



You are hereby summoned to attend a meeting of **City Council**  
at Council House, Old Market Square on Monday, 9 January 2023 at 2.00 pm to transact  
the following business

<b>Agenda</b>	<b>Pages</b>
<b>1 Apologies for absence</b>	
<b>2 Declarations of interests</b>	
<b>3 Questions from citizens</b>	
<b>4 Petitions from Councillors on behalf of citizens</b>	
<b>5 To confirm the minutes of the last meeting of Council held on 31 October 2022</b>	<b>3 - 28</b>
<b>6 To receive official communications and announcements from the Leader of the Council and/or the Chief Executive</b>	
<b>7 Questions from Councillors - to the City Council's lead Councillor on the Nottinghamshire and City of Nottingham Fire and Rescue Authority</b>	
<b>8 Questions from Councillors - to a member of Executive Board, the Chair of a Committee and the Chair of any other City Council body</b>	
<b>9 Executive Amendments to the Constitution</b> Report of the Leader of the Council	<b>29 - 78</b>
<b>10 Members' Allowances Scheme – Report of the Independent Remuneration Panel</b> Report of the Leader of the Council	<b>79 - 90</b>
<b>11 Audit Committee Annual Report 2021/22</b> Report of the Chair of the Audit Committee	<b>91 - 120</b>
<b>12 Motion in the name of Councillor Georgia Power</b>	<b>121 - 122</b>

Nottingham City Council resolves:

1. that when making any decisions in relation to its policies or formulating its Council Plan it recognises that Care Experienced people are a vulnerable group who face discrimination;
2. that it recognises that councils have a duty to put the needs of vulnerable people at the heart of decision-making through co-production and collaboration;

3. that in the delivery of the Public Sector Equality Duty the Council includes care experience in the publication and review of Equality Objectives and the annual publication of information relating to people who share a Protected Characteristic in services and employment;
4. that this Council will treat care experience as if it were a Protected Characteristic so that future services and policies made and adopted by the Council should be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a Protected Characteristic;
5. to formally call upon all other bodies to treat care experience as a Protected Characteristic until such time as it may be introduced by legislation;
6. to formally call upon all other bodies to adopt corporate parenting for children in care and care leavers until such time as it may be introduced by legislation;
7. for the Council to proactively seek out and listen to the voices of care experienced people when developing new policies based on their views.

### **13 Committee Membership**

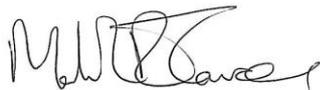
To note the following changes to committee membership:

- a) Councillor Sam Gardiner has been appointed to fill a vacant seat on the Children and Young People Scrutiny Committee
- b) Emma Howard, Head of Nottingham University Samworth Academy, has been appointed to fill a vacant seat on the Nottingham and Nottinghamshire Integrated Care Partnership

**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 6 January 2022.**

If you need any advice on declaring an interest in any item on the agenda, please contact the governance officer shown above, if possible before the day of the meeting

Citizens are advised that this meeting may be recorded by members of the public. Any recording or reporting on this meeting should take place in accordance with the council's policy on recording and reporting on public meetings, which is available at [www.nottinghamcity.gov.uk](http://www.nottinghamcity.gov.uk). Individuals intending to record the meeting are asked to notify the governance officer shown above in advance.



Dated 29/12/2022

Director for Legal and Governance

**To: All Councillors of Nottingham City Council**

# Public Document Pack Agenda Item 5

## Minutes of the meeting of the City Council

held at the Council House, Old Market Square

on 31 October 2022 from 2.00 pm - 5.10 pm

### Attendances:

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✓ Councillor Wendy Smith (Lord Mayor)	
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✓ Councillor Hassan Ahmed	Councillor Rebecca Langton
✓ Councillor Leslie Ayoola	✓ Councillor Jane Lakey
✓ Councillor Cheryl Barnard	Councillor Dave Liversidge
✓ Councillor Steve Battlemuch	✓ Councillor Sally Longford
✓ Councillor Merlita Bryan	✓ Councillor AJ Matsiko
✓ Councillor Eunice Campbell-Clark	Councillor Carole McCulloch
✓ Councillor Graham Chapman	✓ Councillor David Mellen
✓ Councillor Azad Choudhry	✓ Councillor Sajid Mohammed
Councillor Kevin Clarke	✓ Councillor Salma Mumtaz
Councillor Audrey Dinnall	✓ Councillor Toby Neal
✓ Councillor Michael Edwards	✓ Councillor Nayab Patel
✓ Councillor Samuel Gardiner	✓ Councillor Anne Peach
✓ Councillor Jay Hayes	✓ Councillor Georgia Power
✓ Councillor Rosemary Healy	Councillor Shuguftah Quddoos
✓ Councillor Nicola Heaton	✓ Councillor Ethan Radford
✓ Councillor Patience Uloma Ifediora	✓ Councillor Nick Raine
✓ Councillor Phil Jackson	✓ Councillor Angharad Roberts
✓ Councillor Corall Jenkins	✓ Councillor Andrew Rule
✓ Councillor Maria Joannou	Councillor Mohammed Saghir
Councillor Sue Johnson	✓ Councillor Roger Steel
✓ Councillor Kirsty Jones	✓ Councillor Dave Trimble
✓ Councillor Angela Kandola	✓ Councillor Maria Watson
✓ Councillor Jawaid Khalil	✓ Councillor Sam Webster
✓ Councillor Gul Nawaz Khan	✓ Councillor Adele Williams
✓ Councillor Neghat Khan	✓ Councillor Linda Woodings
✓ Councillor Zafran Nawaz Khan	✓ Councillor Cate Woodward
✓ Councillor Pavlos Kotsonis	Councillor Audra Wynter

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✓ Indicates present at meeting

### 35 Apologies for Absence

Councillor Kevin Clarke – unwell

Councillor Audrey Dinnall – leave

Councillor Sue Johnson – unwell

Councillor Rebecca Langton – personal

Councillor Dave Liversidge – unwell

Councillor Carole McCulloch – unwell

Councillor Shuguftah Quddoos – unwell  
Councillor Mohammed Saghir – unwell  
Councillor Audra Wynter - personal

### **36 Declarations of Interests**

None

### **37 Questions from Citizens**

#### **Libraries**

AM asked the following question of the Portfolio Holder for Leisure, Culture and Planning:

How is the City Council planning to take account of the outcomes of the library consultation and the demands of the Save Nottingham Libraries campaign group, along with the new cost of living crisis that has emerged since the consultation?

