

Public Document Pack



Nottingham
City Council

You are hereby summoned to attend a meeting of **CITY COUNCIL**
in the Council Chamber at the Council House on Monday 14 May 2018 at 2.00 pm to
transact the following business

<u>AGENDA</u>		<u>Pages</u>
1	APOLOGIES FOR ABSENCE	
2	DECLARATIONS OF INTERESTS	
3	TO ELECT THE LORD MAYOR AND APPOINT THE SHERIFF	Verbal
4	TO APPOINT THE LORD MAYOR'S CHAPLAIN	Verbal
5	QUESTIONS FROM CITIZENS	To Follow
6	PETITIONS FROM COUNCILLORS ON BEHALF OF CITIZENS	Verbal
7	TO CONFIRM THE MINUTES OF THE LAST MEETING OF COUNCIL HELD ON 5 MARCH 2018	5 - 20
8	TO RECEIVE OFFICIAL COMMUNICATIONS AND ANNOUNCEMENTS FROM THE LEADER OF THE COUNCIL AND/OR THE CHIEF EXECUTIVE	Verbal
9	QUESTIONS FROM COUNCILLORS - TO THE CITY COUNCIL'S LEAD COUNCILLOR ON THE NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AND RESCUE AUTHORITY	To Follow
10	QUESTIONS FROM COUNCILLORS - TO A MEMBER OF EXECUTIVE BOARD, THE CHAIR OF A COMMITTEE AND THE CHAIR OF ANY OTHER CITY COUNCIL BODY	To Follow
11	EXECUTIVE APPOINTMENTS, REMITS AND FIRST MEETINGS 2018/19 Report of the Leader	21 - 22
12	APPOINTMENTS AND FIRST MEETINGS OF COMMITTEES AND JOINT BODIES 2018/19 Report of the Leader	23 - 58
13	AMENDMENTS TO THE CONSTITUTION Report of the Leader	59 - 120
14	DECISIONS TAKEN UNDER URGENCY PROCEDURES Report of the Leader	121 - 126

15 MOTION

Motion in the name of Councillor Sam Webster

Last year, the Government's proposed National Funding Formula would have resulted in cuts to 98% of Nottingham schools from April of this year. Nottingham was set to lose £22 million, or £578 per pupil.

This Council notes that, thanks to the hard work of a number of campaigns against these changes, including Nottingham City Council working with schools to write to every Nottingham parent, the Government has paused and is reviewing these proposals.

However, the Government's latest proposals would still see 82 out of 84 of our schools continue to face cuts, whilst the city as a whole still faces a £10 million cut in its school funding by 2020. This would have a detrimental impact on our children's education.

This council therefore resolves to:

- Welcome the work of parents and governors involved in the Save Our Schools East Midlands campaign.
- Submit evidence to the The Education Committee's inquiry on school funding highlighting our concerns with the current system.
- Encourage representatives from all schools in Nottingham City to submit evidence to the Education Committee's inquiry.
- Continue to oppose any proposal that will damage the future of Nottingham's young people by cutting funding for schools.

16 DATES OF FUTURE MEETINGS

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

9 July 2018

10 September 2018

12 November 2018

21 January 2019

4 March 2019

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 11 May 2018.

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. INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER IN ADVANCE.



Dated 3 May 2018
Corporate Director for Strategy and Resources
To: All Councillors of Nottingham City Council

This page is intentionally left blank

MINUTES OF THE MEETING OF THE CITY COUNCIL

held at the Council House, Old Market Square

on 5 March 2018 from 2.00 pm - 5.08 pm

ATTENDANCES:

✓ Councillor Michael Edwards (Lord Mayor)	✓ Councillor Ginny Klein ✓ Councillor Dave Liversidge ✓ Councillor Sally Longford ✓ Councillor Carole McCulloch ✓ Councillor Nick McDonald ✓ Councillor David Mellen ✓ Councillor Jackie Morris ✓ Councillor Toby Neal ✓ Councillor Brian Parbutt ✓ Councillor Anne Peach ✓ Councillor Sarah Piper ✓ Councillor Georgia Power ✓ Councillor Nick Raine ✓ Councillor Andrew Rule ✓ Councillor Mohammed Saghir ✓ Councillor David Smith ✓ Councillor Wendy Smith ✓ Councillor Chris Tansley ✓ Councillor Dave Trimble ✓ Councillor Jane Urquhart ✓ Councillor Marcia Watson ✓ Councillor Sam Webster ✓ Councillor Adele Williams ✓ Councillor Malcolm Wood ✓ Councillor Linda Woodings ✓ Councillor Steve Young
✓ Councillor Liaqat Ali ✓ Councillor Jim Armstrong ✓ Councillor Cat Arnold ✓ Councillor Leslie Ayoola ✓ Councillor Ilyas Aziz ✓ Councillor Cheryl Barnard ✓ Councillor Steve Battlemuch ✓ Councillor Merlita Bryan ✓ Councillor Eunice Campbell ✓ Councillor Graham Chapman ✓ Councillor Azad Choudhry ✓ Councillor Jon Collins ✓ Councillor Josh Cook ✓ Councillor Pat Ferguson ✓ Councillor Brian Grocock ✓ Councillor Chris Gibson ✓ Councillor John Hartshorne ✓ Councillor Rosemary Healy ✓ Councillor Nicola Heaton ✓ Councillor Mohammed Ibrahim ✓ Councillor Patience Uloma Ifediora ✓ Councillor Corall Jenkins ✓ Councillor Glyn Jenkins ✓ Councillor Sue Johnson ✓ Councillor Carole-Ann Jones ✓ Councillor Gul Nawaz Khan ✓ Councillor Neghat Nawaz Khan	✓ Councillor Ginny Klein ✓ Councillor Dave Liversidge ✓ Councillor Sally Longford ✓ Councillor Carole McCulloch ✓ Councillor Nick McDonald ✓ Councillor David Mellen ✓ Councillor Jackie Morris ✓ Councillor Toby Neal ✓ Councillor Brian Parbutt ✓ Councillor Anne Peach ✓ Councillor Sarah Piper ✓ Councillor Georgia Power ✓ Councillor Nick Raine ✓ Councillor Andrew Rule ✓ Councillor Mohammed Saghir ✓ Councillor David Smith ✓ Councillor Wendy Smith ✓ Councillor Chris Tansley ✓ Councillor Dave Trimble ✓ Councillor Jane Urquhart ✓ Councillor Marcia Watson ✓ Councillor Sam Webster ✓ Councillor Adele Williams ✓ Councillor Malcolm Wood ✓ Councillor Linda Woodings ✓ Councillor Steve Young

✓ Indicates present at meeting

71 APOLOGIES FOR ABSENCE

Councillor Sue Johnson – unwell

72 DECLARATIONS OF INTERESTS

The Lord Mayor informed Council that confirmation had been received from Finance that all Councillors are up to date with Council Tax payments and that no cases fall under section 106 of the Local Government Finance Act 1992.

Councillors Corall Jenkins and Brian Parbutt declared interests in agenda item 13 (minute 83) – Pay Policy Statement 2018-19, as employees of a Local Government Trade Union and left the Chamber prior to consideration of the item.

73 QUESTIONS FROM CITIZENS

The Lord Mayor confirmed that one citizen question was received, but based on legal advice the Council was unable to answer parts b and c of the question, as it constitutes a request for personal data which is exempt from disclosure under the provisions of the Freedom of Information Act 2000.

74 PETITIONS FROM COUNCILLORS ON BEHALF OF CITIZENS

None.

75 TO CONFIRM THE MINUTES OF THE LAST MEETING OF COUNCIL HELD ON 22 JANUARY 2018

The minutes of the meeting held on 22 January 2018 were confirmed as a correct record and signed by the Chair.

76 TO RECEIVE OFFICIAL COMMUNICATIONS AND ANNOUNCEMENTS FROM THE LEADER OF THE COUNCIL AND/OR THE CHIEF EXECUTIVE

The Chief Executive reported the following:

Adverse weather

Like most of the country the City has been impacted over the last week with severe weather conditions. The extremely cold conditions coupled with the snow and winds has meant our winter gritting service has been working around the clock over Thursday and Friday. This service is essential to keep the main highway routes accessible and safe for motorists and to 'keep Nottingham moving'.

Hand gritting in the city centre and priority locations in neighbourhoods has been ongoing every day.

It is circumstances like this that highlights the key advantage of having directly managed and flexible frontline services. Waste Operatives, Street Cleansing Operatives, Parks Operatives, Highways Operatives have all worked together to support the huge effort to maintain frontline services.

The Meals at Home Service offered 'double deliveries' to minimise the need for our more vulnerable citizens to have to leave the home.

School Meals Service has continued to all schools that have remained open.

Funeral and Cremation Services have remained fully operational with extra efforts made to ensure safe access and egress to our cemeteries.

On a lighter note many parks have been very busy with sledging and snowboarding as children and parents have taken advantage of the late winter snow.

I would like to pay tribute to all our operational services – frontline operatives, managers and supervisors, who have all gone the ‘extra mile’ to put ‘citizens at the heart’ and to respond superbly in very challenging circumstances.

CPO Fahad Ashfaq

CPO Fahad Ashfaq who came to the aid of Janet Scott moments before she passed away at the incident on Peel Street on 29 January 2018, will receive a special Gold Commendation in recognition of his actions.

Fahad sustained numerous injuries in the incident and spent three weeks in hospital, and is now recuperating at home. I’m sure you will all join me in wishing him well and a speedy recovering and thanking him for his bravery and professionalism.

77 QUESTIONS FROM COUNCILLORS - TO THE CITY COUNCIL'S LEAD COUNCILLOR ON THE NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AND RESCUE AUTHORITY

None.

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

Selective Licensing Scheme

Councillor Wendy Smith asked the following question of the Portfolio Holder for Planning, Housing and Heritage:

Could the Portfolio Holder for Planning, Housing and Heritage tell us how the Governments' acceptance of our Selective Licensing scheme will improve conditions for many of our residents who live in privately rented accommodation?

Councillor Jane Urquhart replied as follows:

Thank you Lord Mayor, and thank you Councillor Smith for your question. I am delighted that the Secretary of State has approved the Council's scheme of selective licensing. He clearly agreed with us that the evidence shows that Nottingham needs a licensing scheme in order to improve our private rented sector.

Before I say anymore, I would like to place on record my thanks to all of the officers involved.

Councillor Smith is right to say that many of our residents live in privately rented accommodation. This has become more and more the case in the last 10 years or so. The private rented sector (PRS) is now bigger than the social sector in the city. It is providing a home for people from many backgrounds and income levels, from young professionals to people on low incomes who need support in the form of local

housing allowance. With home ownership still unachievable for many and social housing difficult to access because of its short supply, the PRS meets the needs of growing numbers of people.

This is why we made the PRS a focus of our overall housing objective of a quality home for all our citizens, irrespective of its tenure. Nottingham City Homes has made all of the Council's homes safe, warm and modern through the Decent Homes programme, and we are working with our housing association partners to ensure that they deliver high standards of management and maintenance in their homes. We already have a licensing scheme for most of the houses in multiple occupation (HMOs) in the city, which we are looking to renew. That leaves a very big part of the housing market that has little regulation other than powers for us to intervene if a tenant complains, which they are sometimes reluctant to do. Licensing forces landlords to be proactive in the management of maintenance of their properties, and through its implementation we will see an improvement in standards in the PRS.

Many landlords in Nottingham deliver good quality homes and a lot of them are able to demonstrate this by being accredited by either Unipol or DASH under the "Nottingham Standard". However, the experience of our Environmental Health teams and the evidence we collected to support the scheme shows how badly the selective licensing scheme is needed. A report by the Building Research Establishment estimated that 21% of Nottingham's private rented properties are likely to have 'Category 1 hazards', examples of this type of hazard could include exposed wiring, a dangerous boiler, cold bedrooms, a leaking roof, mould on walls or ceilings and vermin infestation. Our Safer Housing team has dealt with 1,479 complaints about privately rented homes this financial year. This is a rise from 1,189 last financial year.

The selective licensing scheme will tackle these problems. Through compliance with, and where necessary, enforcement of the licence conditions, landlords will have to implement basic safety standards, deal with poor property conditions and manage their tenancies effectively so that they do not cause problems for other residents. Those who persistently fail to licence their properties will be prosecuted or issued with a civil penalty, and those not complying with their licence conditions also face prosecution or civil penalty and run the risk of having their licences removed. Rogue landlords who want to avoid licensing will hopefully leave the market. If they do not, and they continue to let out properties without a licence we will prosecute them as criminals.

We have not gone down this road lightly and many landlords have objected to the cost of the licence fee. However, it is important to remember that the cost of the licence over the five year period that we intend to begin selective licensing for, as that's how long the government says we can run it for, amounts to just less than £2 per week if the landlord is accredited and just under £3 if they are not. This seems to me a very small price to pay in order to give assurance to tenants that the home you are renting to them is safe and well managed.

In Nottingham we believe that security of tenure, decency of property, and a decent home to come home to, is something that all our citizens deserve, and we believe that the implementation of this scheme will result in a much improved private rented sector, providing those quality homes for everyone who lives in them.

Helping Young People into Work

Councillor Georgia Power asked the following question of the Portfolio Holder for Business, Education and Skills:

Can the Portfolio Holder for Business, Education and Skills comment on the impact events like the Nottingham North Jobs Fair have in helping get young people in our outer estates into work?

Councillor Sam Webster replied as follows:

Yes of course, thank you Lord Mayor, and thank you to Councillor Power for the question. The Nottingham North Jobs Fair, jointly delivered by Nottingham City Council and The Rebalancing the Outer Estates Charity, has been contributing to helping Nottingham people from the outer estates find employment for several years.

