proposed changes to health and social care.”

The following amendment was proposed by Councillor Andrew Rule, seconded by Councillor Georgina Culley:

**“In paragraph 1**

**Remove the ‘the government’ insert ‘successive governments’**

**After ‘adequately’ insert ‘plan for and’**

**In paragraph 2**

**Remove ‘since 2010, social care funding has been exposed to a 40% real terms fall in local government funding, and’**

**Remove bullet point 2**

**Amended motion to read:**

**The Council profoundly regrets the failure of successive governments to adequately plan for and fund adult social care. In Nottingham, the 3% raise in Council tax allowed by government would raise £3 million, however the current shortfall is £10 million.**

**Social care funding now accounts for less than 2% of Gross Domestic Product. Vital services that reduce the need for more expensive health interventions later in life are under pressure, adding extra cost to the system as a whole.**

**The government remains committed to the integration of health services and local authority social care by 2020. Working together in this way should strengthen services in the community and achieve some savings and efficiencies. However, continued failure to fund adult social care puts these benefits at risk.**

**Therefore, this Council calls upon the Government to:**

- **Make available the £2.3bn estimated by the King’s Fund that is required to safeguard statutory social care services as a matter of urgency, which along with the Government’s social care precept, would help to support local authorities’ spend on social care and would prevent the need to further reduce vital social care services;**
- **Establish a more sustainable national base for funding social care;**
- **Protect vital funding for Health Visitors which gives children the best start in life and reduces the need for later interventions;**
- **Protect vital Public Health funding which greatly reduces the need for later interventions;**
- **Ensure that locally elected representatives are put at the heart of proposed changes to health and social care.**

City Council - 6.03.17

Councillors voted on the proposed amendment.

**RESOLVED to reject the proposed amendment.**

Councillors then voted on the original motion.

**RESOLVED to carry the original motion.**

**CITY COUNCIL – 8 MAY 2017**

**REPORT OF THE LEADER**

**EXECUTIVE APPOINTMENTS, REMITS AND FIRST MEETINGS, 2017-18**

**1 SUMMARY**

- 1.1 Appendices 1 and 2 to this report will set out the Portfolio Holder and Executive Assistant appointments, and identify the Leader's delegations to the remits of the Portfolio Holders and Executive Assistants.
- 1.2 Appendix 3 identifies the membership and first meeting dates of Executive Board, Commissioning and Procurement Sub-Committee, Executive Board Strategic Regeneration Committee, East Midlands Shared Service Joint Committee, and the City of Nottingham and Nottinghamshire Economic Prosperity Committee.
- 1.3 Appendix 4 outlines the Terms of Reference for the above Executive Committees.
- 1.4 All appendices are to follow and will be circulated in advance of the meeting.

**2 RECOMMENDATIONS**

- 2.1 To note the appointment of Councillor Graham Chapman as Deputy Leader.
- 2.2 To note the appointments and remits of those Councillors detailed in Appendices 1 and 2 (to follow) as Portfolio Holders and Executive Assistants.
- 2.3 To note the appointments (including substitutions where applicable) to, and first meetings of, Executive Board, Commissioning and Procurement Sub Committee, Executive Board Strategic Regeneration Committee, East Midlands Shared Services Joint Committee, and the City of Nottingham and Nottinghamshire Economic Prosperity Committee, as set out in Appendix 3 (to follow).
- 2.4 To note the terms of reference for the above Executive Committees and agree any related changes to the Constitution, as set out in Appendix 4 (to follow).

**3 REASONS FOR RECOMMENDATIONS**

- 3.1 To ensure that all Executive appointments, remits, terms of reference and first meeting dates are noted.
- 3.2 With regards to changes to the Constitution as set out in recommendation 2.4 – all terms of reference have been reviewed. As a result, some minor changes to the terms of reference as set out in the Constitution will be made, as a result of future-proofing membership: where spaces are reserved for particular Portfolio Holders, they are now referred to by what is covered by their remit, rather than their Portfolio titles. The changes are administrative, and have no impact on the remit of the Committees.

**4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 4.1 No other options have been considered in making these recommendations.

**5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

5.1 None.

**6 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY)**

6.1 None.

**7 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

7.1 None.

**8 EQUALITY IMPACT ASSESSMENT (EIA)**

8.1 An EIA is not required as the report does not relate to new or changing services or policies.

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

9.1 None.

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

10.1 None.

**COUNCILLOR JON COLLINS  
LEADER OF THE COUNCIL**

**CITY COUNCIL – 8 MAY 2017**

**REPORT OF THE LEADER**

**APPOINTMENTS AND FIRST MEETINGS OF COMMITTEES AND JOINT BODIES  
2017-18**

**1 SUMMARY**

- 1.1 The appendices set out the terms of reference and first meeting dates of Council bodies which require appointment by Council, along with all proposed memberships, substitutes and charring arrangements (where applicable). They will also set out, for information, the terms of reference and first meeting dates of Joint Bodies. Appendix 3 detailing the membership will be circulated to all Councillors prior to the meeting.
- 1.2 Up to six substitutes may be appointed by each group for each Committee, Sub-Committee or Panel etc., with the exception of those for which substitutes are not permitted. Where substitutes are known, these will be included in the relevant appendix.

**2 RECOMMENDATIONS**

- 2.1 To agree the first meeting dates of Council bodies and Joint Bodies, as set out in Appendix 1.
- 2.2 To agree the terms of reference of Council bodies and Joint Bodies, and any related changes to the Constitution, as set out in Appendix 2.
- 2.3 To agree the membership of Council bodies and the City Council membership of Joint Bodies, as set out in Appendix 3 (to follow).
- 2.4 To agree substitutes, where applicable, as set out in Appendix 3 (to follow).

**3 REASONS FOR RECOMMENDATIONS**

- 3.1 To ensure that the appointments to Committees and Joint Bodies and their first meetings for 2015-2016 are agreed and that terms of reference reflect legislative requirements.
- 3.2 With regards to changes to the Constitution as set out in recommendation 2.2 – all terms of reference have been reviewed. As a result, some minor changes to the terms of reference as set out in the Constitution will be made, as a result of future-proofing membership: where spaces are reserved for particular Portfolio Holders, they are now referred to by what is covered by their remit, rather than their Portfolio titles. The changes are administrative, and have no impact on the remit of the Committees.

**4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 4.1 No other options have been considered in making the recommendations.

**5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 5.1 The Council establishes committees and agrees and amends terms of reference, determines their composition and makes appointments to them, unless they are

executive committees and delegations which fall within the Leader's remit. After the Council has established the committee structure for the year, the Constitution allows that where in-year changes are required to memberships, either at the request of the relevant political group or because a member has resigned or ceased to be eligible for membership, the Deputy Chief Executive, Corporate Director or Chief Finance Officer has the authority to action those changes;

5.2 Political balance must be preserved where applicable, and any changes reported to the next meeting of Council;

5.3 Details of membership will be updated and published on the Council's website on an ongoing basis.

**6 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY)**

6.1 None.

**7 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

7.1 None.

**8 EQUALITY IMPACT ASSESSMENT (EIA)**

8.1 An EIA is not required as the report does not relate to new or changing services or policies.

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

9.1 None.

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

10.1 None.

**COUNCILLOR JON COLLINS  
LEADER OF THE COUNCIL**

## Appendix 1

### First dates of Committees

<b>Committee</b>	<b>First date</b>
Appointments and Conditions of Service Committee	13/06/2017 – 14:00
Area Committee – A.C.E. (Area Committee East – Dales, Mapperley, St Anns)	13/06/2017 – 18:00
Area Committee – Arboretum, Dunkirk and Lenton, Radford and Park	21/06/2017 – 17:30
Area Committee – Area 8 (Clifton North, Clifton South, Bridge)	08/05/2017 – after Annual Council
Area Committee – Basford and Bestwood	21/06/2017 – 16:30
Area Committee – Berridge and Sherwood	28/06/2017 – 18:00
Area Committee – Bulwell and Bulwell Forest	14/06/2017 – 17:30
Area Committee – West Area (Aspley, Bilborough, Leen Valley)	14/06/2017 – 17:30
Area Committee – Wollaton East and Lenton Abbey	19/06/2017 – 17:00
Audit Committee	30/06/2017 – 10:30
Children and Young People’s Scrutiny Committee	20/06/2017 – 11:00
City Centre Forum	24/07/2017 – 15:30
Corporate Parenting Board	19/06/2017 – 14:30
Greater Nottingham Light Rapid Transit Advisory Committee	13/06/2017 – 14:00
Health and Wellbeing Board	26/07/2017 – 14:00
Health and Wellbeing Board Commissioning Sub Committee	14/06/2017 – 15:00
Health Scrutiny Committee	22/06/2017 – 13:30
Joint City and County Health Scrutiny Committee	13/06/2017 – 10:15
Joint Committee on Strategic Planning and Transport	16/06/2017 – 10:00
Licensing Committee	08/05/2017 – after Annual Council
Nottinghamshire and City of Nottingham Fire and Rescue Authority	09/06/2017 – 10:30
Nottinghamshire Police and Crime Panel	05/06/2017 – 14:00
Overview and Scrutiny Committee	08/05/2017 – after Annual Council
Planning Committee	17/05/2017 – 14:30
Regulatory and Appeals Committee	To meet as and when required
Standards Committee	To meet as and when required
Trusts and Charities Committee	21/07/2017 – 14:00

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## Committee Terms of Reference (Non Executive)

### Appointments and Conditions of Service Committee

- a) To undertake the appointment process (long listing, short listing and formal interviews) (or to appoint a politically balanced panel to undertake long listing and, short listing) in respect of the Chief Officers (as referred to in paragraph 1(a) of the Officer Employment Procedure Rules (Standing Orders on Employment Matters)), subject to having ascertained the views of the Executive Board in accordance with Standing Orders.
- b) To approve the appointment of Chief Officers (as referred to in paragraph 1(a) of the Officer Employment Procedure Rules (Standing Orders on Employment Matters))
- c) To determine the terms and conditions of City Council employees and procedures for disciplinary action and dismissal;
- d) To designate Proper Officers;
- e) To designate officers as Head of Paid Service, Section 151 Officer and as Monitoring Officer and to ensure the provision of sufficient staff and other resources;
- f) To exercise any other personnel functions which cannot be the responsibility of the Executive;
- g) To receive reports on action taken in respect of terms agreed for the Chief Executive, Deputy Chief Executive, Corporate Directors and the Senior Leadership Management Group (SLMG) leaving the employment of the Council where those terms included compensation;
- h) To determine redundancies, ill health retirements, flexible retirements and terminations of employment by mutual agreement on grounds of business efficiency, under the 85 year rule, in the interests of the efficient exercise of the Council's functions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 ('the DCR') and any exercise of discretions to increase total LGPS pension and award additional LGPS pension for the Chief Executive, Deputy Chief Executive, Corporate Directors and Directors subject in the event of a proposed dismissal to relevant notification to the proper officer, and the Executive and relevant consultation with nominated elected members and relevant approval as specified in the Officer Employment Procedure Rules (Part 4);
- i) To determine flexible retirements and terminations of employment by mutual agreement on the grounds of business efficiency, terminations of employment under the 85 year rule, in the interests of the efficient exercise of the Council's functions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 ('the DCR') and any exercise of discretions to increase total LGPS pension and award additional LGPS pension for any employee who is part of the Senior Leadership Management Group below the level of Director. The Committee also determines terminations of employment by mutual agreement, and following consultation with the appropriate Portfolio Holder(s), on the grounds of business efficiency under the DCR for employees where any proposed compensation payment is in excess of £30,000;

- j) To appoint an independent person to investigate matters of misconduct and capability involving the Head of Paid Service, Section 151 Officer and Monitoring Officer;
- k) To approve any proposals for significant restructuring of the Council's management structure;
- l) To approve any proposals from the Chief Executive for changes to salary levels (including ranges of salaries) for Corporate Directors and the Deputy Chief Executive.