Councillor Pavlos Kotsonis replied as follows:

Thank you Lord Mayor. I would like to thank the resident who posed this question. The Council has been clear that this review of the library service would be open and transparent so that everybody could participate in the consultation, and that has been done now. The Council has yet to make a decision upon the obviously longer-term transformation of the library service and it's deliberately looking at all of the facts and feedback received from the extensive consultation exercise that was undertaken. Since commencing this work, I am also very aware of the change of circumstances that have occurred in the country as well as the city as a result of the cost of living crisis, which is why I think that it is important this is clearly referenced in our work. I think it is correct that we find ways to act on this and consider how this changes people's needs from the library service. As I said previously, the cost of living crisis impacts upon each and every one of us: individuals and communities. Similarly, it also impacts on Council spending, going forward the money we spend will buy us less, which has a direct impact on the ability of the Council to deliver services. So, whilst no announcements can be made on this point at this meeting, I can reassure the resident asking the question that the cost of living crisis will have to be an important parameter on how we arrive at our final decision. Thank you.

#### **Student housing**

JD asked the following question of the Portfolio Holder for Housing and HR:

How are you going to fight back against the increased numbers of students going to be enrolled at the two universities? We are desperate for residential housing and we cannot keep up with demand for existing student numbers. When will enough be enough? We are in danger of our city centre in years to come becoming a student village.

Councillor Toby Neal replied as follows:

Thank you Lord Mayor and thank you for the question from the citizen. This is an issue that the City Council takes seriously and one that many cities are experiencing, not just Nottingham. Indeed, cities across the country are seeing a crisis in student accommodation, with students being housed many miles from their places or studying in temporary accommodation or hotels. As a Council we have no ability to resist in the growth in student numbers which are determined by the two universities. The government lifted the cap on student numbers in 2015, allowing student universities to increase the number of students admitted each year. The funding

models for universities are based on attracting more students and we have experienced approximately a 30% increase in students requiring accommodation. So, as a result we have to manage the issues that are raised by this and have concentrated on purpose-built student accommodation over the period, but this still provides us with a shortfall of more than five-thousand beds per year. Demographic changes also mean that nationally the number of undergraduates wishing to study at university is also increasing and will continue to do so up until about 2030. We have been developing planning policies and working with residents and partners on student-only accommodation and the government gives us very clear guidance as to what we must do to meet planning requirements for student accommodation. So, seeking to prevent the provision of further student accommodation in the city by refusing planning permission would not be successful and could be subject to challenge by developers at appeal. It also means students would be turning more towards the private rented sector, creating the further shortfall of available housing for local residents and an increase in rents. As I have said, the City Council's role is in creation of purpose built student accommodation through the planning process, built by private developers and financed by private investors and we have a number of planning documents in place to help guide those developments. This guidance helps us to promote mixed and balanced communities, encourage purpose student-built accommodation (PBSA) in appropriate locations, i.e. around university campuses and on allocated sites within the city. It prevents further on-street student accommodation in the areas where students and or houses of multiple occupation exceed 10% of the population. We are looking towards how we can manage and return neighbourhoods to more residential homes, but we must also understand that students provide a huge economic impact to the city and having two world class universities only makes that more so. It equates to roughly £1.3bn in overall indirect investment into the city and approximately twenty-five thousand jobs. If considered in this combination this would be Nottinghamshire's third largest direct employer and those students who choose Nottingham as their place to study support a wide range of retail businesses and services from restaurants to shops, clubs, hairdressers, leisure to hotels when their parents visit. These are substantial indirect financial benefits for this city as the students and universities support the various businesses. The universities also pay business rates and the Council receives New Homes Bonus funding for additional public PBSA provision. It also counts towards our housing targets. In summary, development of PBSA in Nottingham is part of a carefully planned and evidenced response to growing student numbers. It looks to a long-term growth. We test it and we consider the broad range of housing needs for our citizens. There are levers in place to ensure we can control growth of the purpose built student accommodation and when the evidence shows us there is no longer the need for further provision and, importantly, that alternative uses can be found for new schemes coming forward if the PBSA was to change. So, the need to fight against student expansion I think is the wrong question. I think it is how we make sure we accommodate the different mixes of the communities across the city and make sure that areas that are needed for residential housing are returned to that primary use. So, again thank you for the question and I hope that addresses some of your points.

### **Housing Revenue Account**

EC asked the following question of the Portfolio Holder for Housing and HR:

Please could the Portfolio Holder explain clearly if the £15m+ has been paid back to the Housing Revenue fund to Nottingham City Homes to be spent on their tenants? This ring fenced money was wrongly used by Nottingham City Council. If so, when was it paid back and if not when exactly will it be paid back? Many Nottingham City Homes tenants live in

cold, damp and structurally unsound properties with Nottingham City Homes saying they can do nothing to help those that live in 20th century properties built with single brick walls. Will Nottingham City Homes tenants see repair and complaint procedures improve when it is brought back under the control of Nottingham City Council?

Councillor Toby Neal replied as follows:

Thank you Lord Mayor and again, thank you to the citizen for the question. The £15m was part of an overall £40m estimated figure in the CIPFA review of the Housing Revenue Account (HRA), which was broken down into two parts: £22.87m payable by the Council and £17.8m million payable by Nottingham City Homes (NCH). The final amount due from the General Fund was calculated using the base figure of £22.87m, to which was added the opportunity costs to the HRA of not having had the funds available to it, together with other smaller differences to it between the estimated and final amounts. The result was a total figure of £27.703m. This been paid back to the HRA under the item nine credit direction granted by the Department for Levelling Up, Housing and Communities on 8 August. It has been accounted for in the 2021/22 final accounts. The payment was funded from the General Fund, specifically the Financial Resilience Reserve. There is a £17.256m payable by NCH which remains outstanding and work is ongoing to conclude this item.