The 2017 event delivered at the Bulwell Riverside building attracted 36 employers such including Siemens, Dunelm, Yu Energy, Trent Barton buses, and Nottingham City Homes, and saw an increased attendance with over 1,000 people attending on the day. Whilst focusing on residents of neighbourhoods like Bulwell, Bestwood and the surrounding areas in the Nottingham North constituency, 61% of those attending were from Nottingham North, the event attracts people from across Nottingham. I'm pleased to report that 128 people secured employment at the Nottingham North Jobs Fair in 2017, and a further 69 Nottingham residents signed up to be supported by local employment organisations and training partners. 12% of attendees therefore went into employment, and that's a very positive outcome which mirrors other similar events that we, Nottingham Jobs, and Nottingham City Council, organise each year.

The large citywide Nottingham Jobs Fair held last September at the Nottingham Arena, attracted over 3,000 people, 15% of whom found work through the event. This year Nottingham City council will deliver 3 jobs fair in the city, all of which are expected to deliver similar conversions into work. This year, the Nottingham North Jobs Fair, scheduled for the 9 March 2018 which is this coming Friday, again at the Bulwell Riverside will be the biggest ever, with 40 exhibitors and over 1,500 local people expected to attend. As this is National Apprenticeship Week, it is fitting that we have local events supporting people into employment and training, made even more important this year due to the governments complicated apprenticeship policies, which have led to a massive 26% fall nationally in apprenticeship starts.

The council will also deliver a smaller Jobs and Opportunities Fair in Clifton in June, and the citywide Jobs Fair again will be held again in September. Nottingham City Council's Employment and Skills team also supports a range of community events which brings together local support agencies, local services and local employers. Over the last year Nottingham City Council, working with its partners have also supported over 800 young people aged between 16-24, 580 of whom have received an offer of employment, an apprenticeship or further training.

More widely, over the last 3 years, we've been able to match over 8,000 local people with new jobs. As you know Lord Mayor, Nottingham Labour Councillors have prioritised employment and skills activity. Our 2015 local election pledge to guarantee a job, apprenticeship or further education place to every 16-24 year old has led to

Nottingham city having one of the lowest rates of young people not in employment, combined with effective ongoing tracking of outcomes for young people. With our community based training partners, our NottinghamJobs.com service, and our local publicly owned careers and employment organisation Futures, we will continue to have regular interventions and initiatives to maximise employment and training for our residents. Our aim has been, and always will be, to ensure that Nottingham people have opportunities, and are supported to take full advantage of those opportunities.

Response to Heavy Snowfall

Councillor Carole Jones asked the following question of the Portfolio Holder for Neighbourhood Services and Local Transport:

Can the Portfolio Holder for Neighbourhood Services and Local Transport tell Council what measures were made to ensure that traffic has kept on moving in Nottingham in spite of the heavy snow that we have seen over the past week?

Councillor Sally Longford replied as follows:

Thank you Lord Mayor, and thank you Councillor Jones for your timely question. I'm glad to be given the opportunity to pay tribute to some of the excellent work which has taken place last week, following on from what Ian Curryer has said. The snow that fell overnight on Wednesday was heavier than forecast, but I had checked with our Highways, Traffic, and Streetscene teams in advance, and knew they were well prepared. I'm very pleased to say that thanks to their efforts we were able to keep Nottingham moving last week.

Our 7 gritting lorries were out covering our primary routes round the clock on Wednesday, Thursday, Friday and into the weekend. Over Wednesday and Thursday, 10 complete runs were completed. Secondary routes were also treated while teams responded to emergencies and other requests for roads to be gritted including those near schools to help keep them open.

Checking and refilling of the 215 grit bins located around the city was carried out throughout Thursday and Friday by Streetscene. Our frontline Highways and Streetscene workforce were deployed to assist with hand gritting near schools, bus stops and in neighbourhood shopping areas, while a Multihog, which is a small tractor type vehicle usually used for highway resurfacing works, was fitted with a gritter body which enabled it to be used for larger footways in the city centre, narrower streets and other areas as requested.

We fulfilled a manifesto pledge from 2015 to help protect people from slips and falls through all this activity. Our Traffic Control Centre in Loxley House monitored strategic routes and junctions, providing support information to Highway Maintenance to help facilitate their operations. The Communications and Marketing team put out information via social media on gritting and other service information including school and day centre closures, late on Wednesday night into the early hours and throughout Thursday and the following few days. The Council's My Nottingham, Transport Nottingham and Gritting Nottingham Twitter and Facebook accounts can reach a combined total of 147,000 followers.

In addition to gritting information, key messages including encouraging people to take care while driving and allow more time for journeys, sharing weather alerts, warnings and up-to-date information from local transport operators, as well as other partners. Inevitably, it was slow going on the roads in some areas but Nottingham City Council did a fantastic job, and Nottingham City Transport kept buses going, thanks in no small part to the efforts of our gritting teams.

Public feedback on the response of the Council and public transport operators in the winter weather has been very positive. I was so pleased to see a huge number of complimentary tweets from customers to NCT in particular, praising their drivers' attitudes and the company for getting people to work despite the weather. In fact some people were bemoaning the fact that Nottingham was kept moving so well they couldn't have a day off work!

I would like to put on record, on behalf of everyone in the city, my gratitude to all the council staff involved last week. It's at times like this that people can really see how vital the services the Council provides are; how much we rely on the dedication and commitment of council staff, often working long hours in difficult conditions. Without their hard work, it would be impossible for essential services to get the job done, for medical emergencies to be dealt with, and for economic activity in the city to continue. It is also a testament to the resilience of a well-run council, that despite continued budget cuts, we can still deliver good quality services in difficult circumstances.

79 DECISIONS TAKEN UNDER URGENCY PROCEDURES

The Leader submitted a report on Decisions taken under Urgency Procedures, as set out on pages 21 to 26 of the agenda.

RESOLVED to

(1) note the urgent decisions (exempt from call-in):

<u>Decision reference number</u>	<u>Date of decision</u>	<u>Subject</u>	<u>Value of decision</u>	<u>Reasons for urgency</u>
3048	16/01/18	Nottingham Homelessness Reduction Cold Weather Plan: Accommodation for Rough Sleepers	£149,612	Contracts need to be concluded with the provider (Framework) as soon as possible to enable Nottingham City Council to formalise the decision to receive the grant and commit the expenditure to provide services for vulnerable citizens
3051	23/01/2018	Approval for funding and contractual	£5,600,000	The Council must be in contract with the contractors from the

		arrangements for the expansion of Glade Hill Primary School and Middleton Primary School		EMPA/ Scape Regional Framework by the 30 th January 2018 otherwise there will be a major delay in delivering the works by September 2018 and there will also be financial implications/ penalties (abortive costs in terms of feasibility works carried out)
3072	09/02/2018	Additional funding for new build housing scheme at former Morley School site	Exempt	The additional funds are required to settle the final contract figure for the development of the Morley School site. Failure to pay promptly could result in financial penalty for the Council
3081	19/02/2018	Asbestos removal and partial demolition of former Elms School, Cranmer Street, St Anns	£350,000	Contractors are already on-site. Delays will incur further costs to the City Council, and will delay the removal of hazardous waste from the site
N/A	20/02/2018	Medium Term Financial Plan	£125.651m	The Council's budget has to be approved at the Full Council meeting on 5 March 2018 (agenda publication date is before the call-in period will have ended)
N/A	20/02/2018	Treasury Management 2018/19 Strategy and Revision to 2017/18 Debt Repayment Strategy	Nil	The Treasury Management Strategy has to be approved at the Full Council meeting on 5 March 2018 (agenda publication date is before the call-in period will have ended)

(2) note the key decisions taken under special urgency procedures:

<u>Date of decision</u>	<u>Subject</u>	<u>Value of decision</u>	<u>Decision taker</u>	<u>Reasons for special urgency</u>
20/02/17	Medium Term	£125.651m	Executive	The Council's

	Financial Plan 2018/19 – 2012/22 – Key Decision		Board	budget has to be approved at Full Council in March 2018, which takes place before the March 2018 Executive Board meeting
--	--	--	--------------	---

80 TREASURY MANAGEMENT 2018/19 STRATEGY AND REVISION OF 2017/18 DEBT REPAYMENT STRATEGY

The Deputy Leader submitted a report on the Treasury Management 2018/19 Strategy and the Revision of 2017/18 Debt Repayment Strategy, as set out on pages 27 to 66 of the agenda.

RESOLVED to

- (1) approve the 2018/19 Treasury Management Strategy document, including the strategy for debt repayment and the investment strategy, as detailed in Appendix 1 of the report;
- (2) approve the Prudential Indicators and limits from 2016/17 to 2020/21, as detailed in Appendix 3 of the report;
- (3) adopt the current Treasury Management Policy Statement, as detailed in Appendix 5 of the report;
- (4) approve the revision of the 2017/18 Debt Repayment Strategy, as detailed in Appendix 9 of the report.

81 BUDGET 2018/19

The Deputy Leader submitted a report on the Budget for 2018/19, as set out on pages 67 to 72 of the agenda.

Councillor Andrew Rule proposed an amendment to the budget as follows:

In recommendation 2.1 (1) add after “the revenue budget for 2018/19”

“subject to the following:

Section 1	Net 2018/19 £
Voluntary Garden Waste – offer citizens a two month extension service to the current garden waste collection scheme for £7.50	-161,125
Bulky Waste – citizens offered two free collections per annum, charges of £15 apply for further collections	-98,181

Reduce the number of SLMG posts by 6 and replace with half the number of non-management posts delivering a part year saving of £202,805 (full year impact £347,666)	-202,805
Reductions in payments to Trade Unions £66,282 (full year saving of £88,376)	-66,282
Savings on the Arrow through a different delivery method	-75,000
Release £437,607 from uncommitted 2017/18 Area Capital reserves	-437,607
The redundancy and other associated costs (estimated to be £210,000) in relation to the removal of the above posts be funded from the Service Realignment reserve in 2018/19	Nil
Total net financial impact	-1,041,000

Section 2

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

- Thorough review of the City Council's debtor ledger with a focus on developing a centralised collection point and clearing historic position
- Develop a strategy for increasing the mix of affordable homes and Council Tax D and above properties
- Review of corporate governance in Council owned companies
- Identify and pursue commercialisation opportunities with other local authorities
- Review possible commercialisation of trade waste collection
- Review processing arrangements for garden waste”

In recommendation 2.1 (2) add after the capital programme to 2022/23

“It is recommended that a review of the existing capital programme is undertaken to:

- Reprioritise resources to create additional funds to improve pavements. Councillors who use Area Capital fund to improve pavements o main thoroughfares could seek match funding from this fund.
- Reprioritise to fund repairs to roads across the City”

And amend the following recommendations as indicated:

- In recommendation 2.1 (3) substitute £109,365,220 for £110,406,220;
- In recommendation 2.1 (3) (a) substitute £991,156,796 for £991,766,948;
- In recommendation 2.1 (3) (b) substitute £881,791,577 for £881,360,728;
- In recommendation 2.1 (3) (c) substitute £109,365,220 for £110,406,220;
- In recommendation 2.1 (4) substitute £1,672.53 for £1,688.45

And amend the following sections as indicated:

- In section 5.2 substitute £109,365,220 for £100,406,220 and £1,672.53 for £1,688.45
- 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	£1,115.02
B	£1,300.86
C	£1,486.69
D	£1,672.53
E	£2,044.20
F	£2,415.88
G	£2,787.55
H	£3,245.06

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

Band	Basic amount of Council Tax
A	£1,296.95
B	£1,513.12
C	£1,729.27
D	£1,945.43
E	£2,377.74
F	£2,810.07
G	£3,242.38
H	£3,890.86

Councillors voted on the proposed amendment.

RESOLVED to reject the proposed amendment.

Councillors voted on the recommendations in the budget report as follows:

	For	Against	Abstained
Councillor Liaqat Ali	✓		
Councillor Jim Armstrong		✓	
Councillor Cat Arnold	✓		
Councillor Leslie Ayoola	✓		
Councillor Ilyas Aziz	✓		
Councillor Cheryl Barnard	✓		
Councillor Steve Battlemuch	✓		
Councillor Merlita Bryan	✓		
Councillor Eunice Campbell	✓		
Councillor Graham Chapman	✓		
Councillor Azad Choudhry	✓		
Councillor Jon Collins	✓		
Councillor Josh Cook	✓		
Councillor Mike Edwards	✓		
Councillor Pat Ferguson			
Councillor Brian Grocock	✓		
Councillor Chris Gibson	✓		

	For	Against	Abstained
Councillor John Hartshorne	✓		
Councillor Rosemary Healy			
Councillor Nicola Heaton	✓		
Councillor Mohammed Ibrahim	✓		
Councillor Patience Ifediora	✓		
Councillor Corall Jenkins			
Councillor Glyn Jenkins	✓		
Councillor Sue Johnson			
Councillor Carole-Ann Jones	✓		
Councillor Gul Nawaz Khan	✓		
Councillor Neghat Khan	✓		
Councillor Ginny Klein	✓		
Councillor Dave Liversidge	✓		
Councillor Sally Longford	✓		
Councillor Carole McCulloch	✓		
Councillor Nick McDonald	✓		
Councillor David Mellen	✓		
Councillor Jackie Morris	✓		
Councillor Toby Neal	✓		
Councillor Brian Parbutt	✓		
Councillor Anne Peach	✓		
Councillor Sarah Piper	✓		
Councillor Georgia Power	✓		
Councillor Nick Raine	✓		
Councillor Andrew Rule		✓	
Councillor Mohammed Saghir	✓		
Councillor David Smith	✓		
Councillor Wendy Smith	✓		
Councillor Chris Tansley	✓		
Councillor Dave Trimble	✓		
Councillor Jane Urquhart	✓		
Councillor Marcia Watson	✓		
Councillor Sam Webster	✓		
Councillor Adele Williams	✓		
Councillor Malcolm Wood	✓		
Councillor Linda Woodings	✓		
Councillor Steve Young	✓		

RESOLVED to

(1) approve the revenue budget for 2018/19, including:

- (a) the recommendations of the Strategic Director of Finance/Chief Finance Officer in respect of the robustness estimates made for the purpose of the budget calculations and the adequacy of reserves;**
- (b) the delegation of authority to the Strategic Director of Finance/Chief Finance Officer, in consultation with the Deputy Leader, to finalise the Medium Term Financial Plan 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 2018/19 financial year;
- (2) approve the capital programme to 2022/23;
- (3) approve a Council Tax requirement of £110,406,220 including the calculations required by Sections 30 to 36 of the Local Government Finance Act 1992 (the Act), as set out below:
- (a) £991,766,948 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) £881,360,728 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) £110,406,220 being the amount by which the aggregate at (3) (a) above exceeds the aggregate at (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 2018/19 of £1,688.45 being the amount at (3) (c) above divided by the amount at (7) (c) 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 amount of Council Tax for 2018/19 at the levels described in section 5.6 of the report;
- (6) approve the making of the Members' Allowances Scheme for 2018/19 in the terms of the previously adopted and amended Scheme, save for adjustments to mirror nationally determined rates for pay awards and travel and subsistence (as applicable to officers) and for carers allowances;
- (7) note:
- (a) a Nottinghamshire and City of Nottingham Fire and Rescue Authority precept at Band D for 2018/19 of £77.51;
 - (b) a Nottinghamshire Police and Crime Commissioner precept at Band D for 2018/19 of £195.39;
 - (c) that in January 2018 the City Council calculated the amount of 65,389 as its Council Tax base for the year 2018/19 in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.