**NB - "Significant restructuring"**

- (i) the transfer of a significant function between Council departments, or to an external body, or
- (ii) the addition or deletion of a Corporate Director or Director post to or from a department.

The Committee is accountable to Council, has 11 members and is politically balanced. One place is reserved for the Portfolio Holder with a remit covering Resources (or their substitute) in relation to matters in respect of the appointment process for the Chief Executive and Corporate Director and the dismissal process for the Chief Executive.

## Area Committees

Bulwell and Bulwell Forest Area Committee	North Locality
Basford and Bestwood Area Committee	North Locality
West Area Committee (Aspley, Bilborough and Leen Valley)	North Locality
Berridge and Sherwood Area Committee	Central Locality
Arboretum, Dunkirk and Lenton, Radford and Park Area Committee	Central Locality
Wollaton East and Lenton Abbey Area Committee	Central Locality
A.C.E. (Area Committee East - Dales, Mapperley, St Anns)	South Locality
Area 8 (Clifton North, Clifton South, Bridge)	South Locality

Area Committees can exercise both executive and non-executive functions delegated to them by the Executive and Full Council accordingly and are also constituted as a consultative body in relation to the provision of housing services by Nottingham City Homes (NCH). The terms of reference of the Area Committees are set out below:

- (a) To approve, ensure the delivery of and monitor ward action plans and other relevant area plans (including those related to NCH services);
- (b) to lead and co-ordinate regeneration and renewal activity at an area level;
- (c) to undertake and co-ordinate consultation within their areas;
- (d) to be consulted on, approve and monitor delivery of the area capital programme and other area based budgets;
- (e) within budgetary limits, to be empowered to undertake any measures to achieve the following objectives:
  - (i) the promotion or improvement of the economic wellbeing of their area;
  - (ii) the promotion of improvement or improvement of the social wellbeing of their area;
  - (iii) the promotion or improvement of the environmental wellbeing of their area;
- (f) to agree priorities, work programmes, and variations in performance standards, including through Transforming Neighbourhoods processes, for services such as, but not limited to:
  - (i) footpath replacement;
  - (ii) street lighting;
  - (iii) patch maintenance;
  - (iv) grounds maintenance on community parks and playgrounds (excluding heritage sites and Bulwell Hall and Bulwell Forest Golf

Courses);

- (g) in respect of services in the local area, and if urgent, via a panel of the Chair, Vice-Chair, an opposition Councillor (if there is one) and a community representative, to approve
- (i) housing environmental improvements;
  - (ii) highway environmental improvements of a local nature;
  - (iii) minor traffic schemes, diversions and closures under highways and road traffic legislation, of a local nature;
  - (iv) applications for footpath closures on grounds of amenity or development;
  - (v) requests for the variation or revocation of gating orders;
  - (vi) The making of Public Space Protection Orders which are not deemed by the relevant Director to be contentious or politically sensitive, following consultation commenced by the Director of Community Protection.

and to be consulted on proposals for the following services in relation to the local area:

- (vii) strategic planning applications;
  - (viii) schools re-organisation;
  - (iv) detailed proposals for landscaping, open space provisions, park equipment provision, affordable housing and other local enhancements relating to agreements under Section 106 of the Town and Country Planning Act 1990 and section 278 of the Highways Act 1980;
- (h) to be part of the process for monitoring and scrutinising the performance of local Services (provided by the Council and other bodies) and provide feedback and recommendations on their effectiveness to the Executive Board, Overview and Scrutiny Committee and Tenant and Leaseholder Congress to include:
- (i) refuse collection;
  - (ii) housing – void properties;
  - (iii) community safety;
  - (iv) voluntary sector grants – a half yearly report;
- (i) to advise the Executive Board, the Overview and Scrutiny Committee and the Tenant and Leaseholder Congress on local needs and priorities and on the impact of Council and NCH policy on their areas;
- (j) to input local needs and priorities, identified through area working, to the preparation of Nottingham City Council budgets, NCH area based budgets and each organisation's policies and strategies;
- (k) to prepare, implement and review local projects in consultation with local communities and secure funding from appropriate sources;
- (l) to be consulted on and contribute to the development of housing policies and strategies both local and city wide;

- (m) to build partnerships between other public, private, voluntary and community organisations, local residents' and tenants' associations;
- (n) to suggest and/or approve proposals of local significance to rationalise the City Council's operational property holdings and to be consulted on any proposals to dispose of operational property holdings in their area of more than local significance; a proportion of capital receipts to be retained in accordance with a scheme to be determined by the Executive Board;
- (o) to allocate grants in amounts not exceeding £25,000 to community or voluntary organisations for the purposes of benefit to the area covered by the Committee, within a framework to be approved and reviewed from time to time by the Executive Board;
- (p) to make appointments to outside bodies (where the body relates to the area concerned) as specified by the Executive Board;
- (q) to approve any further matters delegated from time to time by Council or the Executive Board.

Area Committees are accountable to Council and the Executive Board and there are usually 4 meetings per annum for each Area Committee.

Formal membership comprises, for each Area Committee, the Councillors who represent the wards within the area of that Committee. Substitutes are not permitted.

By provisions contained in regulation 16A of the Local Government (Committees and Political Groups) Regulations 1990, Area Committees need not reflect the political balance of the Council as a whole where the Councillors on those committees were elected for wards wholly or partly within the area concerned. A Councillor on the Executive Board may serve on the Area Committee appropriate to their ward. Co-options to the committees may be made.

Where there is an equality of party representation on an Area Committee, the Chair is appointed by Council, Area Committees themselves appointing the Chair in all other circumstances

Community representatives are also appointed to each committee in accordance with a process agreed by the Executive Board on 20 July 2010. Community representatives will include, on each area committee, one person (who must be an NCH tenant) to represent NCH tenants and leaseholders. There will be a regular standing item on the agenda for each area committee for NCH officers and representatives to raise specific NCH issues within the Committee's terms of reference.

## **Audit Committee**

(a) The main purposes of the Committee are to:

- (1) provide assurance of the adequacy of the Risk Management Framework and the associated control environment;
- (2) scrutinise the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment;
- (3) oversee the financial reporting process;
- (4) approve the Council's Statement of Accounts;
- (5) comment on the scope and nature of external audit;
- (6) oversee proposed and actual changes to the Council's policies and procedures pertaining to governance.

(b) Its functions include the following:

- (1) reviewing the mechanisms for the assessment and management of risk;
- (2) approving the Council's statement of accounts;
- (3) receiving the Council's reports on the Statement on the Annual Governance Statement and recommending their adoption;
- (4) approving Internal Audit's strategy, planning and monitoring performance;
- (5) receiving the Annual Report and other reports on the work of Internal Audit;
- (6) considering the external auditor's annual letter, relevant reports and the report to those charged with governance and the Council's responses to them;
- (7) considering arrangements for and the merits of operating quality assurance and performance management processes;
- (8) considering the exercise of officers' statutory responsibilities and of functions delegated to officers;
- (9) to recommend external audit arrangements for the Council;
- (10) to receive and consider the results of reports from external inspectors, ombudsman and similar bodies and from statutory officers;
- (11) overseeing the Partnership Governance Framework, including annual health checks and the Register of Significant Partnerships.

The Committee is accountable to Council, has 9 non-executive members (politically balanced) plus 1 independent member, and normally has 6 meetings per annum.

**Children and Young People Scrutiny Committee**

To be approved as part of the Amendments to the Constitution report

## City Centre Forum

### 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 Strategic Regeneration 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, including the Retail Strategy;
- (b) to encourage cross-partnership planning to ensure a joined up approach to transforming the City Centre;
- (c) to advise the Executive Board Strategic Regeneration 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

NOTE: One Councillor can fulfil more than one Councillor role as set out below, leaving vacancies if necessary. All members are voting members. There are no set substitutes for the Forum, but substitutions can be made within each category by giving at least 1 hours' notice to the Committee Clerk.

#### The Portfolio Holders with remits covering:

Business and Growth  
Regeneration  
Planning  
Leisure and Culture  
Community Services

#### A member representing each of the following wards:

Arboretum  
Bridge  
Radford and Park  
Dales  
St Anns

#### The following Committee Chairs:

Licensing Committee  
Planning Committee

A member taken from the membership of the following committees:

Trusts and Charities

Sufficient additional members to ensure political balance, if not achieved through any of the above appointments:

Opposition group member(s)

Business Sector members:

1 representative from the Intu Properties

The Chief Executive (or their nominee) from Experience Nottinghamshire

The Chair of the Nottingham BID

2 representatives from the Nottingham BID

2 representatives from the Nottingham Means Business

The Deputy Director for Community Protection, Nottinghamshire Police

The Chair will be elected by all members of the Forum, from its membership.

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

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.

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).

## **Corporate Parenting Board**

- (a) To secure councillor and cross-departmental involvement and commitment throughout the Council to deliver better outcomes for children in our care;
- (b) to ensure that Nottingham City Council enables children in it's care to:
  - have safe and stable care;
  - be well looked after;
  - be prepared for adult life;
  - to grow into emotionally balanced and resilient young people;
- (c) to raise the profile of looked after children and their carers, and act as champions for the needs and rights of looked after children in the Council's various service areas, political groups and settings;
- (d) to invite people other than City Councillors and officers to attend meetings of the Board, on a regular or occasional basis, to act in an advisory role and to feed in the views of children and young people in care;
- (e) to make a commitment to prioritising the needs of looked after children and their carers;
- (f) to report regularly to the Children's Partnership Board (acting as the Children's Trust) on matters relating to partnership;
- (g) to report annually to Full Council on progress and to consider matters referred to it by Full Council and the Executive Board.
- (h) to make recommendations through the Executive Board on potential strategic change required within the Council to embed this agenda;
- (i) to have the ambition to raise the standards of core services to looked after children;
- (j) to promote achievement and help build aspirations;
- (k) to listen to the views of looked after children and young people and their carers and to involve them in the development and assessment of services;
- (l) to encourage looked after children to become active citizens;
- (m) to monitor the Council's provision for looked after children;
- (n) to oversee the provision of work placements and apprenticeships for looked after children by the City Council;
- (o) to identify best practice in other Councils, and to import these ideas as appropriate.

The Corporate Parenting Board has 10 members, and is politically balanced. This membership will include the Portfolio Holder with a remit covering Children or Early Years.