Investment to improve the quality of our housing stock remains a key priority for the Council and Nottingham City Homes, and will continue to be prioritised as part of the transition of housing management back to the Council. On the issues of efficiency, Nottingham City Council and Nottingham City Homes are committed to the 2050 Strategy for home improvements, acknowledging that by 2050 homes will need to be low to zero carbon. The first part of this ambition is to ensure all of our homes are no lower than EPC C by 2030. This is also the target being set by the Department of Business, Energy, and Industrial Strategy as part of their funding requirements. Within the next five-year HRA capital programme there is an allowance of £26m for investment in energy measures to ensure all of our homes have an energy performance certificate C by 2030 or better. We have also undertaken energy performance assessments across all of our housing stock, which identified which properties don't currently meet this target and what investment is required. This data takes into account properties built with single brick walls and non-traditional outsides. Since 2013, we have been investing in a significant number of properties across our housing stock and we have full stock condition information for 99% of our properties. This includes full stock condition, data on homes including housing, health and safety ratings, asbestos, energy performance ratings and structural works. This information has proven crucial in informing future decisions on stock retention or demolition and in identifying the need for structural investment work in the short, medium, and long term and has led to a capital investment programme of close to £240m over the next five years. With regard to housing repairs and whether complaints procedures will improve when it is brought back under the control of Nottingham City Council, the Director working with NCH is already reviewing its working practices to maximise efficiency through revenue and capital budgets. This will bring about efficiencies, better value for money and, where the capital programme supports, repairs undertaken. Service improvements and a reduction in complaints is the anticipated outcome. Specifically in relation to repairs and maintenance, NCH is also reviewing current processes to ensure repairs are properly diagnosed and are then responded via either emergency, urgent or a planned priority. Having clear definitions will reduce the volume of the current level of emergency repairs from around 45% to less than 20% in line with industry standards and will facilitate a speedier response to urgent

repairs. All investment into our housing stock is being reviewed as part of our development of the long-term housing revenue account business and as part of the transition process. We will take into account stock condition and repair requirements within the funding available. Thank you.

### **38 Petitions From councillors on behalf of citizens**

None

### **39 To confirm the minutes of the meeting of Council held on 11 July 2022**

The minutes of the meeting held on 11 July 2022 were confirmed as an accurate record and signed by the Chair.

### **40 To confirm the minutes of the meeting of Council held on 12 September 2022**

The minutes of the meeting held on 12 September 2022 were confirmed as an accurate record and signed by the Chair.

### **41 To receive official communications and announcements from the Leader of the Council and/or the Chief Executive**

The Chief Executive reported the following:

I am pleased to announce that the Council has won the Association for Public Service Excellence Award for Best Service Team for Street Cleansing and Street Scene Services. The Team was particularly recognised for developing innovative partnership work with Nottingham Clean Champions, Community Protection colleagues, the Community Payback Service and Nottingham City Homes, as well as developing more biodiverse neighbourhoods.

It is with sadness that I report the death of former Councillor James William Elliott Smith (known as Bill Smith) on 1 October. Bill represented the then Wollaton East and Lenton Abbey ward between 2003 and 2007. My thoughts are with his family and friends at this time.

Councillor Sally Longford spoke in former Councillor Bill Smith.

A minute's silence was held.

### **42 Questions from councillors - to the City Council's lead councillor on the Nottinghamshire and City of Nottingham Fire and Rescue Authority**

#### **Funding**

Councillor Angharad Roberts asked the following question of the Council's lead councillor on the Nottinghamshire and the City of Nottingham Fire and Rescue Authority:

After some of the most unprecedented extreme weather conditions over the summer, when Fire Services across the country were stretched to the limit, properly funded fire services are essential to keep people safe. Continuing underfunding of the fire

service by the Government is leaving a £2m funding gap in 2023, impacting frontline services with proposed reductions to staffing, and withdrawal of 2 fire engines, including one from London Road. What will be the impact of these cuts and how will they affect the resilience of Nottinghamshire and the City of Nottingham Fire and Rescue Services in the longer term?

Councillor Patience Ifediora replied as follows:

Thank you Lord Mayor and thank you Councillor Roberts for your question. Since 2010, Nottinghamshire Fire and Rescue Service has seen budget reductions of £9.6m in real cash terms. The position is likely to be significantly higher as factors such as inflation were not considered as part of the 2022/23 budget report considered by the Fire Authority in February 2022. The Treasurer based his report on planning assumptions at the time and predicted a 2023/24 deficit of £2.1m. Following a review of planning assumptions around inflation and the pay award, those figures are likely to show a budget deficit in excess of £3.3m. Clearly, this requires action by the Fire Authority to ensure it is well placed to deliver a balanced budget. The Authority receives over half of its funding from council tax. Increases to the council tax precept are currently limited to 1.95%. The impact of these financial challenges will be felt across the whole of the Nottinghamshire Fire and Rescue Service, including front line support services. Support services are non-operational front-line staff, including key community engagement roles, and they will be part of a workforce review which will contribute to the overall efficiency savings in the financial year 2022/23 and beyond. The Service recognises the key contribution support services and non-operational roles have in serving our communities and will do everything possible to minimise any impact by investing in business improvement and structural design. Nottingham Fire and Rescue Service has worked with those with extensive experience of emergency services around the world to optimise results and respond in the most efficient and effective way. Given the reduced financial envelope, the best option with least impact on Nottinghamshire and Nottingham City will be: removal of second appliance from London Road, removal of second appliance from Stockhill, conversion of West Bridgford from one whole time appliance to one day shift appliance, conversion of Ashfield from one day shift and one on-call appliance to one whole time and one on call appliance. Inevitably, such a reduction in resources will have an impact on service performance. The average time for the first appliance to arrive to an incident for mobilisation will increase by seven seconds. Whilst this increase will have minimal impact on the outcome of an incident, it will mean that the management plan commitment to attend within an average of 8 minutes will be breached. Nottingham Fire and Rescue Service works hard to manage resources to meet the resilience needs of our communities. The Service has embedded procedures, which sees the Service move resources aligned to risk on a daily basis. The Service works collaboratively with other Fire and Rescue Services to manage risk and demand, particularly Derbyshire and Leicestershire Fire and Rescue Services, with whom it shares emergency control capabilities, which enables mobilisations resulting in an increase in resilience over periods of high demand. Nottingham Fire and Rescue Service received a significant increase in incident numbers over a short period of time during the summer months, primarily due to the dry and hot weather. With the potential of reduced resources, it will seek to invest more time and effort to learn lessons and evolve its capabilities to ensure the continued resilience of its services. Nottingham Fire and Rescue Service is currently consulting on its plan to deal with budget pressures and it is asking communities to have their say. Councillors and members of the public can have their say by visiting

the public consultation section of the Nottinghamshire and City of Nottingham Fire and Rescue Authority website. Thank you.