82 NOTTINGHAM CITY COUNCIL PROCUREMENT STRATEGY 2018-2023

The Deputy Leader submitted a report on the Procurement Strategy for 2018-2023, as set out on pages 73 to 96 of the agenda.

RESOLVED to

- (1) approve the Nottingham City Council Procurement Strategy, attached as Appendix 1 to the report;**
- (2) note that the outcomes of procurement activity undertaken under the Procurement Strategy will be reported to the Commissioning and Procurement Sub Committee on an annual basis.**

Councillors Corall Jenkins and Brian Parbutt left the Chamber prior to consideration of the next item.

83 PAY POLICY STATEMENT 2018-19

The Portfolio Holder for Community and Customer Services submitted a report on the Pay Policy Statement for 2018/19, as set out on pages 97 to 158 of the agenda.

RESOLVED to

- (1) approve and endorse the Council's Pay Policy Statement for 2018/19;**
- (2) note that the statement may need to be amended in-year for any necessary changes the Council may wish to adopt, and any such changes will be presented to Council for approval.**

Councillors Corall Jenkins and Brian Parbutt returned to the Chamber.

84 DELEGATION OF COMMERCIAL WASTE SERVICE BY DERBY CITY COUNCIL TO NOTTINGHAM CITY COUNCIL

The Portfolio Holder for Energy and Sustainability submitted a report on the acceptance of a delegation of Commercial Waste services by Derby City Council to Nottingham City Council, as set out on pages 159 to 162 of the agenda.

RESOLVED to formally accept the delegation from Derby City Council of the functions to facilitate the collection and disposal of commercial waste in accordance with the Environmental Protection Act 1990.

85 NOTTINGHAM CITY LAND AND PLANNING POLICIES DEVELOPMENT PLAN DOCUMENT, SUBMISSION TO THE SECRETARY OF STATE

The Portfolio Holder for Planning, Housing and Heritage submitted a report on the Nottingham City Land and Planning Policies Development Plan document for submission to the Secretary of State, as set out on pages 163 to 172 of the agenda.

RESOLVED to

- (1) approve the submission of the Nottingham City Council Local Plan Part 2: Land and Planning Policies Document, along with the Schedule of Changes, and accompanying submission documents, as set out in paragraph 5.11 of the report, to the Secretary of State for independent examination;
- (2) request the Inspector to recommend any modifications which are necessary to make the draft Local Plan sound, under section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended);
- (3) grant delegated authority to the Chief Planner to approve any necessary amendments to the submission draft Local Plan of the types outlined in paragraph 6.5 of the report.

86 DATES OF FUTURE MEETINGS

RESOLVED to

- (1) agree to hold the Annual General Meeting on Monday 14 May 2018 at 2.00pm at the Council House;
- (2) note the proposal to meet at 2.00pm on the following Mondays:

9 July 2018
10 September 2018
12 November 2018
21 January 2019
4 March 2019

87 EXTRAORDINARY MEETING

RESOLVED to agree to hold an Extraordinary Council meeting at the rising of the ordinary meeting, or at 5.00pm, whichever is earliest, on Monday 14 May 2018 to consider granting Freedom of the City to HMS Sherwood.

This page is intentionally left blank

CITY COUNCIL - 14 MAY 2018

REPORT OF THE LEADER

EXECUTIVE APPOINTMENTS, REMITS AND FIRST MEETINGS, 2018-19

1 SUMMARY

- 1.1 Appendices 1 and 2 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.

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 – 14 MAY 2018

REPORT OF THE LEADER

APPOINTMENTS, REMITS AND FIRST MEETINGS OF COMMITTEES AND JOINT BODIES 2018-19

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 chairing 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 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 2018-2019 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 these 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

Committee	Date and time of first meeting
Appeals Committee	To meet as and when required
Appointments and Conditions of Service Committee	5 June 2018 – 2.00pm
Arboretum, Dunkirk and Lenton, Radford and Park Area Committee	20 June 2018 – 5.30pm
Area Committee East	12 June 2018 – 6.00pm
Area 8 Committee	13 June 2018 – 6.30pm
Audit Committee	25 May 2018 – 10.30am
Basford and Bestwood Area Committee	6 June 2018 – 4.30pm
Berridge and Sherwood Area Committee	27 June 2018 – 6.00pm
Bulwell and Bulwell Forest Area Committee	20 June 2018 – 5.30pm
Children and Young People Scrutiny Committee	19 June 2018 – 11.00am
Corporate Parenting Board	21 May 2018 – 2.30pm
Greater Nottingham Light Rapid Transit Advisory Committee	12 June 2018 – 2.00pm
Health and Wellbeing Board	30 May 2018 – 2.00pm
Health and Wellbeing Board Commissioning Sub Committee	30 May 2018 – at the rising of Health and Wellbeing Board
Health Scrutiny Committee	24 May 2018 – 1.30pm
Independent Panel	To meet as and when required
Investigating and Disciplinary Committee	To meet as and when required
Joint Committee on Strategic Planning and Transport	8 June 2018 – 10.00am
Licensing Committee	To meet as and when required
Licensing Panels	To meet as and when required
Nottinghamshire and City of Nottingham Fire and Rescue Authority	8 June 2018 – 10.30am
Nottinghamshire Police and Crime Panel	4 June 2018 – 2.00pm
Overview and Scrutiny Committee	16 May 2018 – 2.00pm
Overview and Scrutiny Call-in Panel	To meet as and when required
Planning Committee	16 May 2018 – 2.30pm
Regulatory and Appeals Committee	To meet as and when required
Standards Committee	To meet as and when required
Trusts and Charities Committee	25 May 2018 – 2.00pm
West Area Committee	13 June 2018 – 5.30pm
Wollaton and Lenton Abbey Area Committee	4 June 2018 – 5.00pm

This page is intentionally left blank

Non-executive Committees

Appointments and Conditions of Service Committee

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

Audit Committee

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

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 a number of “ordinary” Licensing Panels to deal with all other contested applications except:

- where representations are received relating to ‘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 Panel

Comprises the Chair and Vice-Chair of the Licensing Committee, and one other member to be drawn from the membership of the full Committee.

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 Regional Licensing & Policy 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.

Licensing Decision Making – List of Delegated Functions

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

Planning Committee

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

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 Strategy and Resources and the 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.

Scrutiny Committees

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 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 12 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 overview and scrutiny

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 relevant scrutiny 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.

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

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 scrutineer 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 12 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.

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 instil 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:
 - (i) 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;
 - (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's children and young people;
 - (iii) explore any matters affecting Nottingham's children and young people;
 - (iv) 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;
 - i) to co-opt people from outside the Council to sit on the Committee or any review panels it commission 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 cooptees* 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.

Overview and Scrutiny Review Panels

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.

Other Committees

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 and Lenton Abbey Area Committee	Central Locality
A.C.E. (Area Committee East – Dales, Mapperley, St. Ann's) Area 8 (Clifton North, Clifton South, Bridge)	South Locality 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 Spaces 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.

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 its 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 has 10 members, and is politically balanced. The membership will include the Portfolio Holder with a remit covering Children or Early Years.
The 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 brings together key local leaders to improve the health and wellbeing of the population of Nottingham and reduce health inequalities through:

- developing a shared understanding of the health and wellbeing needs of its communities from pre-birth to end of life including the health inequalities within and between communities;
 - providing system leadership to secure collaboration to meet these needs more effectively;
 - having strategic influence over commissioning decisions across health, public health and social care encouraging integration where appropriate;
 - recognising the impact of the wider determinants of health on health and wellbeing;
 - involving patient and service user representatives and councillors in commissioning decisions.
- a) Publish and refresh the Joint Strategic Needs Assessment, including the Pharmaceutical Needs Assessment to provide an evidence base for future policy and commissioning decisions;
 - b) produce a Joint Health and Wellbeing Strategy to identify priorities and provide a strategic framework for future commissioning;
 - c) consider local commissioning plans to ensure that they are in line with the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy; and specifically to consider the NHS Nottingham City Clinical Commissioning Group's commissioning plans to ensure that they are in line with the Joint Health and Wellbeing Strategy and to provide an opinion for publication;
 - d) liaise with NHS England as necessary on the NHS Nottingham City Clinical Commissioning Group's annual assessment;
 - e) encourage integrated working between health and social care commissioners including, where appropriate, supporting the development of arrangements for pooled budgets, joint commissioning and integrated delivery under Section 75 of the National Health Service Act 2006;
 - f) oversee the Better Care Fund¹;
 - g) encourage close working between health and social care commissioners and the Board itself;
 - h) encourage close working between health and social care commissioners and those responsible for the commissioning and delivery of services related to the wider determinants of health;
 - i) establish one or more sub-committees to carry out any functions delegated to it by the Board;
 - j) delegate any of its functions to an officer;

¹ Given that some members of the Board represent provider organisations, strategic funding decisions relating to the Better Care Fund are delegated to the Health and Wellbeing Board Commissioning Sub-Committee which is a commissioner-only body

- k) establish one or more time limited task and finish groups to carry out work on behalf of the Board;
- l) carry out any other functions delegated to it by Nottingham City Council under Section 196(2) of the Health and Social Care Act 2012.

In the interests of public accountability and transparency the Board is subject to the statutory overview and scrutiny function of Nottingham City Council. All Board partner organisations agree to provide information to; attend meetings of; and answer questions from the relevant City Council overview and scrutiny committee about the planning, provision and operation of services within their area as required by the committee to carry out its statutory 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.

The committee will give reasonable notice of the request for information and/or attendance at a meeting.

Membership

Voting members

Nottingham City Council Portfolio Holder with a remit covering health

Nottingham City Council Portfolio Holder with a remit covering children's services

Two further City Councillors

Three representatives from NHS Nottingham City Clinical Commissioning Group's Governing Body

NHS Nottingham City Clinical Commissioning Group Chief Officer

Nottingham City Council Corporate Director for Children and Adults (Director of Children's Services vote)

Nottingham City Council Director of Adult Social Care (Director of Adult Social Services vote)

Nottingham City Council Director of Public Health

One representative of the Healthwatch Nottingham Board

One representative of NHS England

Non-voting members

One representative of Nottingham University Hospitals NHS Trust

One representative of Nottinghamshire Healthcare NHS Foundation Trust

One representative of Nottingham CityCare Partnership

One representative of Nottingham City Homes

One representative of Nottinghamshire Police

One representative of Department for Work and Pensions

One representative of Nottingham Universities

One representative of Nottinghamshire Fire and Rescue Service

Up to two individuals representing the interests of the Third Sector

Political proportionality does not apply to membership of the Board.

All members of the Board are accountable to the organisation/ sector which appointed them. Each member has a responsibility to communicate the Board's business through their respective organisation/ sector's own communication mechanisms.

Each Board member can nominate up to 3 substitutes and any one of those named substitutes can attend a Board meeting in their place. Substitutes must be from the same organisation/ sector as the Board member and be of sufficient seniority and empowered by the relevant organisation/ sector to represent its views; to contribute to decision making in line with the Board's Terms of Reference and to commit resources to the Board's business.

If a member of the Board misses 3 consecutive meetings without giving apologies, their continued membership of the Board will be reviewed with the organisation that they represent.

The Board may, with agreement of Nottingham City Council's Full Council, add additional voting or non-voting members to support effective delivery of its responsibilities.

Chairing

The Chair of the Board will be the Nottingham City Council Portfolio Holder with a remit covering health.

The Vice Chair of the Board is appointed by the Board and shall be one of the NHS Nottingham City Clinical Commissioning Group members.

Voting arrangements

It is expected that most decisions will be agreed by consensus but, where this is not the case, then only those members listed as voting members may vote. Voting on all issues will be by show of hands.

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.

The Chair of the Board shall have a second or casting vote.

Meeting arrangements

The Board meets every other month. The Chair of the Board, in consultation with the Vice Chair, can convene special meetings of the Board as appropriate.

All business of the Board shall be conducted in public in accordance with Section 100A of the Local Government Act 1972 (as amended). When the Board considers exempt information and/or confidential information is provided to Board members in their capacity as members of the Board all Board members agree to respect the confidentiality of the information received and not disclose it to third parties unless required to do so by law or where there is a clear and over-riding public interest in doing so.

The quorum for meetings shall be three voting members and must include at least one Nottingham City Council councillor and one representative of the Clinical Commissioning Group.

Where a decision is required before the next Board meeting, 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.

All voting members of the Board are governed by the Nottingham City Council Code of Conduct. In addition, all Board members may also be bound by a code of conduct/professional standards of the organisation/sector that they represent.