Corporate Parenting Board usually meets 6 times per year.

### **Greater Nottingham Light Rapid Transit Advisory Committee**

The Committee advises on issues relating to the operation of the Nottingham Express Transit system.

The Committee is accountable to Council and usually has 4 meetings per annum.

The membership comprises 5 City Councillors, 5 County Councillors and the following independent representatives:

- PEDALS
- Nottinghamshire Chamber of Commerce and Industry
- Midlands Rail Passenger Committee
- Nottingham Trent University
- Nottinghamshire Transport 2000
- Nottingham Transport Partnership

## Health and Wellbeing Board

The Nottingham City Health and Wellbeing Board will lead and advise on work to improve the health and wellbeing of the population of Nottingham City and specifically to reduce health inequalities. It will support the development of improved and joined up health and social care services. In support of these aims the role of the Board is:

- (a) to identify health and wellbeing needs and inequalities, and agree priorities across the city;
- (b) to encourage commissioners of health and social care services to work in an integrated manner and, where appropriate, work closely with each other, commissioners of health-related services and the Health and Wellbeing Board;
- (c) to oversee, where appropriate, the use of relevant public sector resources across a wide spectrum of services and interventions to ensure outcomes from health care, social care and public health interventions;
- (d) to prepare and publish a Joint Health and Wellbeing Strategy, supported by all stakeholders, for approval by the Council's Executive, and the NHS Nottingham City Clinical Commissioning Group to provide a strategic framework for commissioning of health care, social care and public health to meet the needs (identified in a Joint Strategic Needs Assessment) and to identify local priorities for health improvement in Nottingham City;
- (e) to publish and refresh the Joint Strategic Needs Assessment (JSNA), including the Pharmaceutical Needs Assessment, so that future commissioning and policy decisions and priorities are based on evidence;
- (f) to oversee joint commissioning and joined up provision for citizens, patients, social care service users and carers, including social care, public health and NHS services with aspects of the wider local authority agenda that also impact on health and wellbeing, such as housing, education and the environment;
- (g) to consider local commissioning plans to ensure that they are in line with the Joint Health and Wellbeing Strategy;
- (h) to promote public involvement in the development of the JSNA and the Joint Health and Wellbeing Strategy;
- (i) to consider the NHS Nottingham City Clinical Commissioning Group's commissioning plans to ensure they are in line with the Joint Health and Wellbeing Strategy and to provide an opinion for publication;
- (j) to liaise with the NHS England as necessary on the NHS Nottingham City Clinical Commissioning Group annual assessment;
- (k) to be one of the theme partnerships within the One Nottingham partnership family, lead on the Nottingham Plan to 2020 strategic priority Healthy Nottingham - for the improvement of health and wellbeing in Nottingham City and to appoint a

representative to the One Nottingham Board;

- (l) to be responsible for specific targets within the Nottingham Plan to 2020 relating to Health and Wellbeing and to be the monitoring and reporting route for those areas within the Nottingham Plan that fall within the remit of the Health and Wellbeing Board;
- (m) to receive 6 monthly updates from the appropriate lead organisation on progress towards Joint Health and Wellbeing Strategy priorities;
- (n) to receive updates from the Children's Partnership Board and the Crime and Drugs Partnership on the delivery of those aspects of the Nottingham Plan to 2020, the Joint Health and Wellbeing Strategy, the Children and Young People's Plan and other priorities relevant to the Health and Wellbeing Board for which they are accountable;
- (o) to receive reports from members of the Board and/ or relevant partners on matters of interest to the Board, as set out in the Board's Ways of Working document;
- (p) to establish any sub-committees that the Health and Wellbeing Board considers appropriate, to carry out any functions of the Health and Wellbeing Board delegated to it by the Board, setting terms of reference, membership and timescales as necessary;
- (q) to delegate any of its functions that the Health and Wellbeing Board considers appropriate to an officer, ensuring that this is reflected in the Council's scheme of delegation as necessary;
- (r) to establish time limited task and finish groups to carry out work on behalf of the Board.

In the interests of public accountability and transparency the Board is subject to overview and scrutiny by the Council's existing structures for the statutory scrutiny of local authority and health functions. All Board partner organisations agree to provide the relevant overview and scrutiny committee of the City Council with such information about the planning, provision and operation of services within their area as the committee may reasonably require to discharge its scrutiny functions. Partners will not, however, be required to give:

- Confidential information which relates to and identifies an individual unless the information is disclosed in a form ensuring that individuals' identities cannot be ascertained, or an individual consents to disclosure;
- Any information, the disclosure of which is prohibited by or under any enactment;
- Any information, the disclosure of which would breach commercial confidentiality.

Board members agree that their representatives will attend and answer such questions as appear to the committee to be necessary for discharging its functions. The committee will give the members concerned reasonable notice of the intended date of his / her appearance.

## **Membership**

### **Voting Members:**

City Council Portfolio Holder with a remit covering Health  
City Council Portfolio Holder with a remit covering Children's Services  
Two further City Councillors  
Three representatives from the NHS Nottingham City Clinical Commissioning Group's Board  
Chief Operating Officer of the NHS Nottingham City Clinical Commissioning Group  
City Council Corporate Director of Children and Adults (Director of Children's Services vote)  
City Council Director of Adult Social Care (Director of Adult Social Services vote)  
Director of Public Health  
One representative of the Board of Healthwatch Nottingham  
One representative from NHS England

### **Non-voting Members:**

Nottingham City Council Strategic Director for Strategy and Commissioning / Assistant Chief Executive  
One representative of Nottingham University Hospitals NHS Trust  
One representative of Nottinghamshire Healthcare NHS Trust  
One representative of Nottingham CityCare Partnership  
One representative of Nottingham City Homes  
One community and third sector representative  
One representative of the Nottinghamshire Police (Nottingham City Division)  
One representative of Nottingham Jobcentre Plus

- (a) It is the role of the HealthWatch representative to ensure that the diversity of the Nottingham City's patient, public and carer population is represented at meetings of the Board.
- (b) It is the role of the representative of the community and third sector representative to represent and be accountable to all providers within this sector at meetings of the Board.
- (c) Political proportionality does not apply to membership of the Health and Wellbeing Board.
- (d) Substitutes for voting members are allowed for any of the voting members, providing that notice of substitution is given at least one hour in advance of a meeting date.
- (e) Substitutes for non-voting members are allowed, providing that they are empowered by the organisation they are representing to make decisions in line with the terms of reference of the Board and providing that notice of substitution is given at least one hour in advance of a meeting date.
- (f) All members of the Board are accountable to the organisation / sector which appointed them and employees of partner organisations are accountable to their

respective employers. Each member has a responsibility and a role to play in the communication of the Board's business and progress through their respective organisation's mechanisms. They should be of sufficient seniority to represent the views of their organisation sector and to commit resources to the Board's business. It will be the responsibility of each partner agency to determine what those arrangements are.

- (g) The Board may, with agreement of Full Council, co-opt additional voting or non voting members as relevant to support effective delivery of its responsibilities.

**Chairing / Voting arrangements:**

- (a) the Chair of the Board shall be appointed by the Executive Board and shall be one of the councillor members.
- (b) the Vice Chair of the Board shall be appointed by the Board and shall be one of the Clinical Commissioning Group members.
- (c) it is expected that most items will be agreed by consensus but, where this is not the case, then only those members listed as voting members may vote;
- (d) In Nottingham City Council, the statutory roles of Director of Children's Services and Director of Adult Social Services are held by the same post holder. Therefore the Director of Adult Social Services vote will be held by the City Council Director of Adult Social Care.
- (e) the Chair of the Board shall have a second or casting vote;
- (f) voting on all issues shall be by show of hands, subject to any legal requirements;

**With regard to meetings:**

- (a) the Board shall meet every other month on a programme of meetings to be determined at the first full meeting of the Board each municipal year;
- (b) the Chair of the Board shall have the right to convene, in consultation with the Vice Chair, special meetings of the Board as appropriate;
- (c) all business of the Board shall be conducted in public in accordance with section 100A of the Local Government Act 1972 (as amended);
- (d) the quorum for meetings shall be three voting members and must include at least one councillor and one representative of the Clinical Commissioning Group;
- (e) the conduct of all members of the Board shall be governed by the Nottingham City Council Code of Conduct, in addition to any codes of conduct or professional standards of their respective organisations and/or profession; and members shall behave with courtesy and respect towards others and shall say nothing which might bring the Board into disrepute or disrupt the business of the Board, the City Council, or the NHS Nottingham City Clinical Commissioning Group.

- (f) Where a decision is required before the next Board meeting is convened, the Chair may act on recommendations of officers in consultation with the Vice Chair through the following process:
  - (i) circulation of details of the proposed decision to all Board members for consultation; and
  - (ii) there being clear reasons why the decision could not have waited until the next full Board meeting.

The decision will be recorded and reported to the next full Board meeting.

**With regard to the agenda and reports:**

- (a) the summons to attend a meeting of the Board and all reports referred to in the summons shall be sent to members of the Board at least five clear working days before the meeting concerned;
- (b) reports accompanying the agenda must be received by the Constitutional Services Officer two clear days prior to the despatch of the agenda summons.

**Health and Wellbeing Board Commissioning Sub-Committee**

To be approved as part of the Amendments to the Constitution report

**Health Scrutiny Committee**

To be approved as part of the Amendments to the Constitution report

## **Joint City and County Health Scrutiny Committee**

### **Terms of Reference**

- (a) To scrutinise health matters which impact on both the areas covered by Nottingham City Council and Nottinghamshire County Council, including the statutory health scrutiny role.
- (b) the Joint Committee is accountable to Council, has 8 City Councillors (who cannot be members of the Executive Board) and 8 County Councillors (also non-executive);
- (c) the Chair and Vice-Chair will be appointed in alternate years by each authority. The Vice-Chair will always be appointed by the authority not holding the Chair.

### **Meetings:**

- (d) The Joint Committee will meet at least 2 times per year and usually has 11 meetings per year;
- (e) notice of meetings, circulation of papers, conduct of business at meetings and voting arrangements will follow the Standing Orders of the authority which holds the Chair, or such Standing Orders which may be approved by the parent authorities. Meetings will be open to citizens;
- (f) the secretariat of the Joint Committee will alternate annually between the two authorities with the Chair. The costs of operating the Joint Committee will be met by the Council providing the secretariat services.

### **Referrals to the Secretary of State**

Council is responsible for referrals to the Secretary of State on behalf of the Joint Health Scrutiny Committee, with the option of agreeing whether the City or the County should lead on taking the referral forward where they both agreed a referral should be made. Council has delegated responsibility to the City Council members of the Joint Committee to make a decision to refer in urgent circumstances.

## **Joint Committee on Strategic Planning and Transport**

In April 1998 Nottinghamshire County Council and Nottingham City Council established a Joint Committee between the two Authorities to advise on strategic planning and transport matters in Greater Nottingham.

The protocol agreed between the two Authorities on the establishment and operation of the Joint Committee (agreed February 2000) required a two yearly review, to ensure it remained relevant to the needs of the Joint Committee.