#### **43 Questions from councillors - to a member of Executive Board, the Chair of a committee and the Chair of any other City Council Body**

##### **Victoria Embankment Paddling Pool**

Councillor Kevin Clarke asked the following question of the Portfolio Holder for Highways, Transport and Parks:

Can the Portfolio Holder address why, despite this being the hottest summer on record, the residents of our City had no paddling pool on Victoria Embankment to take their children to?

As Councillor Clarke was not in attendance at the meeting, the question received a written response after the meeting from Councillor Audra Wynter. That written response is attached to these minutes.

##### **Residential Parking Charges**

Councillor Maria Watson asked the following question of the Portfolio Holder for Neighbourhoods, Safety and Inclusion:

We asked the question at the March Full Council meeting why this Council was intending to charge residents of the City to park outside their own homes. We ask again why should residents pay for this Council's financing mistakes?

Councillor Neghat Khan replied as follows:

Thank you Lord Mayor and can I also thank Councillor Watson for her question. This Council has subsidised the cost of administering, managing and enforcing resident parking permits for a number of years. Many councils cover the cost of these schemes through a fee for example, all neighbouring councils including Nottinghamshire County Council, Rushcliffe Borough Council and Gedling Borough Council charge for first and all permits and have been doing so for many years. So does Councillor Watson think they do this because they made financial mistakes or because they too are managing the costs associated with parking schemes. Here in Nottingham, as part of the consultation, we have been consulting all affected residents on the first parking permit being free and charging £35 for the second and £50 for the third permit. This is in comparison to Sheffield City Council, which charges £46 for the first and £93 for the second permit. The charges will be required to enable the Council to recoup the ongoing cost of operating and enforcing the schemes. Any negative impacts on charging residents for parking permits will be mitigated by the increased availability of spaces across the schemes, which is anticipated will occur following the proposed charges. Residents still have localised difficulties in finding a parking space - there is an unwritten rule that people would generally tend to park outside their own home but it is important to note that no one has an automatic right to park on the road outside their own home, sometimes it is not possible and, in most instances, if you can park there without contravening the Highway Code, so can others. The positive impact is a possible reduction in private vehicles owned by residents which could result in improved access to residents parking schemes and help towards our ambition of becoming the first city to be carbon neutral by 2028. Central Government reducing our grants year on year means we have £101m less a year than we did in 2013 and 70% of our budget is being spent on statutory services like Adults and Children's Social Care so we will have to

make tough decisions to achieve a balanced budget. Having said that though, no decision to introduce a parking scheme has yet to be made and the Council will be considering that decision at the Executive Board meeting in November. Finally, whilst I always appreciate the opportunity to stand here and respond to questions from all sides of the Council, I want to make clear our commitment to delivering the best services we can right across the city. So, whilst it is convenient for the Nottingham Independents to stand here once every two months and make cheap political points, let me tell them and the residents of Clifton what this Council, under our leadership, has delivered for them: whether retrofitting energy efficient provision in housing stock or delivering obvious benefits of having the tram serving the area, providing another vital link to the city centre, the QMC, the North and West of the City, attracting fresh investment into Clifton; continuation of our commitment to improve and maintain the housing stock in Clifton with approximately £5m spent on maintenance since 2019, which includes £1.4m spent on 25,000 repairs, £1m on boiler installations, £208,000 on housing adaptations and £200,000 on sprinkler system at South Church Court; through the Decent Neighbourhood Programme throughout Clifton we have repaired footpaths on Homewell Walk, Bonford Avenue, Richmond Walk and Wilkin Gardens, with additional car parking refurbishments on Barkla Close and Flemming Gardens; the Council is also investing £4.3m in the development of 36 new homes in Keiron Hill Court. So, Lord Mayor, I am sure Members in this Chamber will forgive me for not taking any lectures from the Nottingham Independents on how best to deliver for residents of this city. They might think the odd cheap political point lodged in Full Council questions is best for the people of Clifton, whereas we know that Nottingham Labour has a track record of delivering affordable housing, energy efficient measures and investment right into the heart of Clifton and that means so much more than mere words on paper. Thank you.

### **The Place, Sherwood**

Councillor Kevin Clarke asked the following question of the Portfolio Holder for Strategic Regeneration and Communications:

As the Council claims it supports community activity, does it consider that increasing the rent of the Place Community Centre in Sherwood by 120,000% will achieve this?

As Councillor Clarke was not in attendance at the meeting, the question received a written response after the meeting from Councillor David Mellen. That written response is attached to these minutes.

### **Housing Revenue Account**

Councillor Maria Watson asked the following question of the Portfolio Holder for Finance:

Can the Portfolio Holder confirm whether the £40m misspent ring-fenced money has now been paid back in full?

Councillor Adele Williams replied as follows:

Thank you Councillor Watson for your question. As referenced in a previous citizen question and Councillor Neal's answer, the £40m refers to an estimated figure in the review of the Housing Revenue Account (HRA) which is broken down into two parts. The first part payable by the Council of about £28m and then the £17m payable by Nottingham City Homes. The final amount due from the Council's General Fund was calculated using this base figure of £22.87m to which was added the opportunity cost to HRA of not having the funds available to it together with other smaller differences

between the estimated and final amounts. The result was a total figure of £27.703m, this has been paid back to the HRA under the credit direction granted by the Department for Levelling Up, Housing and Communities on the 8 August. It has been accounted for in our final accounts as Councillor Neal described. There is a further £17m payable by Nottingham City Homes and work is ongoing to conclude this item.

### **Firework Display**

Councillor Kirsty Jones asked the following question of the Portfolio Holder for Leisure, Culture and Planning:

Does the Portfolio Holder agree with me that it is very sad that the annual firework and bonfire display has been cancelled? In a time when many are struggling, this public event, that has been a wonderful free event for families to attend and enjoy in the past, will now not be going ahead this year.