Health and Wellbeing Board Commissioning Sub Committee

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

Joint Committee on Strategic Planning and Transport

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

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.

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 – 14 MAY 2018

REPORT OF THE LEADER OF THE COUNCIL

AMENDMENTS TO THE CONSTITUTION

1 SUMMARY

- 1.1 The Local Government Act 2000 requires the 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 online via the following link <http://beta.nottinghamcity.gov.uk/about-the-council/nottingham-city-councils-constitution/>. If you have any difficulty accessing the Constitution, please contact Constitutional Services on 0115 8764301.

2 RECOMMENDATIONS

- 2.1 In relation to disciplinary and dismissal arrangements for particular statutory officers:
 - (a) to approve the establishment of an Investigating and Disciplinary Committee(IDC), an Appeals Committee and an Independent Panel, as required by the amended Local Authorities (Standing Orders) (England) Regulations 2001 to conduct disciplinary proceedings relating to the Chief Executive, the Chief Finance Officer and Monitoring Officer. More detail on these committees can be found in paragraphs 5.2;
 - (b) to note that appointments to the IDC and the Appeals Committee will be sought from the Political Groups via the in-year appointments process;
 - (c) to approve the amendment of the Appointments and Conditions of Service (ACOS) Committee's Terms of Reference as outlined in paragraph 5.3;
 - (d) to approve the amendment of the Officer Employment Procedure Rules as outlined in paragraph 5.4;
 - (e) to approve the amendment of Council's terms of reference as outlined in Paragraph 5.5 and 5.9;
 - (f) to approve the amendment of the Terms of Reference for the Appointments and Conditions of Service (ACOS) Committee and the Audit Committee to enable these committees to manage grievances relating to or raised by the Chief Executive as outlined in paragraphs 5.6 – 5.7.
- 2.2 To amend Planning Committee Terms of Reference (as detailed in Appendix C) to:
 - (a) clarify the remit of the Planning Committee as being for all those non-executive functions of the Planning Authority listed in the Functions Regulations;
 - (b) include Ward Councillor speaking rights, as agreed by the Committee.
- 2.3 To adopt the Code of Conduct for Co-opted Members, attached as Appendix D, to this report, and note that reference to Co-optees will be deleted from the current Councillor Code of Conduct.

- 2.4 To note that the City Council's representation on the Nottinghamshire Police and Crime Panel has been reduced to two.
- 2.5 To amend Financial Regulations to include dispensation for non-executive spend, and the reporting methods for this, as detailed in Appendix E.
- 2.6 To approve a reduction in membership on the following committees:
 - (a) Overview and Scrutiny Committee from 14 (13:1) to 12 (11:1);
 - (b) Health Scrutiny Committee from 14 (13:1) to 12 (11:1);
 - (c) Appointments and Conditions of Service Committee from 11 (10:1) to 8 (7:1).
- 2.7 To change the title of the Area 7 Committee to Wollaton and Lenton Abbey, to reflect that it covers both Wollaton East and Wollaton West.
- 2.8 In relation to the Health and Wellbeing Board:
 - (a) to note that the Terms of Reference for the Health and Wellbeing Board Commissioning Sub Committee were amended at the Health and Wellbeing Board in March 2018, as detailed in Appendix C;
 - (b) to delegate authority to the Director of Legal and Governance to approve the Clinical Commissioning Group membership and joint Chair of the Health and Wellbeing Board Commissioning Sub Committee.
- 2.9 To amend the table of delegated functions in the Licensing Committee/Panels Terms of Reference to reflect amendments to the Licensing Act, as detailed in Appendix C.
- 2.10 To amend Standing Order 4(e) to allow any independent Councillors (ie those not part of a political group) to submit one question to be answered at Council meetings.
- 2.11 To note the Standards Hearings Sub Committee Terms of Reference, detailed in Appendix C, established by the Standards Committee in September 2017 to formally consider complaints that Councillors or co-opted members have breached the code of conduct.
- 2.12 To note the Joint Committee on Strategic Planning and Transport Terms of Reference, detailed in Appendix C, which were approved by the Committee.
- 2.13 To note that the Members' Allowance Scheme has been amended to reflect the application of 2% pay increase, as detailed in paragraph 3.8 and Appendix F.
- 2.14 To note the executive change to the Scheme of Delegation approved by the Leader, as detailed in Appendix G.
- 2.15 To approve the non-executive changes to the Scheme of Delegation, as detailed in Appendix G.
- 2.16 To approve the amendments to the relevant parts of the Constitution as required by the above changes.

3 REASONS FOR RECOMMENDATIONS

- 3.1 The Local Government Act 2000 requires the Council to keep its Constitution up to date.
- 3.2 Arrangements for any disciplinary procedures in relation to the Chief Executive, Chief Finance Officer and Monitoring Officer are outlined in the Local Authorities (Standing Orders) (England) Regulations 2001. The Regulations have been amended and a revised national agreement has been reached on procedures that should be followed. In order to comply with the agreement and Regulations, the establishment of three new committees of Council and amendment to the ACOS Committee's Terms of Reference and the Officer Employment Procedure Rules is required.
- 3.3 The Code of Conduct sets out the conduct expected of individuals when they are acting in their capacity as a councillor or co-opted member of a Council committee. To make sure the Code of Conduct for co-opted members is clearly relevant, a specific Code of Conduct for Co-opted Members has been developed.
- 3.4 Financial Regulations currently only specify the processes for dispensation in relation to executive spend, but the Council has a number of non-executive committees that are also responsible for budgets. To ensure the processes are clear, dispensation procedures have been included for non-executive spend.
- 3.5 The Health and Wellbeing Board Commissioning Sub Committee Terms of Reference were amended by the Health and Wellbeing Board to ensure they reflect changes to areas of responsibility.
- 3.6 The table of delegated functions in the Licensing Committee/Panels Terms of Reference need to be amended to reflect changes made to the Licensing Act.
- 3.7 Standing Orders are being amended to permit independent councillors to submit one question per Council meeting to ensure that all councillors have equal rights.
- 3.8 In January 2017 Council agreed all recommendations for amendments to the Members' Allowances Scheme made in a report of the Independent Remuneration Panel. The Panel recommended, and Council agreed, that increases in Councillors' allowances should be indexed to increases in employees' pay. A 2% increase has been applied to employee pay from 1 April 2018. The same rate will therefore be applied to Councillors' allowances and the scheme will be amended to reflect the revised allowances.
- 3.9 Scheme of Delegation 208 needs to be amended to capture standalone requests to modify or discharge planning obligations which are not related to an extant planning application, which were missed when the delegation was originally drafted.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 Not updating the Constitution is not an option as it is required by the Local Government Act 2000 to ensure clarity of rights and duties to enable Council to conduct its business lawfully and in line with Council policy.

5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

5.1 Disciplinary Procedures, including Dismissal, Relating to Chief Officers

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, together with the recently agreed National Salary Framework and Conditions of Service Handbooks for Chief Executives, require changes to existing disciplinary and dismissal procedures in relation to the Head of Paid Service (Chief Executive). The newly revised Conditions of Service Handbook for Chief Officers suggests using the process described in the Chief Executive Handbook for Disciplinary Procedures including dismissal for the Section 151 Officer and Monitoring Officer.

The new procedure was considered for approval by the ACOS Committee on 7 November 2017 but, for information, a summary of the disciplinary and dismissal procedure contained in the Chief Executive national agreement is attached at Appendix A to this report. This forms the basis of the new procedure in respect of the Chief Executive, Section 151 Officer and Monitoring Officer.

The changes also require the creation of three standing committees of Council and amendments to the ACOS Committee Terms of Reference and Officer Employment Procedure Rules which require approval by Council.

5.2 Three standing committees are required for the following purposes in relation to Chief Officer disciplinary proceedings:

a) Investigating and Disciplinary Committee (IDC)

To consider whether an allegation against the Chief Executive, Section 151 Officer or Monitoring Officer, requires further investigation, to manage the investigation and ultimately make recommendations for dismissal to Full Council. It is recommended that this Committee is politically balanced and made up of five Councillors, one of whom should be a member of the Executive. The terms of reference for this committee are outlined in Appendix C to this report.

b) Appeals Committee

To consider any appeals made by the Chief Executive, Section 151 Officer or Monitoring Officer regarding any actions short of dismissal imposed by the IDC. It is recommended that this Committee is politically balanced and made up of five Councillors, one of whom is a member of the Executive. The members cannot also be members of the IDC. The terms of reference for this committee are outlined in Appendix C to this report.

c) Independent Panel

Where the IDC recommends dismissal, a meeting of the Independent Panel will be convened to consider the independent investigator's report and make recommendations to Council to be considered alongside the recommendations of the IDC. The membership of this Panel is to be two Independent Persons, one of whom has already been appointed by Council as part of the Councillor Complaints procedures. The second member will be sought from another local authority should the need arise for this Panel to meet. The terms of reference for this panel are outlined in Appendix C to this report.

5.3 The Terms of Reference for the ACOS Committee currently includes, at point (j), the power to appoint an independent person to investigate matters of misconduct and capability involving the Head of Paid Service, Section 151 Officer and Monitoring Officer. Under the new arrangements this is to be a responsibility of the Investigating

and Disciplinary Committee. It is therefore recommended that point (j) of the ACOS Committee's terms of reference is deleted.

- 5.4 The Officer Employment Procedure Rules, contained with Part Four of the Constitution outline arrangements for disciplinary action, including dismissal, against Chief Officers. These now require updating and it is proposed that paragraphs 4.3 to 4.6 are replaced with a new appendix consisting of Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) detailing the revised procedure which complies with the amended regulations and the Chief Executive National Salary Framework and Conditions of Service Handbook. Schedule 3 is attached as Appendix B to this report.
- 5.5 Council's Terms of Reference currently refer to the old procedure in relation to the dismissal of the Chief Executive. It is recommended that point m) of Council's terms of reference is amended to read:
“considering any recommendation from the Investigation and Disciplinary Committee for the dismissal of the Chief Executive, having first taken into account the views of the Independent Panel in accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015;”
- 5.6 **Grievance Procedures Involving the Chief Executive**
In addition to amending the procedures relating to disciplinary and dismissal action involving the Head of Paid Service, Monitoring Officer and Section 151 Officer the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, together with the recently agreed National Salary Framework and Conditions of Service Handbooks for Chief Executives also requires amendments to Grievance Procedures.
- 5.7 To comply with the requirements it is recommended that the terms of reference of the Appointments and Conditions of Service Committee (ACOS) are amended giving it responsibility for considering any Grievances relating to or raised by the Chief Executive. It is also recommended that the terms of reference for the Audit Committee are amended, giving it responsibility for considering any appeals made by an employee against decisions by the Appointments and Conditions of Service Committee relating to a grievance made against the Chief Executive. It is further recommended that the terms of reference for both bodies are amended to ensure that councillors involved at different stages of the process have not previously considered the issues as members of another committee.
- 5.8 The Regulations and Handbook recommend that any appeals made by the Chief Executive against a decision of ACOS to be considered by Council. It is therefore recommended that provision for this is added to the terms of reference for Council.

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

- 6.1 The report has no financial implications. Support for the committees will be provided from within existing resources.

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

- 7.1 With effect from 11 May 2015, the Local Authorities (Standing Orders) (England) Regulations 2001 were amended requiring that specified amendments be incorporated into the standing orders of local authorities regarding disciplinary action (in particular, dismissal) in relation to the head of paid service, chief finance officer and monitoring officer. The core elements of these amendments were incorporated into the standing orders. The current proposed change incorporates the required changes to standing orders in their entirety.
- 7.2 The core statutory requirement of the revised standing orders is that the head of paid service (Chief Executive), chief finance officer (Section 151 Officer) and monitoring officer may not be dismissed by way of disciplinary action without having ascertained the advice, views or recommendation of a panel of at least 2 independent persons (the panel being a committee appointed under section 102(4) of the Local Government Act 1972 and the independent persons being persons appointed by the authority under section 28(7) of the Localism Act 2011).
- 7.3 It is a matter for each local authority (subject to any relevant trade union/employee consultation) to decide the appropriate disciplinary procedure to be adopted to ensure compliance with the prescribed standing orders. Under the Council's Constitution, it is the role of Appointments and Conditions of Service Committee to decide upon/formulate disciplinary procedures in relation to employees of the Council. The three committees/panels referred to at paragraph 5.2 above are the specific committees/panels that will be required in the event that ACOS adopts the form of disciplinary procedure (for the Chief Executive, Chief Finance Officer and Monitoring Officer) as agreed by the Joint Negotiating Committee for Chief Executives of Local Authorities. The recommendations at paragraphs 2.1 to 2.4 above should be subject to ACOS adopting the proposed disciplinary and grievance procedures as referred to above and will be subject to relevant consultation processes with recognised trade unions and employees.

Advice provided by John Bernard-Carlin (Team Leader (Housing, Employment & Education Team,) Legal Services)

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 the report does not propose and changes to existing policy. An EIA was considered by the ACOS Committee as part of its consideration of the new policy.