The terms of reference for the Joint Committee are:

- (a) the role of the Joint Committee is to advise the County Council and City Council on strategic planning and transport matters taking account of the best interests of the whole of Greater Nottingham;
- (b) the Joint Committee will be responsible for providing advice on regional, sub-regional and strategic planning and on transport matters including the following:
  - (i) preparation, review, modification and monitoring of strategic planning advice to the Regional Planning Body;
  - (ii) conformity of Local Development Documents, as agreed with the Regional Planning Body, and strategic planning and transport comments on Draft Development Plans prepared by other Local Planning Authorities;
  - (iii) the implementation of the Greater Nottingham elements of the 3 Cities and 3 Counties Growth point, including the preparing of bids for funding, agreeing programmes for implementation and keeping the implementation of the Growth Point under review;
  - (iv) co-ordination of policies and management for minerals and waste matters, including joint Local Development Documents;
  - (v) Greater Nottingham Local Transport Plan;
  - (vi) strategic issues arising from the management of the Traffic Control Centre;
  - (vii) strategic issues arising from Public Transport operations, including Bus Quality Partnerships and the development of the Nottingham Express Transit;
  - (viii) Greater Nottingham Rail Development Plan;
  - (ix) Regional Spatial Strategies, relevant sub-regional studies, Regional Transport Strategy, the Integrated Regional Strategy and any other regional/sub-regional consultation/ consultant studies insofar as the impact upon Greater Nottingham;

- (x) strategic issues arising from the District Council air quality review and assessment;
- (c) to assist the Joint Committee in carrying out the responsibilities in (b) above, they shall be entitled to receive information and to comment where they deem appropriate on other relevant matters including;
- (i) Development Plan policies and strategy for the rest of the County;
  - (ii) Local Transport Plan for the rest of the County;
  - (iii) planning applications within Greater Nottingham subject to the statutory timetable;
  - (iv) wider aspects of Regional Spatial Strategies and Sub-Regional Studies;
  - (v) major development proposals in areas surrounding Greater Nottingham;
  - (vi) significant development in the highway and transport networks;
  - (vii) major strategic initiatives of either Authority in Greater Nottingham e.g. tackling climate change;
  - (viii) economic strategies for Greater Nottingham;
  - (ix) government legislation, regulations and guidance affecting strategic planning and transport matters;
- (d) the Joint Committee will be responsible for advising on strategic planning and transport matters across the Nottinghamshire Part of the 3 Cities Sub Area as defined by the East Midlands Regional Strategy. This area will be known as Greater Nottingham. In undertaking the responsibilities for Growth Point in paragraph (b)(iii) above, the area will also include Erewash Borough, to coincide with the boundaries of the Nottingham Core Housing Market Area element of the 3 Cities and 3 Counties Growth Point;
- (e) the views of the Joint Committee will be communicated to the appropriate executive or other body or bodies of the County and City Councils as soon as possible following a resolution by the Joint Committee. Where the Joint Committee has expressed a view on a particular matter that is the subject of a report to any of the parent executive bodies, the recommendation of the Joint Committee will be included in the report.

**Membership:**

- (a) the Joint Committee will be composed of four Councillors from each Authority;
- (b) with the agreement of the Chair and Vice-Chair, other members may be co-opted onto the Committee from time to time to assist the Joint Committee in carrying out the responsibilities in paragraphs (b) to (d) above. Such members will not have voting rights;

- (c) the appropriateness of co-opted members will be reviewed in accordance with review paragraph below;
- (d) the Chair and Vice-Chair will be appointed in alternate years by each authority. The Vice-Chair will always be appointed by the authority not holding the Chair.

**Meetings:**

- (a) the Joint Committee will meet at least 4 times a year;
- (b) notice of meetings, circulation of papers, conduct of business at meetings and voting arrangements will follow the Standing Orders of the authority which holds the Chair, or such Standing Orders which may be approved by the parent authorities. Meetings will be open to citizens;
- (c) the secretariat of the Joint Committee will alternate annually between the two authorities with the Chair. The costs of operating the Joint Committee will be met by the Council providing the secretariat services. The work of the Joint Committee will be serviced by a Joint Officer Steering Group which will assist the Chair and Vice-Chair in setting agendas and brief them prior to meetings. They will also be responsible for communicating the views of the Joint Committee.

**Disagreement between the two authorities:**

- (a) where the members of the Joint Committee cannot arrive at a view on a particular issue which enjoys the support of the majority of members, that issue should be referred back to the relevant executive bodies of the two Councils;
- (b) participation in the Joint Committee will not deter either authority from expressing a dissenting opinion on any specific issue. The right to make representations at a formal deposit stage, at the Examination in Public, at a Public Local Inquiry or at any consultation stage in the formal development plan making process, will not in any way be curtailed by membership of the Joint Committee.

**Review:**

The role and operation of the Joint Committee will be kept under review, with a further complete review of its responsibilities and workings not later than two years from the adoption of this revised protocol.

## **Licensing Committee**

To be approved as part of the Amendments to the Constitution report

## **Licensing Panels**

To be approved as part of the Amendments to the Constitution report

## **Licensing Decision Making – List of Delegated Functions**

The Authority, in the majority of cases, follows the table of delegated functions set out below. However, in circumstances where it seems appropriate to the Authority, any particular matter may be dealt with otherwise than is indicated in this table whilst having due regard to statutory requirements. For example, an officer may choose not to exercise their delegated power and refer the matter to the Panel or the Panel itself may choose to refer the matter to the Full Committee.

<b>Matter to be dealt with</b>	<b>Full Licensing Committee</b>	<b>Licensing Panel</b>	<b>Officer Decision*</b>
<b>Licensing Act 2003</b>			
Application for personal licence with unspent convictions		All cases where there is a police objection	No objection made
Application for premises licence/club premises certificate	Representation relating to Cumulative Impact other than in a designated saturation zone	Representation made	No representation made
Application for provisional statement	Representation relating to Cumulative Impact other than in a designated saturation zone	Representation made	No representation made
Application to vary premises licence/club premises certificate ( <i>other than an application for a Minor Variation</i> )	Representation relating to Cumulative Impact other than in a designated saturation zone	Representation made	No representation made
<i>Application for Minor variation</i>			All cases
Application to vary designated premises supervisor		Police representation made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		Police representation made	All other cases
Application for interim authority		Police representation made	All other cases
Application to review premises licence/club premises certificate (including summary reviews)		All cases	
Decision on whether a complaint or objection is irrelevant, repetitious, frivolous, vexatious, etc			All cases
Decision to object where Local Authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police representation to a temporary event notice		All cases	
<b>Gambling Act 2005</b>			
Application for premises licence including applications for reinstatement under S195 Gambling Act		<ol style="list-style-type: none"> <li>1. Representation made and not withdrawn (S154 (4)(a)) and/or</li> <li>2. Where the Licensing Authority considers that a condition</li> </ol>	All other cases

Matter to be dealt with	Full Licensing Committee	Licensing Panel	Officer Decision*
		should be added to the licence under S169 (1)(a) or a default condition should be excluded under S169(1)(b)	
Application to vary premises licence		<ol style="list-style-type: none"> <li>1. Representation made and not withdrawn (S154 (4)(b)) and/or</li> <li>2. Where the Licensing Authority considers that a condition should be added to the licence under S169 (1)(a) or a default condition should be excluded under S169(1)(b)</li> </ol>	All other cases
Application for transfer of premises licence		Representation made and not withdrawn (S154(4)(c))	All other cases
Application for provisional statement		<ol style="list-style-type: none"> <li>1. Representation made and not withdrawn (S154 (4)(d)) and/or</li> <li>2. Where the Licensing Authority considers that a condition should be added to the licence under S169 (1)(a) or a default condition should be excluded under S169(1)(b)</li> </ol>	All other cases
Review of a premises licence		All cases	
Consideration of Temporary Use Notices (including notices modified under section 223)		<ol style="list-style-type: none"> <li>1. All cases where an objection notice has been received</li> <li>2. All cases where a counter notice may be required</li> </ol>	All other cases
Application for Club Gaming/Club Machine Permits, renewals and variations (including those leading to cancellation of permit) under Sch12 para 15		<ol style="list-style-type: none"> <li>1. Objection made and not withdrawn (Sch12 para 28 (2))</li> <li>2. Refusal of a permit proposed on the grounds listed in Sch 12 para 6(1)(a)-(d), or para 10(3) as applicable</li> </ol>	All other cases
Cancellation of Club Gaming/Club Machine Permits under Sch 12 para 21		Where a permit holder requests a hearing under para 21(2) or makes representations	All other cases

<b>Matter to be dealt with</b>	<b>Full Licensing Committee</b>	<b>Licensing Panel</b>	<b>Officer Decision*</b>
Cancellation of Club Gaming/Club Machine Permits under Sch 12 para 22 (non payment of annual fee)			All Cases
Applications for other permits registrations and notifications			All cases
Cancellation and variation of Licensed Premises Gaming Machine permits under Sch 13 para 16		Where permit holder requests a hearing under para 16 (2) or makes representations	All other cases
Cancellation of Licensed Premises Gaming Machine permits under Sch 13 para 17 (non payment of annual fee)			All Cases

\*These powers are delegated to the Licensing Officer/Manager, the Senior Licensing Officers, the Head of Licensing, Permits and Regulation, Director for Community Protection and Corporate Director for Community Services.

## **Police and Crime Panel**

### **Functions of the Police and Crime Panel**

The terms of reference of the Panel are as follows:

1. To review and submit a report or recommendation on the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner.
2. To review the annual report and put questions regarding the report to the Police and Crime Commissioner at a public meeting, and submit a report or recommendation as necessary.
3. To hold a confirmation hearing and review, submit a report, and recommendation as necessary in respect of proposed senior appointments made by the Police and Crime Commissioner (Chief Constable, Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner).
4. To review and submit a report and recommendation as necessary on the proposed precept.
5. To review or scrutinise decisions made or other action taken by the Police and Crime Commissioner in connection with the discharge of the Commissioner's functions.
6. To submit reports or recommendations to the Police and Crime Commissioner with respect to the discharge of the Commissioner's functions.
7. To support the effective exercise of the functions of the Police and Crime Commissioner.
8. To fulfil functions in relation to complaints in accordance with the Panel's responsibilities under the Police Reform and Social Responsibility Act 2011 (the Act).
9. To appoint an Acting Police and Crime Commissioner if necessary.
10. To suspend the Police and Crime Commissioner if it appears to the Panel that the Commissioner has been charged with a relevant offence.
11. To exercise any other functions delegated to police and crime panels under the Police Reform and Social Responsibility Act 2011 as required.

### **Operating Arrangements**

12. The Panel is a joint committee of the county, city, borough and district councils in Nottinghamshire.
13. Nottinghamshire County Council will be the Host Authority in establishing and maintaining the Panel and will arrange the administrative, secretarial and professional support necessary to enable the Panel to fulfil its functions.