Councillor Pavlos Kotsonis replied as follows:

Thank you Lord Mayor and thank you Councillor for your question. The cancellation of the annual bonfire night event was done with a very heavy heart, particularly after the previous two events were cancelled due to the pandemic. The much-loved event is one of the events commissioned by Nottingham City Council and regularly attracts around 40,000 people. The Council's Event Team usually delivers this event with costs of around £30,000 to stage, which includes around £10,000 of income which is from the fairground and food and beverages. Raising prizes meant that the cost of the event would have significantly increased this year, whilst income would have also reduced. Like most councils around the country, the City Council is facing huge budget difficulties at the moment, exacerbated by rising inflation, energy costs and other associated pressures. This growing budget gap did not allow us to have this event this year. Other local authorities, particularly Leeds, Manchester, Glasgow, Cardiff, to mention a few, have also taken the decision to cancel the same event. Whilst I am very disappointed that it was not possible to stage this event this year, I am pleased to report that the much anticipated seasonal Christmas events will be going ahead, including the Christmas Market which will be at no cost to the local tax payer.

### **Pay Award**

Councillor Nick Raine asked the following question of the Portfolio Holder for Housing and HR:

Does the Portfolio Holder agree with me that the local government pay offer should be both fully funded by central government and adequate to the scale of financial crisis hitting the household budgets of our hardworking keyworkers - and that no one should work all week serving our city to go home to empty cupboards?

Councillor Toby Neal replied as follows:

Thank you Lord Mayor and thank you for the question. I could keep it short and say 'yes' but I am not going to because I think there are some really relevant points. I mean, I think it is a disgrace, as to be fair I think most people in this room do too, that people have to go to food banks to support themselves. In 2009, there was a total national visit to food banks of 45,000. That is a lot but we look at today's numbers: 2.1million across the entire country just for the Trussel Trust and in the East Midlands use has gone from 45,000 in 2014 to nearly 130,000 this year. So, there is an exponential growth on this, and it is pretty disgraceful. In terms of what it means for local authorities: local authorities are facing unprecedented budgetary pressures with

inflation currently running at 10.1% which is a 40-year high and we expect it to go higher. These are exceptional times and pay inflation is only one of the financial pressures that the Council is facing as a result of the cost of living crisis. Consequently, we believe, I believe, and I am sure you believe that Central Government needs to develop a package of measures to support local authorities in these unprecedented times, and funding to support the pay offer is just one of those. As it stands, the cost to implement the pay offer will be in the region of £10.9m. We allocated, in last year's budget, £3.9m, so we are looking at a £7m pressure on our budget to meet the requirements of the pay rise, which frankly people deserve, nobody is going to quibble about that. To understand what the pay offer is, it is worth noting it is a flat £1900 to all employees of local authorities. What that means is, those on the lowest pay grades will have a significant increase of 10% or higher, so it will benefit those who are on the lowest wages most. Given that the rate of inflation it is likely that the pay awards will be significantly higher over the coming years as well. The Medium Term Financial Plan that we approved in March assumed a pay award of 2% so if we say the next year is 4%, we are going to see an extra £4m on top of the £7m that we have to find here as it is raked into the bottom line. We are, though, very conscious of the impact of the cost of living crisis on staff and we have put in place a number of actions that should hopefully alleviate some of the immediate pressures. We have changed the payment process for employee expenses from monthly to weekly. This came from feedback from employees and trade unions that some colleagues were experiencing hardship as they were having to wait until the following month to receive out of pocket expenses. We have a proposal to pay mileage for the first and last journey home for home-care workers and this has been agreed with payments to be backdated to April 2022. We are actively promoting the Council's employee benefits scheme which includes a whole range of different things including public transport, bicycles and shopping vouchers that gives cost cutting to colleagues at various different retailers. In the longer term there is a significant issue with pay within local government, we are experienced both in terms of recruitment as well as retention and we are working up a new strategy in terms of pay structure. This is a longer term piece of work that will not address the immediate concerns, but it is something we are heavily engaged with, with the trade unions and we are currently working with the key stakeholders on this. We are looking at various other options and discussing these with the trade unions in addition to any other options they feel may benefit their members. So yes, people shouldn't have to rely on food banks and we are trying to do something around that. I want to finish by saying that over the last couple of years we have seen some of the best out of our colleagues in the City Council in terms of their engagement with communities, supporting communities. They have earned, and they deserve a decent pay rise.

### **Local Government Funding**

Councillor Graham Chapman asked the following question of the Leader of the Council:

Would the Leader of the Council comment on the prospect of further net reductions in local government funding as a result of the ex-Prime Minister's botched budget?

Councillor David Mellen replied as follows:

Thank you Lord Mayor and I thank Councillor Chapman for his question. The mini budget at the beginning of this month was an unmitigated disaster. It caused the economy to crash, the pound to plummet and saw the last Prime Minister have a shorter shelf life than a lettuce. It would be funny if it wasn't scary and dangerous.