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

- 9.1 None

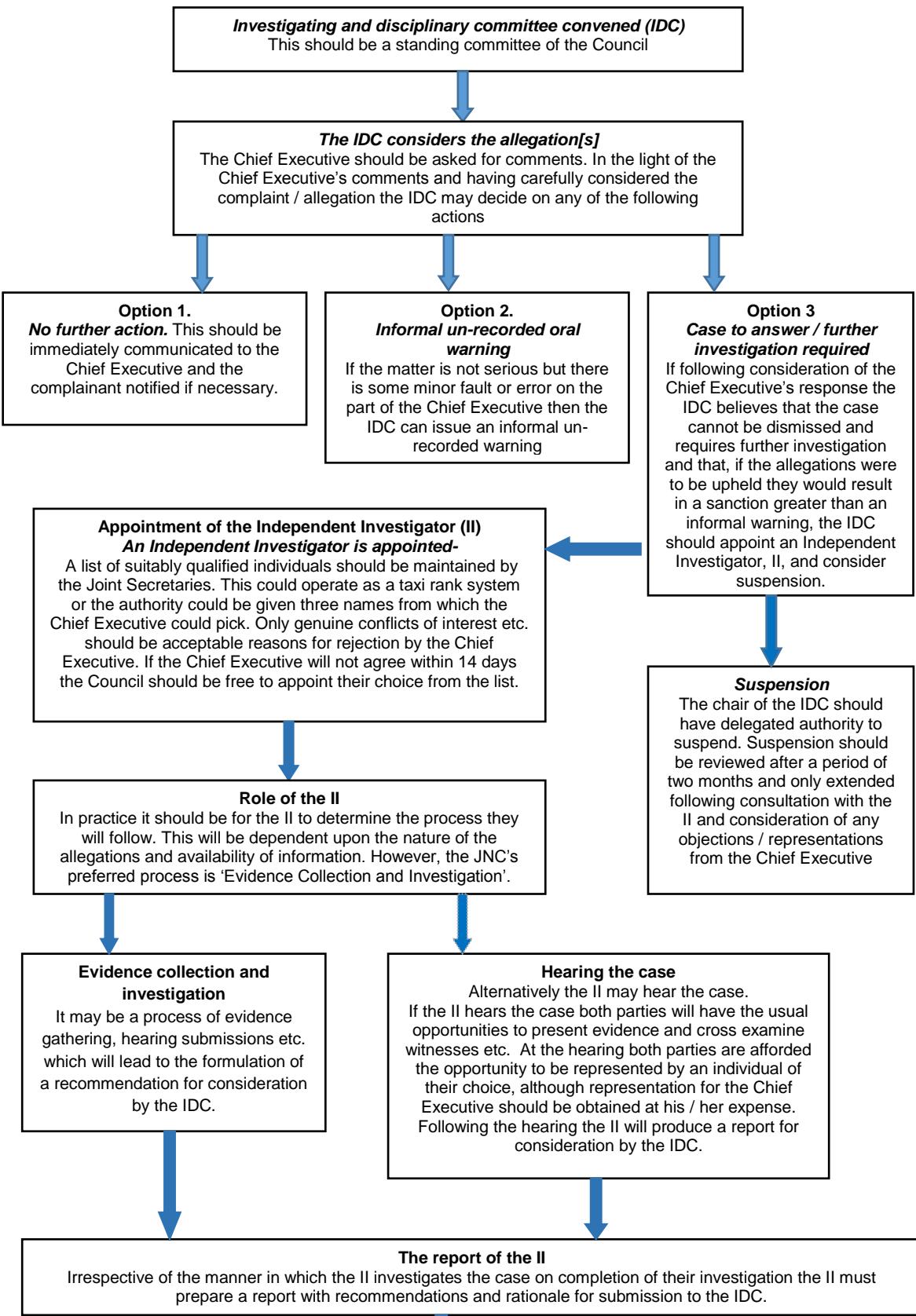
10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILED THIS REPORT

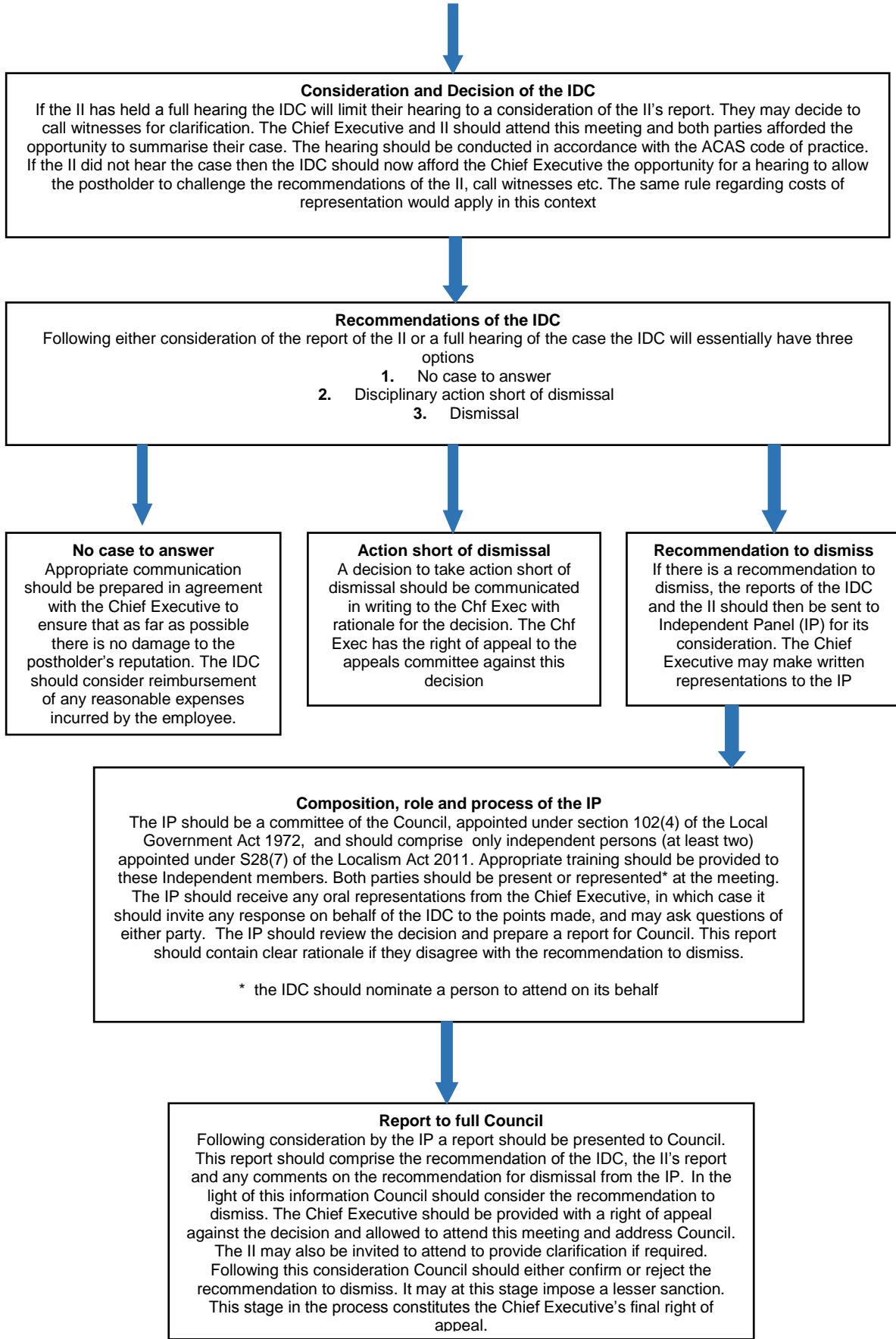
- 10.1 Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015
- 10.2 National Salary Framework and Conditions of Service Handbooks for Chief Executives
- 10.3 Local Government Act 2000
- 10.4 Localism Act 2011

**COUNCILLOR JON COLLINS
LEADER OF THE COUNCIL**

This page is intentionally left blank

ENGLAND ONLY: Disciplinary Procedure for Local Authority Chief Executives





UK Parliament SIs 2000-2009/2001/3351-3400/Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384)/[SCHEDULE 3 Provisions to be Incorporated in Standing Orders in Respect of Disciplinary Action]

[SCHEDULE 3 PROVISIONS**TO BE INCORPORATED IN STANDING ORDERS IN RESPECT OF DISCIPLINARY ACTION]****NOTES****Amendment**

Substituted by SI 2015/881, reg 2(1), (6), Schedule.

Date in force: 11 May 2015: see SI 2015/881, reg 1(1); for transitional and saving provisions see reg 3.

[Regulation 6]**NOTES****Amendment**

Substituted by SI 2015/881, reg 2(1), (6), Schedule.

Date in force: 11 May 2015: see SI 2015/881, reg 1(1); for transitional and saving provisions see reg 3.

[1

In the following paragraphs--

- (a) "the 2011 Act" means the Localism Act 2011;
- (b) "chief finance officer", "disciplinary action", "head of the authority's paid service" and "monitoring officer" have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
- (c) "independent person" means a person appointed under section 28(7) of the 2011 Act;
- (d) "local government elector" means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;
- (e) "the Panel" means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- (f) "relevant meeting" means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (g) "relevant officer" means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.

2

A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.

3

The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

4

In paragraph 3 "relevant independent person" means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

5

Subject to paragraph 6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order--

- (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
- (b) any other relevant independent person who has been appointed by the authority;
- (c) a relevant independent person who has been appointed by another authority or authorities.

6

An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.

7

The authority must appoint any Panel at least 20 working days before the relevant meeting.

8

Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular--

- (a) any advice, views or recommendations of the Panel;
- (b) the conclusions of any investigation into the proposed dismissal; and
- (c) any representations from the relevant officer.

9

Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.]

NOTES

Amendment

Substituted by SI 2015/881, reg 2(1), (6), Schedule.

Date in force: 11 May 2015: see SI 2015/881, reg 1(1); for transitional and saving provisions see reg 3.

Document information

Local Authorities (Standing Orders) (England) Regulations 2001

Date made

10/10/2001

This page is intentionally left blank

APPENDIX C

Terms of Reference

Investigating and Disciplinary Committee

- (a) To consider allegations against the Chief Executive, Section 151 Officer or Monitoring Officer (Statutory Officers) which may ultimately lead to his/ her dismissal, in accordance with the procedures agreed by Council;
- (b) to determine whether an allegation made against a Statutory Officer requires further investigation or other appropriate action;
- (c) to give informal, unrecorded oral warnings in appropriate cases where no further formal action is required;
- (d) to appoint an Independent Investigator, agree the terms of remuneration, provide the investigator with their terms of reference and working methods;
- (e) to take decisions on the suspension of the Chief Executive, Section 151 Officer or Monitoring Officer while investigations are undertaken (suspensions to be reviewed after two months in conjunction with the Independent Investigator);
- (f) to consider the recommendations of the Independent Investigator;
- (g) to determine whether action(s) short of dismissal should be imposed;
- (h) where dismissal is recommended, to refer matters to the Independent Panel for consideration, and;
- (i) to recommend dismissal to Full Council following the completion of the Executive Objections Procedure.

The Committee is accountable to Council, has 5 members and is politically balanced. One place is reserved for a member of the Executive.

Members of this Committee cannot also be members of the Appeals Committee.

The quorum for the Committee is 3, one of whom must be an Executive Member.

Substitute members are permitted for this committee.

Appeals Committee

- (a) To hear appeals by the Chief Executive, Section 151 Officer or Monitoring Officer against actions short of dismissal imposed by the Investigation and Disciplinary Committee in accordance with the procedures agreed by Council;
- (b) to consider the report of the Independent investigator and the findings of the Investigation and Disciplinary Committee;.
- (c) to conduct further investigation where necessary;
- (d) to consider which of the following options to follow:
 - i. confirm the decision of the Investigation and Disciplinary Committee;
 - ii. impose lesser sanctions than those imposed by the Investigation and Disciplinary Committee;
 - iii. remove all sanctions imposed by the Investigation and Disciplinary Committee.

The decision of the Appeals Committee is final.

The Committee is accountable to Council, has 5 members and is politically balanced. One place is reserved for a member of the Executive.

Members of this Committee cannot also be members of the Investigation and Disciplinary Committee.

The quorum for the Committee is 3, one of whom must be an Executive Member.

Substitute members are permitted for this committee.

Independent Panel

- (a) To consider proposals for dismissal of the Chief Executive, Section 151 Officer or Monitoring Officer;
- (b) to offer advice, views or recommendations to Council on the proposal to dismiss.

The Committee is accountable to Council, and its membership comprises two independent persons who have been appointed under section 28(7) of the Localism Act 2011. Invitations for membership of the Panel will be issued in accordance with the following priority order:

- i. an independent person who has been appointed by Nottingham City Council and is a local government elector within Nottingham City;
- ii. any other Independent Person appointed by the Council;
- iii. an independent person who has been appointed by another council.

Both Panel Members must be present for the meeting to be quorate.

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 approve any proposals for significant restructuring of the Council's management structure;
- (k) 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;
- (l) to consider any grievances relating to or raised by the Chief Executive. Members involved in considering these will not be able to participate in any further consideration of the matter at other committees.

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 8 members and is politically balanced. One place is reserved for the relevant 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.

Where practical, members of this committee should not also be members of Audit Committee, Investigating and Disciplinary Committee, or Appeals Committee.