14. The Panel will be comprised of 10 councillors and a minimum of two co-opted independent members. Councillor membership can be increased by co-opting additional members with the unanimous agreement of the Panel, and any proposal for an increase in membership would be subject to the approval of the Secretary of State.
15. All Members of the Panel may vote in proceedings.
16. The local authorities will co-operate to provide the Panel with additional officer support for research, training and development, or where particular expertise would be of assistance.
17. The local authorities will co-operate to ensure that the role of the Panel is promoted internally and externally and that members and officers involved in the work of the Panel are given support and guidance in relation to the Panel's functions.
18. The Panel must have regard to the Policing Protocol issued by the Home Secretary in carrying out its functions.

### **Financial Arrangements**

19. The funding provided by the Home Office to support the work of the Panel will be received by the County Council as Host Authority. The Panel will seek to operate within the limit of the Home Office funding.
20. The Home Office funding includes a specified sum per member per annum to cover their expenses. Each local authority will be allocated the appropriate sum and will pay the expenses of its own representatives.
21. Each authority has discretion to pay its representatives an allowance including any special responsibility allowance if they are appointed Chairman or Vice Chairman.

### **Membership – Appointed Members**

22. Appointment of elected members to the Panel will be made by each local authority at its annual meeting or as soon as possible afterwards, in accordance with its procedures. Appointments will be made with a view to ensuring that the "balanced appointment objective" is met so far as is reasonably practicable, i.e. to:
  - a. represent all parts of the police area;
  - b. represent the political make-up of the relevant authorities and the Police Force area overall
  - c. have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively
23. The Panel's membership will be one councillor appointed by each authority plus one additional councillor appointed by Nottingham City Council and two co-optees from Nottingham City Council, who shall be Councillors.
24. It is for each council to decide whether to appoint executive or non executive members (if applicable), however where there is an executive mayor they must be nominated as an authority's representative (although they are not under a duty to accept the nomination).

25. The Panel will review at its annual meeting whether or not the balanced appointment objective is being met and if it concludes that it is not, the Panel will determine what action is needed to meet the objective.

### **Membership – Co-opted Members**

26. The Panel will co-opt two independent members in accordance with the eligibility criteria set out in the Act.
27. The Panel will invite nominations and will make arrangements for appointment.
28. Independent members will be appointed for a term of 2 years. There will be no restriction on the overall time period that an independent member can serve on the Panel.

### **Conduct of Panel Members**

29. Members appointed by authorities will be subject to their own authority's code of conduct. Independent co-optees will be subject to the Host Local Authority's code of conduct.

### **Vacancies**

30. Each council will fill vacancies for elected members in accordance with the arrangements in its constitution. Vacancies for independent members will be filled in accordance with the selection process agreed by the Panel.

### **Resignation of Members**

31. Members of the Panel who wish to resign should do so in writing to their appointing council (as applicable) who will in turn notify the Host Local Authority as soon as possible.

### **Removal of Appointed Members**

32. Each local authority will have the right to change its appointed member at any time but must give notice to the Host Local Authority and ensure that replacement does not affect the political balance requirement.

### **Removal of Independent Members**

33. An independent member may only be removed from office if an appointed member has given notice to the Host Local Authority at least 10 working days prior to a meeting of the Panel, of their intention to propose a motion that an independent member's co-option be terminated. At the subsequent meeting, termination will only be confirmed if at least two-thirds of the persons who are members of the Panel at the time when the decision is made vote in favour of termination.

## **Amendments to Panel Arrangements**

34. Changes to the Panel Arrangements can only be made with the unanimous approval of all the local authorities in the Nottinghamshire Force area. The only exception to this requirement is that the Panel can decide to increase the number of co-opted members, subject to Secretary of State approval. Any councillor co-options also require the agreement of all the members of the Panel.

## **Promotion of the Panel**

35. The Panel Arrangements will be promoted by:
- a. the establishment and maintenance by the Host Local Authority of a webpage;
  - b. all the local authorities including information about the Panel on their websites;
  - c. appropriate support and guidance will be provided to members and officers of the local authorities in relation to the functions of the Panel.

## **Overview and Scrutiny Committee**

To be approved as part of the Amendments to the Constitution report

**Overview and Scrutiny Call-in Panel**

To be approved as part of the Amendments to the Consitution report

## **Overview and Scrutiny Review Panel(s)**

To be approved as part of the Amendments to the Constitution report

## Planning Committee

- (a) All functions of the Council as a Local Planning Authority, except for matters reserved to or falling solely within the remit of Full Council or Executive Board. e.g. as The Development Plan forms part of the Council's policy framework the Executive Board is responsible for formulating the Development Plan, for approval by full Council, and in doing so will consult the Planning Committee.
- (b) to exercise the functions of the Council relating to the regulation of the use of highways, street works and rights of way as set out in Schedule 1 of the Functions Regulations (including all powers of enforcement).
- (c) To be consulted, and provide comments to Executive Board, on draft Local Development Documents.
- (d) To exercise the functions of the Council in relation to the registration of town and village greens and common land except where the power is exercisable solely for the purpose of giving effect to:
  - (i) an exchange of lands effected by an order under either section 19(3) of or paragraph 6(4) of Schedule 3 to the Acquisition of Land Act 1981; or
  - (ii) an order under section 147 of the Inclosure Act 1845.

The Planning Committee is accountable to Council, has 16 members (politically balanced) and usually has 12 meetings per annum. Whilst a number of delegations to Officers exist the following matters must be referred to the Committee:-

- (i) No application can be determined by officers where the decisions would
  - result in the granting of planning permission that would be a significant departure from the adopted Development Plan; or
  - Result in the approval of an application for a similar scheme, on the same site, that has been previously refused by the Committee; or
  - Directly conflict with the recommendation of any external statutory consultee unless those concerns will be overcome by condition or planning obligation.
- (ii) Any application which gives rise to complex or sensitive issues should be referred to committee for determination. For the purposes of this section, 'complex or sensitive' includes:
  - 1) An application that has generated significant public interest that is contrary to the officer recommendation
  - 2) A major application on a prominent site, where there are important land-use, design or heritage considerations
  - 3) An application for the conversion of family housing to a house in multiple occupation (HMO) in an area where there is already a high concentration of HMOs and where the recommendation would conflict with adopted planning policies
  - 4) An application in relation to which a Nottingham City Councillor has submitted a written request (giving valid planning reasons), within the statutory consultation period, for the application to be determined by Committee
  - 5) Where an application has been submitted by a Nottingham City Councillor or on behalf of a Nottingham City Councillor

- 6) An application that is recommended for approval, but where any planning obligations are proposed to be waived, or are substantially less than typically required by adopted planning policies.

## **Regulatory and Appeals Committee**

- (a) To deal with applications for local licences and registrations of various kinds including:
  - (i) Those licensing and registration functions and functions relating to health and safety at work which are contained in Schedule 1 of the Functions Regulations and are listed below under I, II and III:
  - (ii) the Nottinghamshire County Council Act 1985
  - (iii) regulation, under the Nottingham City Council Act 2003, of occasional sales and dealers in second-hand goods
  - (iv) but excluding matters which are statutorily the responsibility of the Licensing Committee.
- (b) To deal with all powers relating to smoke free premises listed in paragraph F of Schedule 1 of the Functions Regulations.
- (c) To provide individual case panels selected by the Corporate Director for Resources and Chief Finance Officer from a wider group of Regulatory and Appeals Committee members to constitute an Appeals Panel to hear and determine:
  - (i) appeals relating to housing rents and homelessness;
  - (ii) appeals relating to the refusal / revocation of registration under the Council's Control Scheme for Houses in Multiple Occupation;
  - (iii) day care and childminding representations;
  - (iv) access to personal files appeals;
  - (v) representations under the Data Protection Act 1998;
  - (vi) Approved Premises (Marriages) Appeals;
  - (vii) statutory complaints concerning education matters.
- (d) To exercise all powers and duties conferred on Nottingham City Council by the Nottingham City Council Act 2013.
- (e) Unless specifically catered for elsewhere, the adoption or approval of any plan or strategy relating to the Licensing and Regulatory functions listed in Part B of Schedule 1 of the Functions Regulations 2000

The Committee is accountable to Council, has 14 members (politically balanced), and meets as and when required.

### **I. Licensing and Registration Functions**

- 1 Power to issue licences authorising the use of land as a caravan site ("site licences")
- 2 Power to license the use of moveable dwellings and camping sites

- 3 Power to license hackney carriages and private hire vehicles
- 4 Power to license drivers of hackney carriages and private hire vehicles
- 5 Power to license operators of hackney carriages and private hire vehicles
- 6 Power to register pool promoters
- 7 Power to grant track betting licences
- 8 Power to license inter-track betting schemes
- 9 Power to grant permits in respect of premises with amusement machines
- 10 Power to register societies wishing to promote lotteries
- 11 Power to grant permits in respect of premises where amusements with prizes are provided
- 12 Power to license sex shops and sex cinemas, and sexual entertainment venues
- 13 Power to license performances of hypnotism
- 14 Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis
- 15 Power to license pleasure boats and pleasure vessels
- 16 Power to license market and street trading
- 17 Duty to keep list of persons entitled to sell non-medicinal poisons
- 18 Power to license dealers on game and the killing and selling of game
- 19 Power to register and license premises for the preparation of food
- 20 Power to license scrap yards
- 21 Power to issue, amend or replace safety certificates (whether general or special) for sports grounds
- 22 Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds
- 23 Power to license premises for the breeding of dogs
- 24 Power to license pets shops and other establishments where animals are bred or kept for the purposes of carrying on a business
- 25 Power to register animal trainers and exhibitors
- 26 Power to license zoos
- 27 Power to license dangerous wild animals
- 28 Power to license knackers' yards
- 29 Power to license the employment of children
- 30 Power to approve premises for the solemnisation of marriages and civil partnerships
- 33 Power to license persons to collect for charitable and other causes
- 34 Power to grant consent for the operation of a loudspeaker
- 35 Power to license agencies for the supply of nurses
- 36 Power to issue licences for the movement of pigs
- 37 Power to license the sale of pigs
- 38 Power to license collecting centres for the movement of pigs
- 39 Power to issue a licence to move cattle from a market
- 40 Power to sanction use of parts of buildings for storage of celluloid
- 41 Power to approve meat product premises
- 42 Power to approve premises for the production of minced meat or meat preparations
- 43 Power to approve dairy establishments
- 44 Power to approve egg product establishments
- 45 Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods
- 46 Power to approve fish products premises
- 47 Power to approve dispatch of purification centres
- 48 Power to register fishing vessels on board which shrimps or molluscs are cooked
- 49 Power to approve factory vessels and fishery product establishments

- 50 Power to register auction and wholesale markets
- 51 Duty to keep register of food business premises
- 52 Power to register food business premises
- 54 Power to register motor salvage operators

## **II. Functions relating to health and safety at work**

- 1 Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connections with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer

## **III Conditions etc. and Enforcement**

- 1 The functions of imposing any conditions, limitation or other restriction on any approval, consent, licence, permission or registration granted in the exercise of any of the above functions and determining any other terms to which any such approval, consent, licence, permission or registration is subject
- 2 The function of determining whether, and in what manner, to enforce:
  - (a) any contravention or failure to comply with an approval, consent, licence, permission or registration granted as mentioned above; or
  - (b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject
- 3 The function of:
  - (a) amending, modifying or varying any such approval, consent, licence, permissions or registration as is mentioned above, or any conditions, limitation or term to which it is subject; or
  - (b) revoking any such approval, consent, licence, permission or registration
- 4 The function of determining:
  - (a) whether a charge should be made for any approval, consent, licence, permit or registration as is mentioned above; and
  - (b) where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge
- 5 The power to enforce byelaws.