The consequence for councils like Nottingham is that it is made an already difficult budget situation, starved of resources for the last 12 years, much worse with little prospect of the needs of the services we deliver to the people of this city being properly funded. This was a mini budget for the rich, which trampled on everybody else in the country. It ignored people who are not currently working as well as those with jobs, people with mortgages to pay, people working in public services, charities and the voluntary sector, those who are teaching or learning in our schools, it came at the cost of our environmental ambitions, our goals for a more equal society and we are losing our respect in the world because of the short-sighted and factional financial plans of the Conservative Government. What will last longer than the Prime Minister's disastrous 50 days in office is the ongoing impact on the rest of the country. In fact, inflation continues to rise, the cost of food and drink is increasing, and the cost of energy bills remains out of control with no solution in sight. Although the new Chancellor has announced many of the new decisions made by his predecessor will be reversed, the budget promised to happen today, will, in common with so many promises of this Government, be subject to delay with it now being pushed back to later in November. Months were wasted whilst the Government dithered over who should be the Prime Minister, more time spent bickering than on budgets. A decision made after a summer concentrating on not on the needs of the country but on the needs of the Conservative Party. So, councils around the country are wrestling with budgets with no real hope that the inflationary pressures on our budget from the high rises in energy costs, will be reflected in the local government settlement expected in December. This is not just a Nottingham problem, in Brighton the Council Leader, Phelim Mac Cafferty has said the Council cannot take any more cuts to funding amid fears of billions of pounds of public spending cuts. He was commenting after the new Chancellor, Jeremy Hunt, said that cuts to public spending cannot be ruled out as the Government tries to reassure financial markets after the disruption caused by the mini budget last month. Mr Hunt said that all Departments will need to redouble their efforts to find savings, failing to rule out cuts to welfare and cuts to local government. You may say: Opposition council leaders would say that, but what about council leaders from the same party as the Government? 'Further budget cuts from Central Government to already stretched services supporting Kent's residents are going to be extremely challenging and hit hard' says Kent County Council as Members try to secure services whilst clawing back a significant budget deficit. The Conservative led County Councils' Network, of which Kent County Council is a member, has this week written to the Treasury to say the prospect of funding reductions on top of soaring inflation would be unthinkable and devastating for services across the country and be worse than austerity. Peter Oakford, Kent County Council Deputy Leader, said 'we cannot doubt the gravity of this financial situation, there is a clear picture of the causes, above all the surge of inflation, coupled with the demand for services, especially social care.' Just down the road in Leicestershire, Tory Council Leader Nick Rushton said this before the mini budget, goodness knows what he thinks now: 'our financial situation is frightening, worse than the years of austerity, we have lost £230m a year in spending power since 2010, we pride ourselves on doing the best we can but the money we have will not be enough and we will have to make tough decisions and nothing is off the table. As the lowest funded county council under the Government's funding scheme, Leicestershire has been sensitive to financial shocks, the challenge currently being faced will put even the best funded local authorities under pressure'. So Councillor Chapman, in a situation where net increases in Local Government settlements are desperately needed all across the country, I fear that net decreases are a real threat to councils and the people that they serve.

## **Local Government Finance**

Councillor Sam Webster asked the following question of the Portfolio Holder for Finance:

The Conservative Chair of the Local Government Association said in a letter to the Chancellor that without additional funding there is “a serious threat to the ability of Council services to function at even the most rudimentary level”. Can the Portfolio Holder explain how the huge inflationary pressures might affect basic Council services in Nottingham if new money isn't forthcoming?

Councillor Adele Williams replied as follows:

Thank you Lord Mayor and thank you Councillor Webster for your question. So, you'll all remember the footage we saw in the summer of the now-Prime Minister speaking to the Party Faithful, boasting of how he has been pulling money from places like Nottingham to places like Tunbridge Wells. He said 'I managed to start changing the funding formulas to make sure areas like Tunbridge Wells are getting the funding they deserve because we inherited a bunch of formulas from Labour that shoved all the funding into deprived urban areas and that needed to be undone. I started the work of doing that.' Refreshingly honest, as of course he didn't start the work did he - it has been happening since the Tories came to power in 2010. I would also like to take issue with the word 'deprived'. In Nottingham we have got it, we have absolutely got it but we are held back, held back by Central Government, held back by Conservative Government. So whilst there is heaps of evidence to show less well healed areas have done worse out of austerity in funding for local services we know, as the question reveals, even the currently Tory shires are hurting because local services are just not a priority for Conservatives. The levelling-up promise has never been delivered and Mr Sunak's comments make clear it was just empty promises to the 'red wall' areas that remember Thatcher. No new set of Conservatives is ever very different, is it? From the Towns Fund to the distribution of funding for local services, there was never any intention to level up. So now councils in cities like ours are faced with budget gaps for next year and moving forward of tens of millions of pounds. Liverpool, in the press, need to make £80m of savings, Bristol £31m and over the water I think Nottinghamshire County Council is declaring a budget gap of £24m. We will declare our budget gap in the December Executive Board meeting as part of our proper governance processes, but I can tell you that after setting a balanced Medium Term Financial Plan in March, we are now in a position like every other local authority, our budget plans are blown out of the water by double digit inflation. Like every year we don't get our settlement from Central Government until just before Christmas but before that we need to be talking to Nottingham, putting our consultation to Nottingham on measures that we will have to face and think about to take us toward the balanced Medium Term Financial Plan. We will have to share an outline of what we might need to do to set a balanced budget in March in the event that the Chancellor provides no better news for places like Nottingham. We have got some strong transformation projects in the city that will deliver better services and improved outcomes for citizens at lower costs, but this cataclysmic budget challenge is way beyond that. Councils all over Britain are having discussions on what they can do within the financial resources that is appears they will have if the Chancellor rigidly sticks to the settlement as laid out and that is in the face of the warnings he has received from his political allies. We are here because we think Nottingham needs, and deserves the best. We will be having the same conversations as councils are

having around the country: what can we do after more than a decade of Conservative cuts to local services, with even less. We will be thinking the absolute unthinkable about our services, thinking about what is a safe and legal level of service, thinking about unthinking measures we will have to consider in order to work towards a balanced budget. As Councillor Mellen has mentioned, we have no choice on that matter. Yes, there are global head winds that have driven the price of energy but let's not forget the way Britain has been hit by this is due to home-grown choices and Conservative choices. We haven't invested in renewables, we haven't invested in installation, we haven't invested in gas storage, so we are horribly vulnerable to an international energy crisis. So it is on us and our families, and in local government to pay for a crisis which has been made and driven by the successive occupants of Downing Street. This is what is driving the inflationary pressures that are pushing up the costs that we face, whether it be what we buy and contract or the cost of the unfunded pay offer, which as my colleague has already said, is not what our workers deserve. They deserve more but it is not funded anyway so we have to find that out of council budgets. We have also had a continued disgraceful failure to fund and fix social care, another one of those areas which is still locally funded, despite the impact on council resources being so much higher in the areas that are least able to support it. So, this Government is an unmitigated disaster on every possible level for Britain: for your household finances, for our Council finances, for anyone on an NHS waiting list, for small businesses out there trying to recover from Covid. In a last chance for our future generations and the planet, isn't it time that our Opposition joined with us in asking for what we know Nottingham wants - a General Election or at least will you join with us in writing to the Chancellor to demand that Nottingham gets what it needs and deserves? Thank you.