Full Council

The following functions are to be exercised only by full Council:

- (a) adopting and amending the constitution;
- (b) approving, amending and adopting the following:
 - (i) the **Policy Framework** which comprises the following plans and strategies:
 - Community Strategy (The Nottingham Plan);
 - Local Transport Plan;
 - Development Plan;
 - Licensing Policy;
 - Crime and Disorder Reduction Partnership Strategy;
 - Children and Young People's Plan;
 - Civil Contingencies Plans;
 - Managing an Emergency;
 - Pipeline Safety Plan;
 - (ii) the budget;
- (c) approving any application to the Secretary of State in respect of a Housing Land Transfer;
- (d) decisions about matters covered by the Policy Framework or the budget which the decision maker is minded to resolve in a manner which would be contrary to the Policy Framework or contrary to or not wholly in accordance with the budget, subject to the urgency procedure contained in the Access to Information Procedure in Part 4 of the Constitution. (Standing Orders, also in Part 4 – allow budget allocations to be moved from one service to another without reference to full Council, provided certain conditions are satisfied);
- (e) electing the Leader at the post-election annual meeting and appoint members, Chairs and Vice-Chairs of other Council bodies. Where the Council does not appoint the Chair or Vice-Chair of a body, the body itself may do so;
- (f) removing the Leader by way of resolution by a simple majority. If the Council passes a resolution to remove the Leader, a new Leader is to be elected:
 - (i) at the meeting at which the leader is removed from office; or
 - (ii) at a subsequent meeting;
- (g) establishing committees and agreeing and amending the terms of reference, determining the powers they may exercise, determining their composition and making appointments to them, unless delegated elsewhere in the Council;
- (h) adopting or amending a Members' Allowance Scheme, having regard to the recommendations of an Independent Remuneration Panel, and determining other allowances payable to Councillors;
- (i) conferring the title of Honorary Alderman/Alderwoman or the Freedom of the City;

- (j) confirming the appointment of the Chief Executive and Corporate Directors;
- (k) making, amending, revoking, re-enacting and adopting byelaws and promoting or opposing the making of local legislation;
- (l) deciding whether or not to delegate non-executive functions to another local authority or to accept delegations from another Council;
- (m) considering any recommendation from the Investigation and Disciplinary Committee for the dismissal of the Chief Executive, having first taken into account the views of the Independent Panel in accordance with the Local Authority (Standing Orders) (England) (Amendment) Regulations 2015;
- (n) to consider appeals made by the Chief Executive against decisions made by the Appointments and Conditions of Service Committee relating to grievances relating to or raised by the Chief Executive;
- (o) the passing of a resolution not to issue casino premises licences (Section 166 and 154(2)(a) of the Gambling Act 2005);
- (p) approval of the “The Gambling Act Statement Of Principles (Section 349 and 154(2)(c) of the Gambling Act 2005”);
- (q) the power to delegate to an officer powers that are not required by law to be exercisable solely by the Council, solely by a specified office holder or solely by an executive body or executive of the Council;
- (r) the power to introduce, vary or end a scheme relating to the payment of a late night levy under the Police and Social Responsibility Act 2011 and the functions of making, varying or revoking an early morning alcohol restriction order under section 172A of the Licensing Act 2003
- (s) all other matters which, by law, must be reserved to Council.

There are normally 6 meetings per annum:

- the Annual meeting (first Monday in May unless it falls on a Bank Holiday, when it is then held on the first appropriate Monday or, in an election year for the full City Council, it is held on the first appropriate Monday after the election, subject to the requirements of the law);
- ordinary meetings (5 per annum with the budget normally considered at a meeting in February or March);
- Extraordinary meetings as necessary (when called by the Lord Mayor or by any five City Councillors. If the Lord Mayor refuses to call a meeting, or fails to do so within seven days, any five City Councillors may themselves call the meeting).

Meetings of the City Council are normally held at 2pm although the Lord Mayor has discretion to vary the time if s/he deems necessary.

Eligibility for membership:

An elected City Councillor for one of the wards specified within the City of Nottingham.

The regular election of Councillors is held on the first Thursday of May every four years. The term of office of Councillors starts on the fourth day after being elected and finishes on the fourth day after the date of the next regular election.

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;
- (12) considering any appeals made by an employee against decisions made by the Appointments and Conditions of Service Committee relating to a grievance made against the Chief Executive. Members involved in considering these will not be able to participate in any further consideration of the matter at other committees.

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

Where practical, members of this committee should not also be members of Appointments and Conditions of Service Committee, Investigating and Disciplinary Committee, or Appeals Committee.

Planning Committee

- (a) All non-executive 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.

Ward Councillor Speaking Rights

- (1) Subject to prior arrangement with the Chair of the Committee, Ward Councillors may address the Committee on Planning Applications which are within their ward and being considered by the Committee. Ward Councillors will not however be permitted to take part in any debate on that application;
- (2) where the Councillor concerned is a member of the Planning Committee, they shall withdraw from the Committee room immediately after speaking and prior to any debate on the application. The Councillor will not take part in any consideration of that application at either that or any other meeting of the Planning Committee;
- (3) any such address shall last no more than 5 minutes per Ward Councillor;
- (4) subject to the approval of the Chair, more than one ward Councillor may address the Committee on the same application.

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 accept delegated actions from the Health and Wellbeing Board and report back on progress and outcomes;
- (c) to performance manage the Health and Wellbeing Board commissioning plan and to agree changes to that plan based on monitoring and performance management considerations. This includes the ability to request deep dives to enable greater focus on specific areas;
- (d) to provide collective oversight, support and performance management to areas of work identified by the Sub Committee as being of highest priority. Areas of focus will be jointly commissioned activity or where there is significant system impact;
- (e) for every Section 75 Agreement, where responsibility has been delegated to the Sub Committee, to carry out the following roles in line with requirements of the relevant Agreement:
 - i. take funding decisions, including Key Decisions, on pooled budgets;
 - ii. take decisions on commissioning arrangements for jointly commissioned services; and
 - iii. have oversight to ensure that arrangements are properly managed with, as a minimum, annual reports from the relevant Agreement lead(s)

A record of which Section 75 Agreements have been delegated to the Sub-Committee and reporting arrangements can be found in the 'Health and Wellbeing Board Commissioning Sub Committee role in relation to Section 75 Agreements' document

- (f) to have oversight of any other Nottingham City Council/ Greater Nottingham Clinical Commissioning Groups – Nottingham City Locality joint funding and joint commissioning arrangements either in place now or in development for the future;
- (g) establish one or more time limited task and finish groups to carry out work on behalf of the Sub Committee;
- (h) delegate any of its functions to an officer;
- (i) carry out any other functions delegated to it by the Health and Wellbeing Board.

Meeting Arrangements

The Health and Wellbeing Board Commissioning Sub Committee will meet on a bi-monthly basis following directly on from Health and Wellbeing Board meetings.

Extraordinary meetings of the Health and Wellbeing Board Commissioning Sub Committee may be called by the agreement of 2 voting members (one of whom must represent Nottingham City Council and one of whom must represent Greater Nottingham Clinical Commissioning Group – Nottingham City Locality) if a decision is required urgently.

If an urgent decision is required that cannot wait for an extraordinary meeting to be called then the Director for Commissioning and Procurement (Nottingham City Council) and the Chief Operating Officer (Greater Nottingham City Clinical Commissioning Group)*, as the two Sub-Committee Chairs, can act through the following process:

- circulation of details of the proposed decision to all Sub-Committee members for consultation; and
- there being clear reasons why the decision could not have waited until a full Sub Committee meeting.

The decision will be recorded and reported, along with the reasons for urgency, to the next full Sub Committee meeting.

Executive decisions are subject to the Nottingham City Council call-in procedure in accordance with the Overview and Scrutiny Procedure Rules. In accordance with those rules, the call-in procedure does not apply where a decision is urgent and the Chair of the Overview and Scrutiny Committee agrees both that the decision proposed is reasonable in all the circumstances and that it must be treated as a matter of urgency. The reasons for urgency will be reported alongside the decision.

The quorum for the meeting is 2 voting members, one of whom must represent Nottingham City Council and one of whom must represent Greater Nottingham Clinical Commissioning Groups – Nottingham City Locality.

The meeting will be chaired in rotation by the Director for Commissioning and Procurement (Nottingham City Council) and the Chief Operating Officer (Greater Nottingham City Clinical Commissioning Group – Nottingham City Locality)*. In the absence of both of these members, the Chair will pass to the voting member present from the body due to chair the meeting.

Nottingham City Council and Greater Nottingham Clinical Commissioning Groups – Nottingham City Locality 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 (Nottingham City Council).

Membership

Voting Members	Organisation
Portfolio Holder with a remit covering Health	Nottingham City Council
Director of Commissioning and Procurement	Nottingham City Council
Chief Operating Officer*	Greater Nottingham Clinical Commissioning Groups – Nottingham City Locality
GP Lead*	Greater Nottingham Clinical Commissioning Groups – Nottingham City Locality

Substitution for voting members is permissible provided that the Chair is notified of the substitution in advance of the meeting and the substitution is to a named substitute. Substitutes must be of sufficient seniority and empowered by their organisation to represent its views and to contribute to decision making in line with Sub Committee's terms of reference.

Non-Voting Members	Organisation
Director of Public Health	Nottingham City Council
Director of Adult Social Care	Nottingham City Council
Head of Commissioning	Nottingham City Council
Head of Commercial Finance	Nottingham City Council
Director of Children's Integrated Services	Nottingham City Council
Assistant Director of Commissioning – Mental Health, Children and Families*	Greater Nottingham Clinical Commissioning Groups – Nottingham City Locality
Representative	Healthwatch Nottingham

All voting members are required to comply with the requirements of the Nottingham City Council Code of Conduct and, as a matter of best practice, it is also expected that all non-voting members will also observe the principles contained in the Code and comply with its requirements.

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.

**NB: Clinical Commissioning Group voting and non-voting representatives, and joint Chair of the Sub Committee will be updated following organisational changes.*

Licensing Committee/Panels

PROCESS OF LICENCE DECISION MAKING – TABLE 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 a Panel itself may choose to refer the matter to the Committee.

Matter to be dealt with	Full Licensing Committee	Licensing Panel	Officer Decision*
<u>Licensing Act 2003</u>			
Application for personal licence with unspent convictions or immigration penalty		All cases where an objection or immigration objection notice is served	No objection made
Review of personal licence where the holder has been convicted of a relevant offence, foreign offence, or been required to pay an immigration penalty		All Cases	
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
Application for Minor variation			All cases

Matter to be dealt with	Full Licensing Committee	Licensing Panel	Officer Decision*
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 representation to a temporary event notice		All cases	
<u>Gambling Act 2005</u>			
Application for premises licence including applications for reinstatement under S195 Gambling Act		1. Representation made and not withdrawn (S154 (4)(a)) and/or 2. Where the Licensing Authority considers that a condition should	All other cases

Matter to be dealt with	Full Licensing Committee	Licensing Panel	Officer Decision*
		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		1. Representation made and not withdrawn (S154 (4)(b)) and/or 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)	All other cases
Application for transfer of premises licence		Representation made and not withdrawn (S154(4)(c))	All other cases
Application for provisional statement		1. Representation made and not withdrawn (S154 (4)(d)) and/or 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)	All other cases

Matter to be dealt with	Full Licensing Committee	Licensing Panel	Officer Decision*
Review of premises licence		All cases	
Consideration of Temporary Use Notices (including notices modified under section 223)		1. All cases where an objection notice has been received 2. All cases where a counter notice may be required	All other cases
Application for Club Gaming/Club Machine Permits, renewals and variations (including those leading to cancellation of permit) under Sch12 para 15		1. Objection made and not withdrawn (Sch12 para 28 (2)) 2. Refusal of a permit proposed on the grounds listed in Sch 12 para 6(1)(a)-(d), or para 10(3) as applicable	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
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

Matter to be dealt with	Full Licensing Committee	Licensing Panel	Officer Decision*
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 Regional Licensing and Policy Manager, the Principal Licensing Officers, the Chief Licensing Trading Standards and ASB Officer, Director for Community Protection and Corporate Director for Community Services.

Standards Hearings Sub Committee

- (a) To hear cases in accordance with the Council's procedure for dealing with complaints about Councillors' and co-opted members' conduct;
- (b) to decide whether to uphold complaints made against Councillors and Co-opted Members having first considered the views of the Council's Appointed Independent Person;
- (c) to determine what action to take based upon the outcome of the hearing.

The Sub Committee is accountable to the Standards Committee.

The Sub Committee has 5 members (politically balanced) who must be members of the Standards Committee.

The quorum for the Sub Committee is 3.

If a single case is heard over more than one meeting, the same Sub Committee members must be present at all meetings. If exceptional circumstances mean this is not possible the Monitoring Officer will decide how to proceed.

The Committee meets as and when required.

Joint Committee on Strategic Planning and Transport

1. 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 in April 1998.
2. This protocol agreed between the two Authorities on the establishment and operation of the Joint Committee requires a two yearly review, to ensure it remains relevant to the needs of the Joint Committee.

Role

3. The role of the Joint Committee is to advise the County Council and City Council on strategic planning and transport matters of mutual concern in order to facilitate the sustainable development and growth of Greater Nottingham and to assist in meeting the Duty to Cooperate (S110 of the Localism Act).

Responsibilities

4. The Joint Committee will be responsible for providing advice on strategic planning and transport matters, including advice in relation to the following:
 - (a) The preparation of coordinated and aligned Local Plans to provide a coherent and consistent planning framework across Greater Nottingham, including consideration of significant evidence base studies, such as Strategic Housing Market Assessments and Economic/Employment Land reports;
 - (b) Local Plans/Development Plan Documents and Strategies prepared by other Local Planning Authorities;
 - (c) The approach to, and use of, planning contributions arising from development in Greater Nottingham where this is of strategic importance;
 - (d) Liaison with statutory bodies;
 - (e) Liaison with the D2N2 Local Enterprise Partnership and Local Nature Partnership;
 - (f) Co-ordination of policies and management for minerals and waste matters, including the Local Aggregates Assessment and the joint Replacement Waste Local Plan ;
 - (g) The provision of infrastructure, including transport, social and green infrastructure, to support future growth, particularly where this has cross boundary implications;
 - (h) Nottinghamshire Local Transport Plan (2011 – 2026);

- (i) Nottingham Local Transport Plan (2011 – 2016);
 - (j) Strategic issues arising from the management of the Traffic Control Centre;
 - (k) Strategic issues arising from public transport operations, including rail services and High Speed 2, Bus Quality Partnerships and the development of the Nottingham Express Transit;
 - (l) Strategic issues arising from air quality reviews and assessments within or impacting on Greater Nottingham.
5. To assist the Joint Committee in carrying out the responsibilities in paragraph 4 above, they shall be entitled to receive information and to comment where they deem appropriate on other relevant matters including:
- (a) Planning applications within and adjacent to Greater Nottingham subject to the statutory timetable;
 - (b) Major development proposals in areas within and surrounding Greater Nottingham;
 - (c) Significant developments in the highway and transport networks;
 - (d) Major strategic initiatives of either Authority in Greater Nottingham e.g. tackling climate change.
 - (e) Economic strategies for Greater Nottingham;
 - (f) Government legislation, regulations, guidance and initiatives affecting strategic planning and transport matters.
6. The Joint Committee will have regard to the views and resolutions of the Greater Nottingham Joint Planning Advisory Board.