## Standards Committee

- (a) to promote and maintain high standards of conduct by councillors and co-opted members;
- (b) to advise the Council on the adoption or revisions of its Code of Conduct, to monitor its operation and to assist councillors and co-opted members in observing it;
- (c) to agree the local arrangements for the investigation of allegations that the Code of Conduct has been breached, and arrangements under which decisions on allegations can be made;
- (d) to arrange training and advice for councillors and co-opted members on matters relating to the Council's Code of Conduct, and related probity issues;
- (e) to receive annual reports from the Monitoring Officer relating to complaints under the Code of Conduct, the Confidential Reporting Code and any other matters relating to conduct and propriety;
- (f) to consider reports and recommendations from the District Auditor relevant to the Code of Conduct and related probity issues;
- (g) to hear cases under the Council's procedure for dealing with complaints about councillors' and co-opted members' conduct;
- (h) to make recommendations regarding the settlement of cases of maladministration;
- (i) to keep under review and make recommendations on the content of the Code of Conduct for colleagues and protocols in connection with councillor/ colleague relations;
- (j) granting dispensations to councillors and co-opted members in relation to the Code of Conduct, as permitted by legislation;
- (k) to review the operation of the Council's Confidential Reporting Code and make recommendations for any changes to it;
- (l) to respond to consultation exercises carried out by government and other agencies on issues related to the work of the Committee;
- (m) to consider any other matters referred to it by the Monitoring Officer;
- (n) granting and supervising exemptions from political restriction.

The Committee is accountable to Council and has 8 members (politically balanced).

The Committee meets as and when required.

## **Trusts and Charities Committee**

- (a) To exercise the administrative powers and duties of Full Council in relation to all trusts for which the Council is sole trustee;
- (b) to exercise the administrative powers of the “Council as Trustee” in accordance with the relevant governing documents of each trust and Charity Commission Scheme(s);
- (c) upon receipt from colleagues, to administer and approve annual reports and accounts;
- (d) approve Charity Commission returns and all other regulatory documents;
- (e) respond to enquiries from Auditors or Independent Examiners;
- (f) inquire of and respond to the Charity Commission and any other regulatory bodies;
- (g) to approve expenditure for urgent or necessary works, repairs or other actions, up to the value of the maximum threshold for an Officer Decision, by the Chair and Vice-Chair, in consultation with an Opposition Councillor, with such approvals reported to the next meeting of the Trusts and Charities Committee.
- (h) day to day management of any City Trust or Charity with assistance from the Director for Strategic Finance, Director for Legal and Democratic Services and/or Director for Strategic Asset and Property Management and/or other relevant colleagues, as appropriate;
- (i) to act as manager for the Trusts and Charities, and be authorised to take all necessary administrative decisions;
- (j) to compile and maintain a comprehensive and up to date list of all City Trusts and Charities;
- (k) to take any other action deemed appropriate or necessary to ensure the proper management and administration of all City Trusts and Charities.

The Trusts and Charities Committee is accountable to Council, has 9 members (politically balanced) and normally has 6 meetings per annum.

**CITY COUNCIL – 8 MAY 2017**

**REPORT OF THE LEADER**

**AMENDMENTS TO THE CONSTITUTION AND APPOINTMENT OF INDEPENDENT PERSON FOR STANDARDS**

**1 SUMMARY**

- 1.1 The Local Government Act 2000 requires Council to keep its Constitution up to date. The amendments to be reported and/or agreed are outlined below.
- 1.2 Councillors may wish to make reference to the current Constitution, which can be viewed on line via the following link: <http://www.nottinghamcity.gov.uk/about-the-council/nottingham-city-councils-constitution/>. If you have any difficulty accessing the Constitution, please contact Constitutional Services on 0115 8763759.
- 1.3 The Council is required to appoint an Independent Person to support its investigation of any complaints that a Councillor or Co-opted Member has breached the Code of Conduct.

**2 RECOMMENDATIONS**

- 2.1 To agree the changes in the operation of Overview and Scrutiny, as outlined in paragraphs 5.1, 5.2, 5.3 and 5.4 below.
- 2.2 To agree the changes to the operation of Licensing and Regulatory and Appeals Committees, as outlined in paragraph 5.5 below.
- 2.3 To note the amendments to the Health and Wellbeing Board Commissioning Sub Committee terms of reference, as outlined in paragraph 5.6 below.
- 2.4 To approve the amendments to Part 2 (including the attached Terms of Reference) and Part 4 of the Constitution required by the above changes.
- 2.5 To appoint an Independent Person to perform the following roles:
- to assist the Council in investigations into Member conduct,
  - to be invited to act as an Independent Person in cases of possible dismissal of the Chief Executive, Monitoring Officer or Chief Finance Officer, as outlined in paragraphs 3.4 and 5.7 – 5.9 below.

**3 REASONS FOR RECOMMENDATIONS**

- 3.1 The Local Government Act 2000 requires Council to keep its Constitution up to date.
- 3.2 An Independent Remuneration Panel (IRP) met during November and December 2016 to review the Members' Allowances Scheme. The scheme had not been reviewed in full since December 2005 and since the last full review significant changes to the roles and responsibilities had taken place, including changes in the operation of Overview and Scrutiny and Licensing. The IRP made a number of recommendations in relation to the Members' Allowances Scheme, however, before some of the recommendations can be implemented some structural changes to the operation of the governance framework is required. This report seeks approval for these structural changes.

- 3.3 In March 2017 the Health and Wellbeing Board amended the terms of reference for the Health and Wellbeing Board Commissioning Sub Committee to reflect a change in role regarding oversight of a new Section 75 Agreement for the commissioning of Tier 2 Child and Adolescent Mental Health Services.
- 3.4 The Council is required to appoint an Independent Person to support its investigation of any complaints that a Councillor or Co-opted Member has breached the Code of Conduct. Appointments must be made by Full Council following an open recruitment process.

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

- 4.1 The Constitution ensures clarity of rights and duties to enable Council to conduct its business lawfully and in line with Council policy. Not to update the Constitution is therefore not an option.
- 4.2 The appointment of an Independent Person is required by statute. Not to make an appointment is therefore not an option.

#### **5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 5.1 An Independent Remuneration Panel (IRP) met on four occasions during November and December 2016 before submitting their recommendations to the City Council in January 2017. Nottingham City Council adopted the IRP's recommendations in full, however before some of the Panel's recommendations can be implemented some structural changes to the operation of the governance framework are required. The IRP acknowledged the pivotal governance role exercised by the Chair of the Overview and Scrutiny Committee but proposed a re-alignment of the Special Responsibility Allowances (SRAs) attached to the scrutiny function, deleting the SRAs attached to the positions of Scrutiny Panel Chairs and establishing SRAs for the positions of two scrutiny vice-chairs. In making these recommendations the IRP was clear that the vice chairs of Overview and Scrutiny would have enhanced responsibilities, including each chairing a standing committee and leading individual overview and scrutiny reviews.
- 5.2 It is therefore proposed that the Chair of Overview and Scrutiny will chair the Overview and Scrutiny Committee, the Overview and Scrutiny Call-in Panel, and any review panels established by the Committee and will perform a wider governance role, for example, a consultative role on urgent decisions (in accordance with Overview and Scrutiny Procedure rules). It is proposed that the Overview and Scrutiny Vice-Chairs will each chair one of the remaining scrutiny committees (Health Scrutiny Committee and Children and Young People Scrutiny Committee). The Chair of the Health Scrutiny Committee will also chair the Joint City and County Health Scrutiny Committee every other municipal year, in rotation with a Chair from the County Council. The Scrutiny Vice-Chairs will also chair any review panels established by their respective committees, deputise for the Overview and Scrutiny Chair on the wider governance role when required to do so and act as vice-chair of both Overview and Scrutiny Committee and Overview and Scrutiny Call-in Panel.
- 5.3 It is also proposed to reinvigorate the co-option of overview and scrutiny members from outside the Council by removing non-statutory co-opted members to the Overview and Scrutiny Committee. The non-statutory co-optees appointed to Overview and Scrutiny Committee were made at a time when it reviewed services relevant to children and young people in the city. In September 2015, the Council established the Children and Young People Scrutiny Committee, to which co-option would be more appropriate. Overview and Scrutiny Committee retains the ability to

appoint additional non-statutory co-opted members to sit on the Committee or a Review Panel and the need for co-opted members will continue to be determined and based on an assessment of what will be beneficial to the delivery of the work programme.

- 5.4 For scrutiny work that deals wholly or partly with education issues there is a statutory requirement to involve specific co-opted members and it is proposed that these co-optees are appointed to the Children and Young People Scrutiny Committee.
- 5.5 An examination of Licensing Committee workload also suggests a realignment of the responsibilities of the Chair of Licensing Committee and the Panel Chairs is necessary. The IRP's recommendations, to delete the SRAs attached to the positions of Licensing Panel Chairs replacing them with a single Vice-Chair of Licensing, and to combine the SRAs for the positions of Chair of Licensing and Chair of Regulatory and Appeals into a single SRA for a Chair of Licensing were agreed by Council in January 2017. It is therefore proposed that Council agrees to the positions of Chair of Licensing and Chair of Regulatory and Appeals be amalgamated into a single role with one individual chairing both bodies. It is also proposed to abolish the role of Licensing Panel chair with all Panel work now being chaired by the Chair of Licensing and the Vice Chair of Licensing (remunerated with an SRA).
- 5.6 In February 2017 Nottingham City Council and NHS Nottingham City Clinical Commissioning Group agreed to develop a Section 75 Agreement for the commissioning of Tier 2 Child and Adolescent Mental Health Services (CAMHS) from 1 April 2017. The governance of the Section 75 Agreement will be undertaken by the Health and Wellbeing Board Commissioning Sub Committee in order to provide robust, cross organisational oversight. In March 2017 the Health and Wellbeing Board agreed to amend the terms of reference for the Health and Wellbeing Board Commissioning Sub Committee to reflect this change in role.
- 5.7 All Councillors are subject to the Council's Code of Conduct. Any complaints that a Councillor has breached the Code of Conduct are investigated in accordance with the Council's complaints procedure. When investigating such complaints the Council is required at certain stages to seek the views of an Independent Person and take these into account before reaching a decision. The post of Independent Person is currently vacant.
- 5.8 The law requires the Independent Person to be appointed by Council following an open recruitment process. This process has been carried out by the Monitoring Officer who has recommended that Nigel Cullen is appointed as the Council's Independent Person for Standards following an assessment of his written application. Council is asked to approve this appointment.
- 5.9 The involvement of two Independent Persons is also required in cases of possible dismissal of the Chief Executive, Monitoring Officer or Chief Finance Officer. The Independent Person for Standards will assume one of these positions and a further Independent Person will be appointed should the need arise.