### **Council Governance**

Councillor Andrew Rule asked the following question of the Leader of the Council: The Improvement and Assurance Board has repeatedly highlighted the Council's failure to 'move at pace' and address their concerns as a 'matter of urgency' – does the Leader of the Council agree that one way this could be improved is if decision making by the political hierarchy could be streamlined, by increasing limits to the Scheme of Delegation allowing officers to take minutia away from the political leadership and speed up the decision making, as has been done in other Core Cities?

Councillor David Mellen replied as follows:

Thank you Lord Mayor and can I thank Councillor Rule for his question. Nottingham City Council has an Improvement and Assurance Board as part of the Government's response to the Non Statutory Review carried out by Max Caller in November 2020. Progress against the Improvement Plan has been significant, but the Improvement and Assurance Board has consistently encouraged the Council to address many of the issues raised more quickly. The improvement of the Council was recognised in a change of heart by the Government to increase the powers of the Improvement Board, rather than the previously suggested imposition of commissioners. The then Secretary of State, Greg Clark, cited Nottingham's progress as one of the reasons for the change of heart. However, we are not complacent. Sir Tony Redmond, Chair of the Improvement and Assurance Board, set the Council a statement of 67 requirements against which our progress will be judged at the end of November. Officers are committed to doing what is necessary to bring about the necessary improvement to put all services and finances on a stable footing. I do not, however,

accept your description Councillor Rule, that some decisions taken by political leadership involve minutia. Deciding how best to spend £150,000 is not minutia. The public elects councillors to provide scrutiny of how public money is spent and we work closely with officers to ensure these decisions are made in a timely way. The level of delegations of decision making between officers and members is subject to review, taking into account a number of factors. I have increased the delegation limits once since I have been the Leader of the Council and will shortly be reviewing them once more with the Monitoring Officer. Good decision making is vital for an effective Council. Sometimes difficult decisions need full consideration, taking all factors into account. Whilst councillor decision making must be timely and effective, quick decision are not always good decisions. I do not accept that appropriate member involvement in decision making leads to delay rather it gives an appropriate oversight and exercises the mandate that the people of Nottingham give to those trusted enough to sit in this Chamber.

### **Ofsted Inspection**

Councillor Andrew Rule asked the following question of the Portfolio Holder for Children, Young People and Schools:

Following the recent inadequate inspection finding by Ofsted, can the Portfolio Holder outline how she plans to lead improvement within the service to ensure the Council improves to a Good, if not Outstanding, rating at its next inspection, which I am sure is her aspiration for the service?

Councillor Cheryl Barnard replied as follows:

Thank you Lord Mayor and thank you Councillor Rule for your question. I am clear that the areas of children's services covered in the inspection represent some of our most important Council statutory responsibilities. I am personally committed, and this Council is fully committed to providing consistently good services to children in Nottingham and to ensure children receive our help at the right time. Firstly, we have not waited for the publication of the report to make some immediate decisions, for example to increase social work and manager capacity in the Multi Agency Safeguarding Hub and to bring forward our plans for the service. However, we are committed to delivering sustainable and whole service improvement and that means we will have a robust programme of work over time. We recognise and understand the improvements needed and we are updating our existing improvement plan to reflect the findings of the inspection. We will share this with Ofsted as we are required to do. We will also work closely with the Department for Education to ensure that our plan and the support they are providing will assist us in delivering consistently positive outcomes for children. This work will be overseen by the Children at the Heart Improvement Board and a new smaller executive group, both chaired by an independent chair. This will provide oversight, support and challenge to the improvement programme to ensure that progress is achieved. Progress will be reported to the Executive and reviewed by our Children and Young People's Scrutiny Committee. We have a lot to achieve and it will be important to prioritise. This will require a considered and incremental approach to ensure changes made in the Service are systemic, well embedded and result in sustained change. This will be a whole service approach and not just limited to the eight areas highlighted in the report. Our frontline staff and managers are dedicated to their work and are ambitious for the children of our city. The inspection recognised the commitment staff have for children in Nottingham and some of the excellent direct work that they do with children. There was also recognition of commitment to children's services at all levels

of the organisation at both officer and member level. I will personally retain a clear focus on making sure that we provide the right environment for our skilled and valued staff to do their best work. Focussing on the outcomes for children and their families will ensure we are focussed on the right areas to improve our service delivery. Alongside the challenge of the report, I am pleased that within the inspection some of the areas of progress that we have made have been recognised. This provides us with a good platform to build on. The leadership team, as well as the whole work force, are committed and determined as I am to work at pace, to quicken the improvement work across the whole service. The Council will do what is needed to ensure that we have got good services for children and families in Nottingham; they deserve nothing less. Whilst inspection is a vital part of regulation, we do this because it is the right thing to do for children in our city.

#### **44 Devolution Deal - Draft proposal for an East Midlands Combined County Authority**

Councillor David Mellen, Leader of the Council, presented the report asking Council to approve a draft proposal for a devolution deal between Nottingham City Council, Derbyshire County Council, Derby City Council and Nottinghamshire County Council and Government. In order to progress the devolution deal, there is a requirement to consult on the draft East Midlands Combined County Authority Proposal and Council was also asked to agree to formally consult on the proposal with the residents and other stakeholders of Nottingham and the wider area for a period of eight weeks between November 2022 and January 2023. It is anticipated that Council will be asked to consider the results of the consultation at its meeting in March 2023 and agree whether or not to formally submit the final proposal to Government. The report was seconded by Councillor Adele Williams.

#### **Resolved to:**

- (1) approve the draft Proposal attached at appendix 1 to the report to create an East Midlands Combined County Authority (EMCCA) for the areas of Nottingham City, Derbyshire County, Derby City and Nottinghamshire County;**
- (2) formally consult upon the draft Proposal with the residents and other stakeholders of Nottingham and the wider EMCCA area, in partnership with Derby City Council, Derbyshire County Council and Nottinghamshire County Council;**
- (3) agree the approach to consultation as set out in appendix 2 to the report; and**
- (4) delegate authority to the Chief Executive to approve any typographical or technical amendments to the draft Proposal which the Chief Executives of the other three Councils also agree on, on behalf of Nottingham City Council prior to the commencement of consultation. This delegation is to be exercised in consultation with the Leader of the Council and is conditional upon such amendments being agreed by all four upper tier Council Leaders.**

#### **45 Statutory Intervention and the refresh of the Together for Nottingham Plan**

Councillor David Mellen, Leader of the Council, presented the report asking Council to note the Directions made by the Secretary of State for Levelling Up, Housing and Communities to place the Improvement and Assurance Board on a statutory footing; and to approve a refreshed Together for Nottingham Plan in order to comply with the Directions given to the Council by the Secretary of State to amend its improvement plan to the satisfaction of the Board. The report was seconded by Councillor Adele Williams.