Area of Responsibility

7. The Joint Committee will be responsible for advising on strategic planning and transport matters across the whole area known as Greater Nottingham. Greater Nottingham is defined as the Nottingham Core Housing Market Area and Hucknall. It comprises the local authority areas of Broxtowe, Erewash, Gedling, Nottingham City and Rushcliffe, plus the Hucknall part of Ashfield and the relevant parts of Derbyshire and Nottinghamshire County Councils, however, the remit of this Committee excludes Erewash Borough in Derbyshire.

Relationship to Parent Authorities

8. 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 particular matters 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

9. The Joint Committee will be composed of four (4) members from each authority. Member substitutes are allowed.
10. With the agreement of the Chair and Vice Chair, advisory members may be invited to the Committee from time to time to assist the Joint Committee in carrying out the responsibilities in paragraphs 4 to 7 above. Such members will not have voting rights.
11. The appropriateness of advisory members will be reviewed in accordance with paragraph 12.

Chair and Vice Chair

12. The Chair and Vice Chair will be appointed every two years and alternate between each Authority. The Vice Chair will always be appointed by the Authority not holding the Chair.

Frequency of Meetings

13. The Joint Committee will meet at least 4 times a year.

Organisation and Conduct of Meetings

14. 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 members of the public.

Officer Support

15. The secretariat of the Joint Committee will alternate every two years 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

16. 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.
17. 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 any consultation stage in the development plan making process or at an Examination in Public will not in any way be curtailed by membership of the Joint Committee.

Review

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

This page is intentionally left blank

Co-opted Members' Code of Conduct

This Code of Conduct has been adapted from Nottingham City Council's Code of Conduct to recognise the particular circumstances that apply to co-opted members.

'Co-opted member' means any person who is a member of any committee or sub-committee of the Council but is not one of its elected members. Some co-opted members have voting rights on the committee or sub-committee of which they are a member and others do not. All co-opted members with voting rights are legally required to comply with the requirements of the Code of Conduct. As a matter of best practice it is also expected that all non-voting co-opted members will also observe the principles contained in the Code and comply with its requirements.

1. Application

This Code of Conduct applies to you whenever you are acting in your capacity as a co-opted member of one of the Council's committees or sub-committees, including:

- 1.1 at formal meetings of that committee or sub-committee;
- 1.2 when acting as a representative of that committee or sub-committee, including at meetings of Council, its committees and sub-committees, the Executive Board and its committees and sub-committees;
- 1.3 in contributing to decision making as part of that committee or sub-committee;
- 1.4 at briefing meetings with colleagues and partners;
- 1.5 at site visits; and
- 1.6 when corresponding with the Council.

2. Principles

The principles underpinning this Code of Conduct are that you will act with:

Selflessness
Integrity
Objectivity
Accountability
Openness
Honesty
Leadership
Respect for others
A commitment to uphold the law

3. General Conduct

You must:

- 3.1 provide leadership to the committee or sub-committee of which you are a member and the communities which it serves, by personal example;
- 3.2 respect others and not bully any person;
- 3.3 recognise that Council colleagues (other than political assistants) are employed by and serve the whole Council;
- 3.4 respect the confidentiality of information which you receive as a co-opted member:
 - (a) not disclosing confidential information to third parties unless required to do so by law or where there is a clear and over-riding public interest in doing so; and
 - (b) not obstructing third parties' legal rights of access to information;
- 3.5 not conduct yourself in a manner which is likely to bring the committee or sub-committee of which you are a member or the Council into disrepute;
- 3.6 use your position as a co-opted member in the public interest and not for personal advantage;
- 3.7 accord with the Council's reasonable rules on the use of public resources for private and political purposes;
- 3.8 exercise your own independent judgement, taking decisions for good and substantial reasons:
 - (a) attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups;
 - (b) paying due regard to the advice of officers of relevant public bodies, and in particular to the advice of those acting according to their statutory responsibilities; and
 - (c) stating the reasons for your decisions where those reasons are not otherwise apparent;
- 3.9 account for your actions, particularly by supporting the Council's scrutiny function; and
- 3.10 ensure that, as far as within your powers, the committee or sub-committee of which you are a member and the Council acts within the law.

4. Disclosable Pecuniary Interests

You must:

- 4.1 comply with the statutory requirements to register, disclose and withdraw from participating in any matter in which you have a Disclosable Pecuniary Interest;
- 4.2 ensure that your register of interests is kept up to date and notify the Council's Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your Disclosable Pecuniary Interests;
- 4.3 verbally declare the existence and nature of any Disclosable Pecuniary Interest at any meeting you attend where an item of business which affects or relates to the subject matter of that interest is to be considered, at or before that item of business is considered or as soon as you are aware of the interest;

- 4.4 ‘Meeting’ means any meeting organised by or on behalf of the Council that you are attending in your capacity as a co-opted member of one of the Council’s committees or sub-committees, including:
- (a) any meeting of the committee or sub-committee of which you are a member;
 - (b) any meeting of the Council or a Committee or Sub-Committee of Council or Executive Board and any of its Committees or Sub-Committee;
 - (c) at any briefings by colleagues and partners; and
 - (d) at any site visit;
- 4.5 unless you have the benefit of a current and relevant dispensation in relation to the matter being considered you must:
- (a) not participate, or participate further, in any discussions of the matter at the meeting;
 - (b) not participate in any vote, or further vote, taken on the matter at the meeting; and
 - (c) remove yourself from the meeting while any discussion or vote takes place on the matter;
- 4.6 where you are able to discharge a function of the Council acting alone and you are aware that you have a Disclosable Pecuniary Interest in a matter being dealt with, or to be dealt with, by you in the course of discharging that function, you must:
- (a) not take any steps, or further steps, in relation to the matter (except for the purpose of enabling someone other than you to deal with the matter); and
 - (b) notify the Council’s Monitoring Officer (in writing) of that Disclosable Pecuniary Interest within 28 days of becoming aware of the interest if the interest is not already entered in the register and has not already been notified to the Monitoring Officer;
- 4.7 where you have a Disclosable Pecuniary Interest arising from your employment the action you should take will depend on the particular circumstances. It would not make sense for co-opted members appointed by their employers to be precluded from a meeting solely because the matter related to something which affects their organisation. However, there may be exceptional circumstances where, because the matter affects the individual directly or, for some other reason, it would not be appropriate for a member to participate. To determine this you must ask yourself the question “would a reasonable member of the public with knowledge of all the circumstances consider the matter as so significant that it is likely to prejudice your judgement of the public interest.”

5. Other Interests

- 5.1 In addition to the requirements of Paragraph 4, if you attend a meeting where any item of business is to be considered and you are aware that you have an ‘Other Interest’ in that item, you must verbally declare the existence and nature of that interest at or before that item of business is considered or as soon as you are aware of the interest;
- 5.2 you have an “Other Interest” in an item of business of the authority if it not a

Disclosable Pecuniary Interest, and:

- (a) you are, or ought reasonably to be, aware that a decision in relation to an item of business to be transacted might reasonably be regarded as affecting your wellbeing or financial position, or the wellbeing or financial position of a member of your family or a person with whom you have a close association, to a greater extent than it would affect the majority of the council tax payers, ratepayers or inhabitants of the Council's administrative area, or
- (b) it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code in respect of a member of your family (other than a 'relevant person') or a person with whom you have a close association, or
- (c) a reasonable member of the public, with knowledge of all the circumstances, would consider that you have an interest which would prejudice your judgement if you were involved in making any decision on that item of business;

* your spouse or civil partner, a person you are living with as husband or wife, or a person you are living with as if are civil partners.

- 5.3 you are not required to notify the Council's Monitoring Officer of 'Other Interests' for inclusion in the register. However, you are required to declare that interest and act in accordance with paragraphs 4.5 or 4.6 above.

6. Sensitive Interests

- 6.1 You must notify the Council's Monitoring Officer of the details of sensitive interests but these details will not be included in any published version of the register;
- 6.2 If you have a sensitive interest you are required to declare that you have an interest at meetings (as required by paragraph 4.3 and 5.3 of this Code) but the detail of the interest need not be declared.

7. Gifts and Hospitality

- 7.1 You must, notify the Council's Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a co-opted member of one of the Council's committees or sub-committees from any person or body within 28 days of receipt;
- 7.2 the Monitoring Officer will place your notification on a public register of gifts and hospitality;
- 7.3 this duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

Disclosable pecuniary interest *Remember that most of these apply to your partner as well as to you where you are aware of your partner's interest*	Guidance
<p>1. Employment Any employment, office, trade, profession or vocation carried out for profit or gain.</p>	<p>A short description of any job or business you and your partner have to declare for income tax purposes, including any trade, profession or vocation and including the name of your employer. You are required to declare any employment or business even if it is not within the Council's area. You are not required to declare what income you receive.</p> <p>Give a short description of the activity concerned; for example, "Computer Operator" or "Accountant".</p> <p>Where you hold an office, give the name of the person or body which appointed you. In the case of a public office, this will be the authority which pays you.</p>

<p>2. Sponsorship</p> <p>Any payment or provision of any other financial benefit (other than from the Nottingham City Council) made or provided in the last 12 months in respect of any expenses incurred in carrying out your duties as a co-opted member, including any payment or financial benefit from a trade union.</p>	<p>Sponsorship includes another person paying expenses which you would otherwise have to pay.</p> <p>You should declare the name of any person or body who has made any payments to you in the last year towards your expenses as a co-opted member.</p> <p>You do not need to declare the amounts of any payments: only the name of the person or body making them.</p> <p>Any payments and statutory allowances received from a local authority do not need to be declared.</p>
---	---

Disclosable pecuniary interest *Remember that most of these apply to your partner as well as to you where you are aware of your partner's interest*	Guidance
3. Contracts Any contracts with Nottingham City Council, including any contracts made between you / your partner and the Council and any contracts made between a body in which you / your partner have a beneficial interest and the Council.	<p>You should give a brief description of the nature and length of any contracts for goods, services or works which you or your partner have with the Council either directly or because you / your partner have a beneficial interest in the body which has the contract, for example as a partner in a firm or a paid director of a company.</p> <p>This includes contracts with the Council even if the works, goods or services are for third parties, eg a voluntary sector organisation. Only contracts that have not been fully discharged need to be notified.</p>
4. Land Any beneficial interest in land within Nottingham City Council's boundaries. Page 105	<p>You should include any land in the area of the Council in which you or your partner have a beneficial interest (freehold or leasehold or a short tenancy), either of your own, or jointly with one or more other people. You have a beneficial interest in land if, for example, you own, you rent, you are entitled to the proceeds of, or you may, under a trust, become entitled to the proceeds of that land.</p> <p>You should give the address of the land or (where, for example, it is land without any buildings on it) a brief description which is good enough to identify the location.</p> <p>If you live in the City then you should include your home under this heading whether as owner, lessee, or tenant. You only need to give the address. You do not need to give any details about your mortgage, lease agreement, rent etc.</p> <p>Excluded is land where you are a trustee for other people or where you are an executor or administrator of the estate of someone who has died and have no interest in the estate. If you own land outside the area of the Council you do not have to declare it but if you receive an income from the</p>

Disclosable pecuniary interest *Remember that most of these apply to your partner as well as to you where you are aware of your partner's interest*	Guidance
	land then in the 'Employment section' the property letting business should be declared, but it is not necessary to state where the property is.
5. Licences Any licence (alone or jointly with others) to occupy land within Nottingham City Council's boundaries for a month or longer.	You should list any licences that you / your partner has either on your own or jointly with others, or any permission that you have to occupy land (for example, as an allotment or for fishing or shooting) where the licence, or permission, will last for a month or longer. You should give the address of the land or (where, for example, it is land without any buildings on it) a brief description good enough to identify the location.
6. Corporate Tenancies Any tenancy where (to your knowledge) (a) Nottingham City Council is the landlord; and (b) the tenant is a body in which you / your partner has a beneficial interest.	You should list the address of any land or buildings rented from the Council by you or a body in which you / your partner have a beneficial interest. You should give the address of the land or (where, for example, it is land without any buildings on it) a brief description good enough to identify the location.
7. Securities Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in Nottingham City; and either (a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.	Securities means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description other than money deposited with a building society. You should list the names of any companies, industrial and provident societies, co-operative societies, or other bodies corporate that (to your knowledge) are active in the City and in which you or your partner have a substantial interest. You do not need to show the extent of your interest.

Disclosable pecuniary interest *Remember that most of these apply to your partner as well as to you where you are aware of your partner's interest*	Guidance
	<p>You have a substantial interest if you own shares or other securities in the company with a nominal value of more than £25,000 or more than 1/100th of the issued share or securities (whichever is lower) eg if the company has 100 £1 shares and you have one share, you need to declare the interest. The value of shares is the face value (the value recorded on the share certificate) not the current market value. For example, you bought 10,000 £1.50 shares (face value) in 1999. The market value at that time was £3.00 each, so the total paid was £30,000, but the shares are now worth £45,000. The nominal value of the shares would be £15,000 (10,000 x £1.50). Therefore, you would not be obliged to enter the shares in the register of interests, even though the current market value of the shares is £45,000.</p> <p>It is not necessary to declare the size or nature of the holding, simply the name of the company or other body. You have a beneficial interest in a type of share if, for example, you own, you are entitled to the proceeds of, or you may, through a trust or will, become entitled to the proceeds of, that type of share. You do not need to register any such interest that you have as trustee.</p> <p>If you know the companies in which your PEP, ISA or pension fund has invested and:</p> <ul style="list-style-type: none"> • those companies have a place of business or land in the City; and • your beneficial interest in the investment is greater than the levels indicated above, <p>then you need to register that interest. You are only required to register interests which are known to you. The Code does not require you to investigate the investment portfolio of any PEP, ISA or pension scheme to which you may belong.</p> <p>If there are several classes of shares or securities, the fraction of 1/100th</p>

Disclosable pecuniary interest *Remember that most of these apply to your partner as well as to you where you are aware of your partner's interest*	Guidance
	<p>applies to any of these classes.</p> <p>A company or body corporate is active in the City if it has land or a place of business in the City boundaries.</p>

APPENDIX E

Dispensations from Financial Regulations

3.29 There will be no dispensations from Financial Regulations except as follows:

- **Emergency Action**
In the event of an 'Emergency' the Chief Executive or a Corporate Director is empowered to authorise all necessary actions. The Director for Public Health is empowered to authorise all necessary actions in relation to disasters and emergencies that present a risk to public health. The Chief Executive, Corporate Director or the Director for Public Health must notify the Chief Finance Officer in writing, of the circumstances and estimated financial impact and report formally to the relevant service Portfolio Holder or, for non-executive matters, to the next available meetings of the relevant non-executive committee.
- **Operational Issues (Dispensation is sought when the estimated value of the affected scheme is below Key Decision level)**
Where the Chief Executive, a Corporate Director or the Director for Public Health considers that there are justifiable reasons for dispensing with Contract Procedure Rules within Financial Regulations they may do so, following evidenced consultation with the Chief Finance Officer, provided that:
 - (a) for delegated decisions, the Chief Executive, Corporate Director or the Director for Public Health then obtains the agreement of the relevant Portfolio Holder to their decision through the Portfolio Holder decision process; or
 - (b) for a decision to be made by Executive Board or one of its sub committees or a non-executive committee, the Chief Finance Officer's observations are included in any report seeking such a dispensation.