## **6 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY)**

- 6.1 There are no financial implications related to the recommendations in this report. The financial impact associated with the Members' Allowances Scheme was reported to Council on 16 January 2017.

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

7.1 The Council would be in breach of its statutory duty if it did not update its Constitution or appoint an Independent Person and it is essential that there is clarity for councillors, colleagues, partners and citizens about rights and duties.

**8 EQUALITY IMPACT ASSESSMENT (EIA)**

8.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because this report contains no changes to policy.

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

9.1 None.

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

10.1 The Council's Constitution version 7.21.

10.2 Members' Allowances Scheme – Report of the Independent Remuneration Panel, 16 January 2016.

10.3 Local Government Act 2000 and the Localism Act 2011

**COUNCILLOR JON COLLINS  
LEADER OF THE COUNCIL**

## Licensing Committee

To undertake those functions of the Licensing Authority prescribed by the Licensing Act 2003 (and any Regulations or Orders made under that Act), the Gambling Act 2005 (including the power to prescribe fees under section 212), and powers and functions relating to late night levy requirements under Chapter 2 Part 2 of the Police Reform and Social Responsibility Act 2011 (and any Regulations made under that Chapter) other than matters which are specifically reserved to full Council.

The Committee is accountable to Council (as Licensing Authority), has between 10 and 15 members (not politically balanced) and meets as and when required.

The Licensing Committee has established a Special Licensing Panel (to consider complex or contentious licensing applications and reviews of licences) and “ordinary” Licensing Panels to deal with all other contested applications except:

- where representations are received relating to ‘cumulative impact’. Cumulative impact other than in a designated Saturation Zone;
- any contested application which a Panel feels should be referred to the main Committee.

## Licensing Panels

To determine contested applications under the Licensing Act 2003 and Gambling Act 2005.

Licensing Panels are accountable to the Licensing Committee, have 3 members (derived from the Licensing Committee and not politically balanced), are chaired by the Chair and Vice-Chair of the Licensing Committee, and meet as they are required.

### Special Licensing Panels:

- (a) Comprises the Chair and Vice-Chair of the Licensing Committee, and one other member to be drawn from the membership of the full Committee;
- (b) meets as required to determine complex or contentious licensing applications and to determine reviews of licences in accordance with the allocation procedure agreed by the Licensing Committee.

Note: The Licensing Officer/Manager is responsible for the referral of applications and reviews to the Special Licensing Panel following consultation with the Chair and Vice-Chair of the Licensing Committee.

## Overview and Scrutiny Committee

- (a) To set, manage and co-ordinate the overview and scrutiny work programme to ensure all statutory roles and responsibilities accorded to the overview and scrutiny function, with the exception of health scrutiny, are fulfilled, including the ability to:
  - i. hold local decision-makers, including the Council's Executive, to account for their decisions, action and performance;
  - ii. review policy and contribute to the development of new policy and the strategy of the Council and other local decision-makers where it impacts on Nottingham residents;
  - iii. explore any matters affecting Nottingham and/ or its residents;
  - iv. make reports and recommendations to relevant local agencies with respect to the delivery of their functions, including the Council and its Executive;
- (b) to maintain an overview of key strategic issues relevant to Nottingham and its residents to inform decisions about the work programme so that it is focused on, and adds value by the examination of, issues of local importance and concern;
- (c) to monitor the effectiveness of the overview and scrutiny work programme and the impact of outcomes from overview and scrutiny activity, including the outcomes of review panels;
- (d) to work with the other scrutiny committees, to support effective delivery of a co-ordinated overview and scrutiny work programme;
- (e) to establish a sub-committee known as the Call-In Panel to meet as required to consider call-in requests in accordance with the Council's Call-In Procedure;
- (f) to commission time-limited review panels (no more than 1 panel at any one time) to carry out a review of a matter within its remit. Commissioning includes setting the remit, initial timescale and size of membership to meet the needs of the review to be carried out. Such review panels will be chaired by the Chair of the Overview and Scrutiny Committee;
- (g) to consider requests for councillor calls for action;
- (h) to receive petitions in accordance with the Council's Petitions Scheme;
- (i) to commission separate policy briefings to inform councillors about current key issues relevant to Nottingham, to aid decisions about the future overview and scrutiny work programme and prepare councillors to undertake overview and scrutiny work that has already been commissioned;
- (j) to co-opt people from outside the Council to sit on the Committee or any review panels it commissions, to support effective delivery of the work programme.

The Committee has 14 members. Membership must not include members of the Executive Board. The Committee is politically balanced, with allocation of seats between political groups determined on a year by year basis.

## **Scheme of voting rights for co-opted members of Scrutiny Committees**

In accordance with Paragraph 12 of Schedule 1 to the Local Government Act 2000 (as amended by section 115 of the Local Government Act 2003) Nottingham City Council has agreed that non-statutory co-opted members of overview and scrutiny committees/ panels may be given voting rights at the discretion of the committee.

### 1. The Scheme

1.1 The Council would like to draw on the experience and knowledge of people within Nottingham when undertaking its scrutiny function. While there will be occasions where non-voting co-opted members will add value to the scrutiny process, there are benefits to giving the co-opted members voting rights, including:

- giving a more active voice on behalf of the public in scrutiny;
- improving the quality of decision making by including broader based views;
- giving co-opted members the same status as the rest of committee and therefore encouraging an equal sense of ownership and involvement;
- promoting a partnership approach to scrutiny

1.2 This Scheme enables the committees to give voting rights to non-statutory co-opted members of an overview and scrutiny committee/ panel, if it so wishes. It does not mean that all non-statutory co-opted members will automatically be given voting rights.

### 2 Appointments

2.1 The committee will agree the process for selecting and appointing the non-statutory co-opted members.

### 3 When a Co-optee may vote

3.1 Where co-optees have been appointed as voting co-optees they may exercise a vote in considering items of business on agendas for the overview and scrutiny committee/panel to which they have been appointed.

### 4 General Principles

4.1 This Scheme and arrangements made in accordance with its terms shall be subject to review by Council, including upon recommendation from the Overview and Scrutiny Committee.

4.2 Co-opted members will be subject to the Members' Code of Conduct and must sign a declaration of office and complete a Register entry of any relevant interests.

4.3 Co-opted members will be entitled to allowances to assist with expenses in accordance with the Council's Members' Allowances Scheme.

## **Overview and Scrutiny Call-in Panel**

The Call-in Panel is a sub-committee of the Overview and Scrutiny Committee set up to determine the validity of call-in of Executive decisions and whether a decision should be referred back to the decision maker or, in certain cases, to Council, in accordance with the Constitution and Call-in Procedure.

### Membership

The Call-in Panel comprises 9 councillors. Ordinarily, Overview and Scrutiny Committees/Panels should be politically balanced.

### Chairing

The Chair of the Overview and Scrutiny Committee will chair the Call-in Panel. The Scrutiny Vice-Chairs will be Vice-Chairs of the Call-in Panel.

## Health Scrutiny Committee

- a) To set and manage its work programme to fulfil the overview and scrutiny roles and responsibilities for health and social care matters, including, the ability to:
  - (i) hold local decision-makers, including the Council's Executive, to account for their decisions, action and performance;
  - (ii) review policy and contribute to the development of new policies and strategies of the Council and other local decision-makers where they impact on Nottingham residents;
  - (iii) explore any matters affecting Nottingham and/ or its residents;
  - (iv) make reports and recommendations to relevant local agencies in relation to the delivery of their functions, including the Council and its Executive;
- b) To exercise the Council's statutory role in scrutinising health services for Nottingham City in accordance with the National Health Service Act 2006 as amended and associated regulations and guidance.
- c) To engage with and respond to formal and informal consultations from local health service commissioners and providers;
- d) To scrutinise the commissioning and delivery of local health and social care services to ensure reduced health inequalities, access to services and the best outcomes for citizens;
- e) To hold the Health and Wellbeing Board to account for its work to improve the health and wellbeing of the population of Nottingham City and to reduce health inequalities;
- f) To work with the other scrutiny committees, to support effective delivery of a co-ordinated overview and scrutiny work programme;
- g) To respond to referrals from, and make referrals to, Healthwatch Nottingham as appropriate;
- h) To commission time-limited panels (no more than 1 panel at any one time) to carry out a review of a matter within its remit. Commissioning includes setting the remit, initial timescale and size of membership to meet the needs of the review to be carried out. Such review panels will be chaired by the Chair of the Health Scrutiny Committee;
- i) To monitor the effectiveness of its work programme and the impact of outcomes from its scrutiny activity;
- j) To appoint a lead health scrutiny councillor for the purposes of liaising with stakeholders on behalf of the health scrutiny function, including the Health and Wellbeing Board, Healthwatch Nottingham and the Portfolio Holder with responsibility for health and social care issues;
- k) To co-opt people from outside the Council to sit on the Committee or any review panels it commissions to support effective delivery of the work programme.

### Membership

The Committee has 10 members. Membership must not include members of the Executive Board. The Committee is politically balanced, with allocation of seats between political groups determined on a year by year basis.

### Quorum

The quorum for a meeting of the Health Scrutiny Committee is three members.

### Chairing

The Chair will be one of the Vice-Chairs of Overview and Scrutiny Committee and is appointed by Full Council. The Vice-Chair will be appointed at the first meeting of the Health Scrutiny Committee from the membership of the Committee.

## Children and Young People Scrutiny Committee

### Purpose

To provide robust scrutiny of issues and services relevant to the wellbeing and safeguarding of children and young people, in the light of recommendations from the Council's Ofsted Inspection April 2014, and the Jay and Casey Reports (Child Sexual Exploitation in Rotherham). The work of the Committee should aim to drive and support services to find solutions to problems and/ or set aspirational targets and instill public confidence.

### Remit

- a) To set and manage a work programme to fulfil overview and scrutiny responsibility in relation to children and young people to:
  - (v) provide an appropriate and robust level of challenge to those in authority and hold local decision-makers, including the Council's Executive, to account for their decisions, action and performance;
  - (vi) review policy and contribute to the development of new policies and strategies of the Council and other local decision-makers where they impact on Nottingham's children and young people;
  - (vii) explore any matters affecting Nottingham's children and young people;
  - (viii) make reports and recommendations to relevant local agencies in relation to the delivery of their functions, including the Council and its Executive, and monitor implementation of all accepted recommendations.
- b) To work with the other scrutiny committees, to support effective delivery of a co-ordinated overview and scrutiny work programme.
- c) To consider referrals from partners and citizens to support effective delivery of a co-ordinated work programme.
- d) To invite, take account of and respond to the views of local people (including children and young people) about their concerns and the delivery of services in relation to children and young people.
- e) To be required to consider the following issues / topics when developing the work programme, though the Committee's scrutiny activity need not be limited to these matters:
  - (i) Safeguarding
  - (ii) Looked After Children
  - (iii) Vulnerable Children and Young People (eg in relation to disability, domestic violence, missing)
  - (iv) Child Sexual Exploitation
  - (v) Early Intervention
  - (vi) Educational Attainment
  - (vii) Commissioning of Services for Children and Young People
  - (viii) Performance of Services for Children and Young People
- f) To consider potential risks to children and young people, how they are being managed and to report concerns as soon as possible to the appropriate individuals/ bodies if risk is identified;

- g) To monitor the progress made by, and effectiveness of the Council and its partners, in addressing the areas of concern and specific recommendations for actions made by Ofsted and any other relevant inspection/ assessment bodies;
- h) To have regard to the work of other committees/ panels/ boards, such as the Corporate Parenting Board and the Local Safeguarding Board, to avoid duplication, but to ensure that such bodies are held to account when appropriate;
- i) To commission time-limited panels (no more than 1 panel at any one time) to carry out a review of a matter within its remit. Commissioning includes setting the remit, initial timescale and size of membership to meet the needs of the review to be carried out. Such review panels will be chaired by the Chair of the Children and Young People Scrutiny Committee
- j) To co-opt people from outside the Council to sit on the Committee or any review panels it commissions to support effective delivery of the work programme.

### Membership

The Committee has 9 members. Membership must not include members of the Executive Board. The Committee is politically balanced, with allocation of seats between political groups determined on a year by year basis.

When the Committee plans to consider an education issue, the statutory education co-optees\* must be invited to be full and equal members of the Committee with voting rights for that specific item.

\*Church of England Diocese representative/ Roman Catholic Diocese representative/ Parent Governors representatives.

### Chairing

The Chair will be one of the Vice-Chairs of Overview and Scrutiny Committee and is appointed by Full Council. The Vice-Chair will be appointed at the first meeting of the Children and Young People Scrutiny Committee from the membership of the Committee.

### Quorum

The quorum for a meeting of the Committee is three members.

## **Overview and Scrutiny Review Panel(s)**

Scrutiny Review Panels are time-limited sub-committees of the scrutiny committees, established by the committees to carry out reviews into issues of concern relevant to Nottingham, with a view to making recommendations for improvement.

A scrutiny review panel will be responsible for:

- (a) Scoping the review within the brief and timescale set by the committee.
- (b) Carrying out review work according to the scope and within the timescale set.
- (c) Writing a report on the findings of the review, including any recommendations. This will be sent by the review panel to those whom recommendations are directed towards, and reported to the relevant scrutiny committee for information.
- (d) Receiving the response(s) to recommendations
- (e) Reviewing progress against agreed recommendations (usually at a final meeting of the review panel).
- (f) Referring any further issues/ possible areas of work to the scrutiny committees.

### Membership

Any non-executive councillor can be a member of a scrutiny review panel, but no councillor can scrutinise a decision that they have been involved in taking. The size of each scrutiny review panel will be set by the scrutiny committee that commissioned the review. It is recommended that each scrutiny review panel should comprise between 6-8 councillors. No substitutes are allowed.

Where matters being considered by a scrutiny review panel relate to education, the statutory education co-optees will be full and equal members of that review panel, with voting rights. The scrutiny committee can also choose to appoint additional co-opted members to sit on scrutiny review panels, in accordance with agreed arrangements governing overview and scrutiny co-option.

### Chairing

The Chair of each review panel will be the Chair of the scrutiny committee that commissioned the review. As a part of his/ her role, the Chair will be responsible for reporting progress of the panel and any issues to the scrutiny committee and presenting the review panel's final report.

### Meetings

Meetings to be held as required within the timescales specified by the scrutiny committee.

### Quorum

Having regard to the limited size of scrutiny review panels (6-8 councillors), the quorum for a review panel has been fixed at 2.

## **Health and Wellbeing Board Commissioning Sub Committee**

The role of the Health and Wellbeing Board Commissioning Sub Committee is:

- (a) To provide advice and guidance to the Health and Wellbeing Board in relation to strategic priorities, joint commissioning and subsequent action plans and commissioned spend and strategic direction;
- (b) To performance manage the Health and Wellbeing Board commissioning plan and to agree changes to that plan based on monitoring and performance management considerations;
- (c) To take strategic funding decisions, including Key Decisions, relating to relevant pooled budgets as agreed in Section 75 Agreements (currently Better Care Fund, Domestic Violence and Tier 2 Child and Adolescent Mental Health Services);
- (d) To provide strategic oversight of the Priority Family Health and Wellbeing Strategy priority including implications for integrated children and families commissioning and funding decisions relating to Priority Families' schemes.

The Health and Wellbeing Board Commissioning Sub-Committee will meet on a quarterly basis. Extraordinary meetings of the Health and Wellbeing Board Commissioning Sub-Committee may be called if a decision is required urgently.

The quorum for the meeting is 2 voting members, one of whom must represent Nottingham City Council and one of whom must represent NHS Nottingham City Clinical Commissioning Group.

The meeting will be chaired in rotation by the Director for Commissioning and Procurement (City Council) and the Director of Cluster Development and Performance (Clinical Commissioning Group). In the absence of both of these members, the Chair will pass to the voting member present from the body next due to chair the meeting.

The City Council and Clinical Commissioning Group have one vote each, shared between its voting members.

The chair of the meeting will not have a casting vote. In the event that agreement cannot be reached on a decision to be taken by the Sub-Committee, the matter will be referred to a meeting of the Sub-Committee which will be convened within the next 10 working days for this purpose by the Corporate Director of Strategy and Resources.

### **Membership**

#### **Voting Members**

- The Portfolio Holder with a remit covering Health (City Council)
- Director of Commissioning and Procurement (City Council)
- Director of Cluster Development and Performance (Clinical Commissioning Group)
- GP Lead (Clinical Commissioning Group)

Substitution for voting members is permissible provided that the Chair is notified of the substitution in advance of the meeting.

**Non Voting Members**

- Director of Public Health (City Council)
- Assistant Director of Commissioning – Mental Health, Children and Families (Clinical Commissioning Group)
- Director of Commissioning, Policy and Insight (City Council)
- Head of Commissioning (City Council)
- Healthwatch Nottingham

**Minutes of Sub –Committee Meetings**

The Health and Wellbeing Board will be informed of the Sub-Committee's decisions by the inclusion on its agenda of the minutes of the Sub- Committee's meetings

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**CITY COUNCIL – 8 MAY 2017**

**REPORT OF THE LEADER**

**DECISIONS TAKEN UNDER URGENCY PROCEDURES**

**1 SUMMARY**

- 1.1 As required by the Council's Constitution, this report informs Council of urgent decisions taken under provisions within both the Overview and Scrutiny Procedure Rules and Access to Information Procedure Rules.

**2 RECOMMENDATIONS**

- 2.1 To note the urgent decisions taken, as detailed in the appendices.

**3 REASONS FOR RECOMMENDATIONS**

- 3.1 To ensure compliance with the procedures detailed in the Council's Constitution.

**4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 4.1 None.

**5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 5.1 Call-in and Urgency (Overview and Scrutiny) Procedure Rules: Councillors will be aware that the call-in procedure does not apply where the decision taken is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. Part 4 of the Constitution requires that where a decision is taken under the urgency procedure that decision needs to be reported to the next available meeting of Council, together with the reasons for urgency. The urgency procedure requires that the Chair of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and that it should be treated as a matter of urgency. In the absence of the Chair, the Vice-Chair's consent is required. In the absence of both, the Chief Executive or his nominee's consent is required. Details of the decisions made where the call-in procedure has not applied due to urgency are set out in Appendix 1;
- 5.2 Special Urgency – Access to Information Procedure Rules: The Local Authorities Executive Arrangements (Access to Information) (England) Regulations 2012 introduced a requirement for 28 clear days public notice to be given of all proposed key decisions. Where it is not possible to give the full 28 days' notice, but there is time to give at least 5 clear days' notice, then the General Exception procedure (as set out in Part 4 of the Constitution, paragraph 13 of the Access to Information Procedure Rules) applies. Where 5 clear days' notice is also not possible, the above regulations provide for a Special Urgency Procedure;
- 5.3 An urgent key decision may only be taken under the Special Urgency procedure where the decision taker has obtained agreement that the decision is urgent and cannot reasonably be deferred from:

- (i) the Chair of the Overview and Scrutiny Committee or

- (ii) if there is no such person, or if the Chair of the Overview and Scrutiny Committee is unable to act, the Lord Mayor (as Chair of the Council) or
- (iii) where there is no Chair of either the Overview and Scrutiny Committee or Lord Mayor, the Sheriff (as Vice Chair of Council).

Once agreement has been sought and as soon as reasonably practicable, the decision maker must publish a notice at the Council's offices and on the Council's website that the decision is urgent and cannot reasonably be deferred;

- 5.4 In addition the procedure requires that the Leader submits at least quarterly reports to Council containing details of each executive decision taken during the period since the last report where the making of the decision was agreed as a case of special urgency (paragraph 16.2, Part 4 of the Constitution). Details of key decisions taken under the special urgency procedures are set out in appendix 2.

## **6 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY)**

- 6.1 None.

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

- 7.1 None.

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

- 8.1 An EIA is not required as the report does not relate to new or changing services or policies.

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

- 9.1 None.

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

- 10.1 The City Council's Constitution.
- 10.2 The delegated decisions and committee reports detailed in the appendices to this report, as published on the City Council's website.

**COUNCILLOR JON COLLINS  
LEADER OF THE COUNCIL**

**URGENT DECISIONS (EXEMPT FROM CALL-IN)**

<b><u>Decision reference number</u></b>	<b><u>Date of decision</u></b>	<b><u>Subject</u></b>	<b><u>Value of decision</u></b>	<b><u>Decision Taker</u></b>	<b><u>Consultee on urgency</u></b>	<b><u>Reasons for urgency</u></b>
2770	08/03/2017	Keeping the balance – DCLG funding	£3,000,000	Leader of the Council	Chair of Overview and Scrutiny	The bidding process had strict deadlines and urgent approval was required in order to accept the funding from the DCLG
2773	13/03/2017	Planning Applications fees: increase in nationally set planning fees	£200,000	Portfolio Holder for Planning and Housing	Chair of Overview and Scrutiny	The Government provided a short timescale for the City Council to respond and confirm its decision. The decision had to be communicated to Government by Monday 13 March 2017
2800	30/03/2017	Department for Communities and Local Government: Infrastructure Funding Capital Grant	£1,250,000	Leader of the Council	Chair of Overview and Scrutiny	The funding needed to be drawn down by 31 March 2017
2809	11/04/2017	Investment Acquisition – Project Wellington	Exempt	Leader of the Council	Chair of Overview and Scrutiny	The call in period would seriously prejudice the Council's ability to meet timescales proposed by the vendor which could result in the loss of the investment and result in abortive costs

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**KEY DECISIONS – SPECIAL URGENCY PROCEDURE**

<b><u>Date of decision</u></b>	<b><u>Subject</u></b>	<b><u>Value of decision</u></b>	<b><u>Decision Taker</u></b>	<b><u>Reasons for special urgency</u></b>
08/03/2017	Keeping the balance – DCLG funding	£3,000,000	Leader of the Council	The decision is urgent and the business cannot be deferred because a delay could seriously jeopardise the Council's receipt of substantial funding from the Department for Communities and Local Government

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