This page is intentionally left blank

APPENDIX F

Members' Allowances Scheme

Nottingham City Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 (the 2003 regulations) and all other powers vested in it, hereby makes the following scheme:

1. Citation

This scheme, made by the City Council on 16 January 2017, may be cited as Nottingham City Council Members' Allowances Scheme.

2. Interpretation

In this scheme:

- "Councillor" means a member of Nottingham City Council;
- "year" means the 12 months ending with 31 March.

3. Basic Allowance

Subject to paragraphs 6 and 7, a basic allowance of £12,240.00 (indexed with effect from 1 April 2017 in line with increases in pay of employees covered by the National Joint Council for Local Government Services) shall be paid to each Councillor for each year.

4. Special Responsibility Allowance

- (1) For each year, a special responsibility allowance (indexed with effect from 1 April 2017, in line with increases in pay of employees covered by the National Joint Council for Local Government Services) shall be paid to those Councillors who have the special responsibilities in relation to the authority that are specified in Schedule 1 to this scheme.
- (2) Subject to paragraphs 6 and 7, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.
- (3) In any year a Councillor shall be paid only one special responsibility allowance (being the highest amount payable in respect of special responsibilities held). A civic office holder may, in addition, be paid the civic allowance specified in the schedule.

5. Waiver

A person may, by notice in writing given to the Corporate Director for Strategy and Resources, elect to forego any part of his or her entitlement to an allowance under this scheme.

6. Part-year Entitlements

- (1) The provisions of this paragraph shall have effect to regulate the

entitlements of a councillor to basic and special responsibility allowance where, in the course of a year that councillor becomes, or ceases to be, a councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

- (2) Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to basic allowance shall be to the payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his or her term of office subsists bears to the number of days in that year.
- (3) Where a councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he or she has such special responsibilities bears to the number of days in that year.
- (4)
 - (a) Basic and special responsibility allowances shall be payable in installments of $1/12^{\text{th}}$ of the amount specified in this scheme and shall be paid or made available by the last working day of each month.
 - (b) Where a payment of $1/12^{\text{th}}$ of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the councillor receiving more or less than the amount to which he or she is entitled, the payment shall be such amount as will ensure that no more or no less is paid than the amount to which he or she is entitled.

7. Allowances in Cases of Ongoing Sickness Absence

- (1) Where, through sickness, a Councillor has not attended any formal meetings of the Council and/ or any Boards, Committees or Panels of the Council of which he/ she is a member for a period of six months (but remains a councilor by virtue of a decision of the Chief Executive under section 85 of the Local Government Act 1972), from that date, any allowances to which he/ she was formerly entitled to shall be payable at a rate of 50% of the former allowance and only for a further period of six months.
- (2) Where the Councillor is absent for reasons relating to pregnancy or maternity, no reduction should be made to allowances.

8. Carers' Allowance

- (1) Carers' Allowance shall be paid to a Councillor who, as a result of attending a qualifying meeting, incurs costs in providing for the care of a dependant relative. Carers' allowances shall be paid at an hourly rate equal to the actual cost incurred, subject to:

- (a) a maximum hourly rate mirroring the highest rate of the National Living Wage;
 - (b) an annual limit mirroring the maximum level of benefit which can be obtained by an employee of the Authority purchasing childcare vouchers (currently £933);
 - (c) production of supporting invoices/ receipts to the Chief Finance Officer.
- (2) “Qualifying meeting” means:
- (a) a meeting of the Council or of any Board, committee or sub-committee of the Council, or of any other body to which the Council makes appointments or nominations, or of any committee or sub-committee of such a body;
 - (b) any other meeting, the holding of which is authorised by the Council, or a Board or committee or sub-committee of the Council, or a joint committee of the Council and one or more local authorities within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee, provided in each case that it is a meeting to which members of at least two political groups have been invited;
 - (c) a meeting of any association of authorities of which the Council is a member;
 - (d) the performance of any duty in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises; and
 - (e) the performance of any duty in connection with arrangements made by the Council for the attendance of pupils at schools approved for the purposes of section 342 (approval of non-maintained special schools) of the Education Act 1996;
 - (f) the carrying out of any other duty approved by the Council, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Council or any of its committees or sub-committees.
- (3) “Dependant relative” means a person who lives with the Councillor or who is entirely dependent on the Councillor for primary care, including:
- (a) a child aged 14 or under;
 - (b) an elderly relative requiring full-time care;
 - (c) a relative with a disabled or nursing requirement who needs temporary or permanent full-time care.
- (4) This allowance shall be paid where the claimant:
- (a) is not already in receipt of allowances or payments towards care from the individual(s) being cared for; or
 - (b) where those being cared for are, themselves, ineligible for appropriate government paid allowance(s).

9. Travel and subsistence allowances

Travel and subsistence allowances shall be paid to Councillors and to members of Council committees and sub-committees in connection with or relating to the duties specified in paragraph 8 (2) above provided that, except for travel by bicycle, these allowances shall be paid to Councillors only where the duties are undertaken outside the area of the City. The allowances shall be paid in accordance with Schedule 2.

10. Avoidance of duplication

Where a Councillor is also a member of another authority (within the meaning of regulation 3 of the 2003 regulations) that member may not receive allowances from more than one authority in respect of the same duties.

11. Time limit for making claims

Claims for travel and subsistence and carers' allowances, on a form provided by the Director of Finance and signed by the claimant, shall be submitted to the Director within one month from the date on which entitlement to the allowance arose.

12. Withholding/ recovery of payments

Where payment of any allowance has already been made in respect of any period during which the councillor concerned:

- ceased to be a member of the Council, or
- was in any other way not entitled to receive the allowance in respect of that period;

the Council may require that such part of the allowance as relates to any such period shall be repaid to the Council.

13. Operative date

Any allowance payable in accordance with this scheme shall be payable as if the scheme had been in force from 1 April 2017 or the date(s) of appointment, whichever is the later.

Schedule 1 – Special Responsibility Allowances

Position	Amount (£)
Leader	36,465
Deputy Leader	26,520
Portfolio Holders	19,890
Lord Mayor	13,260
Chair of Scrutiny	13,260
Chief Whip (Majority Group)	9,945
Chairs of Area Committees	6,630
Executive Assistants	6,630
Sheriff	6,630
Vice Chairs of Scrutiny	6,630
Chair of Planning	6,630
Chair of Licensing	6,630
Leader of Minority Group	6,630
Chair of ACOS	3,315
Vice Chair of Licensing	3,315
Chair of Audit	3,315
Adoption Panel Members	3,315
Leader of smaller and smallest minority group	0
Deputy Leader of each minority Group (6+ Members)	0

Schedule 2 – Travel and Subsistence Allowances

TRAVEL ALLOWANCE

For journeys outside the City boundary only, councillors may claim either bus fares or mileage (using a motor cycle, car or bicycle).

Allowable mileage will be taken to be the distance from the City boundary for the journey concerned as determined by the Director of Finance using an appropriate computerised system and is based on the periodically notified HM Revenue and Customs approved mileage rates for vehicles (up to 10,000 miles).

Motorcycle rates

24 pence per mile

Motor vehicle rates

A rate of £0.45p per mile shall be paid (based on HMRC Guidance and varied as necessary)

Bicycle rate

20 pence per mile

SUBSISTENCE ALLOWANCE

Can be claimed subject to the following:

- absence from the usual place of residence must exceed 4 hours,
- half an hour is allowed for travelling from home and to home,
- expenditure on subsistence must have been incurred,
- receipts must be produced,
- the allowance paid will be actual expenditure but subject to the maximum amounts specified below.

The allowances set out below are the maximum amount which can be claimed in respect of any expenditure. Amounts claimed will still have to be justified and approved as set out above. A receipt must be obtained and the expenditure must be necessary and additional to the colleague's ordinary expenditure on a meal at the relevant time (a deduction of £1.00 for breakfast and lunch and £2.00 for an evening meal should be made from all claims in respect of a meal taken at that time and the national agreement only allows for the reimbursement for additional costs).

Subsistence rates

Breakfast	£5.00	(before 11 am)
Lunch	£5.00	(12 noon to 2 pm)
Evening meal	£10.00	(after 7 pm)

Overnight subsistence

Where attendance at a conference or similar event necessitates an overnight stay, accommodation at the conference hotel, or a hotel of an equivalent standard, will be arranged and paid for by the Council. For meals taken in connection with the event, the reasonable actual cost will be reimbursed, subject to production to the Director of Finance of a receipt.

Meals taken on trains

The reasonable cost of the meal may be reimbursed where it is incurred during a period for which there is an entitlement to a day subsistence allowance and a receipt is obtained.

This page is intentionally left blank

Executive amendments:

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
12.	<p><u>Virements</u></p> <p>May exercise virement on budgets under his/her control for amounts up to £50,000 £25,000 on any one budget head during the year, following notification to the Chief Finance Officer and in consultation with the appropriate Portfolio Holder under arrangements agreed by the full council and subject to the conditions set out in the Corporate Financial Procedures.</p>	--	Executive	General function to all Corporate Directors and the Director for Public Health for all matters within their remit

Non-executive amendments:

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
77.	<p><u>Amendments to Constitution</u></p> <p>Power to make amendments to the Constitution which are required to comply with the law, or decisions that only have to be noted by Council (eg Executive changes made by the Leader) (any such amendments to be reported to Council in the next scheduled constitutional update report as soon as possible), or to reflect decisions of Council. All other changes to the Constitution require the specific approval of full Council.</p>		Non-Executive	Director for Legal and Governance /Monitoring Officer
208.	<p><u>Determination of planning and other related Applications</u></p> <p>To determine the following planning and other related applications, including approvals subject to conditions, with or without planning obligations:</p> <p>(i) Applications for planning permission</p>		Non-Executive	Corporate Director for Development and Growth

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<ul style="list-style-type: none"> (ii) Applications for reserved matters approval (iii) Applications for listed building consent (iv) Applications for conservation area consent (v) Applications to vary or remove planning conditions (vi) Applications to discharge planning conditions (vii) Applications for hazardous substances consent (viii) Applications for advertisement consent (ix) Applications for works to protected trees (including trees within a conservation area) (x) Applications submitted by the City Council or another local authority (xi) Applications for non-material changes to an approved planning permission (xii) Applications for minor material amendments to an approved planning permission (xiii) Applications for prior approval (xiv) Applications for Certificates of Lawfulness of Existing and Proposed Development (but not uses) (xv) Modifications and discharge of Planning Obligations (except where what is proposed would be substantially less than either a) those typically required by adopted planning policies or, b) those required by a previous Planning Committee resolution) 			

CITY COUNCIL - 14 MAY 2018

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 that the decision proposed is reasonable in the circumstances and that it should be treated as a matter of urgency. In the absence of the Chair, one of the Vice-Chairs' 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, the then 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 Page 21 Agenda Item 9 (iii) where there is no Chair of the Overview and Scrutiny Committee or Lord Mayor, the Sheriff (as Vice Chair of Council). Once agreement has

been sought and as soon as is 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 of the Council 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 procedure are set out in Appendix 2.

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

**COUNCILLOR JON COLLINS
LEADER OF THE COUNCIL**

APPENDIX 1

URGENT DECISIONS (EXEMPT FROM CALL-IN)

<u>Decision Reference Number</u>	<u>Date of decision</u>	<u>Subject</u>	<u>Value of decision</u>	<u>Decision taker</u>	<u>Consultee on urgency</u>	<u>Reasons for urgency</u>
3102	09/03/2018	Implementation of Scheme of Selective Licensing for Privately Rented Houses	£644,000	Portfolio Holder for Planning, Housing and Heritage	Chair of Overview and Scrutiny	There are significant lead-in times which, if delayed, could impact on delivery
3109	14/03/2018	Energy Saving Software	£62,000	Portfolio Holder for Community and Customer Services	Chair of Overview and Scrutiny	To enable the software to be purchased before it is removed from sale, as it will still be supported for a 3 year term, and the replacement product does not yet have a release date.
3111	14/03/2018	Investment Acquisition – Project Newcastle	Exempt	Leader of the Council	Chair of Overview and Scrutiny	To allow call-in would affect the completion date of the project.

						Heads of Terms have been agreed with the vendor and a condition of the sale is an exchange within 20 working days of receipt of full legal pack, with completion 10 days thereafter.
3130	12/04/2018	Supervised consumption of methadone / buprenorphine contract	£44,167	Portfolio Holder for Adults & Health	Chair of Overview and Scrutiny	Due to timescales involved with implementation.

APPENDIX 2

SPECIAL URGENCY PROCEDURE – KEY DECISIONS

None

This page is intentionally left blank