##### **Resolved to**

- (1) note the Directions made by the Secretary of State for Levelling Up, Housing and Communities placing the Improvement and Assurance Board upon a statutory footing with the power to direct the Council's improvement activities; and**
- (2) approve the refreshed Together for Nottingham Plan, as set out at appendix 4 to the report.**

#### **46 Overview and Scrutiny Annual Report**

Councillor Georgia Power, Chair of the Health and Adult Social Care Scrutiny Committee, presented the Overview and Scrutiny Annual Report 2021/22. The Annual Report provides an overview of the activity undertaken by the scrutiny committees during 2021/22 and the outputs and outcomes from that work. It also outlines the improvement activity that was undertaken to improve the operation of the scrutiny function. The report was seconded by Councillor Maria Joannou.

##### **Resolved to accept the Overview and Scrutiny Annual Report 2021/22.**

#### **47 Nottingham and Nottinghamshire Integrated Care Partnership - Amendment to Terms of Reference**

Councillor Adele Williams, Deputy Leader of the Council, presented the report proposing adoption of an updated terms of reference for the Nottingham and Nottinghamshire Integrated Care Partnership, which is a Joint Committee of the City and County Councils and the Integrated Care Board. The report was seconded by Councillor Linda Woodings.

##### **Resolved to**

- (1) approve the terms of the reference for the Nottingham and Nottinghamshire Integrated Care Partnership, as set out at appendix B to the report; and**
- (2) amend the Constitution to reflect the revised terms of reference.**

## 48 Decisions taken under Urgency Procedures

Councillor David Mellen, Leader of the Council, presented the report detailing urgent decisions that the Council is required to note, which have been taken under provisions within the Overview and Scrutiny Procedure Rules and Access to Information Rules. The report was seconded by Councillor Adele Williams.

### Resolved to note

(1) the following decisions taken under the Call-in and Urgency provisions of the Overview and Scrutiny Procedure Rules:

Decision Reference	Subject	Decision Taker	Reason for Urgency
DD4668	Approval to reallocate £335,000 Green Homes Grant Local Authority Delivery Phase 2 Grant Funding	Portfolio Holder for Energy, Environment and Waste Services	The programme of works would have been compromised affecting delivery by the Business, Energy and Industrial Strategy Department's deadline of 22 August 2022.
DD4706	Grant support for Energy Efficiency Upskilling Competition	Leader of the Council	The Business, Energy and Industrial Strategy Department required a Memorandum of Understanding to be completed during August so that the Energy Efficiency Upskilling Competition could be launched on 5 September to ensure optimum delivery during this financial year.
DD4707	Provision for commercial lease	Leader of the Council	The Council was engaged in a time

<b>Decision Reference</b>	<b>Subject</b>	<b>Decision Taker</b>	<b>Reason for Urgency</b>
	<b>negotiations</b>		<b>critical negotiation process regarding this important commercial lease. A decision putting the right level of resourcing in place to support the negotiations was required urgently so as to ensure that the Council was in the most effective position possible to achieve best value.</b>
<b>DD4725</b>	<b>Chewing Gum Task Force grant approval</b>	<b>Portfolio Holder for Energy, Environment and Waste Services</b>	<b>In order to comply with the funding agreement, the Task Force had to be 'live' within two weeks.</b>

**(2) the following decision taken under the Special Urgency provisions of the Access to Information Procedure Rules:**

<b>Decision reference</b>	<b>Subject</b>	<b>Decision taker</b>	<b>Reason for Special Urgency</b>
<b>DD4667</b>	<b>Private Rental Sector Enforcement Competition – Additional Funding</b>	<b>Leader of the Council</b>	<b>In order for the Business, Energy and Industrial Strategy Department to release the additional funding, the Council had to ensure that it was able to start transferring the grant funding to successful local authorities from the middle of July</b>

Decision reference	Subject	Decision taker	Reason for Special Urgency
			<b>2022. The Council needed to put measures in place to start distributing funding within the required timescales.</b>

#### **49 Appointment of Honorary Recorder**

Councillor David Mellen, Leader of the Council, presented the report proposing that, following the retirement of His Honour Judge Greg Dickinson QC, Her Honour Judge Nirmal Shant KC be appointed as Honorary Recorder for the City of Nottingham. He thanked the former Honorary Recorder for his contribution to the life of the City. The report was seconded by Councillor Adele Williams.

**Resolved to appoint Her Honour Judge Nirmal Shant KC as Honorary Recorder for the City of Nottingham with immediate effect for the duration of her tenure as Senior Circuit Judge, Resident Judge.**

#### **50 Motion in the name of Councillor Adele Williams**

Councillor Adele Williams proposed the following motion, which was seconded by Councillor Nick Raine:

This Council notes that:

On 17<sup>th</sup> October, the new Chancellor announced that the promised two year energy cap would be withdrawn in April, leaving energy prices for the average household set to rise again to an expected £4,347.

Alongside the rise in the cost of everyday items such as food, fuel and energy, Nottingham people, like those across the UK, now face higher interest rates for mortgages and other borrowing due to volatility following the former Chancellor's announcements on September 23<sup>rd</sup>.

Many are already dealing with rents elevated far beyond affordability, with housing that is within the Local Housing Allowance virtually non-existent.

The council notes that financial wellbeing is one of the four priorities of the Joint Health and Wellbeing Strategy in recognition of this being foundational to people's ability to live in good health.

Given the urgency and depth of this crisis, Nottingham City Council declares a 'Cost of Living Emergency.'

Since 2010 successive chancellors have chosen to allow local authority funding to fall way below need, so that locally delivered services are underfunded whilst demand

rises due to demographic pressures and the impact of austerity. Local authorities find it more difficult each year to balance budgets and the coming year's budget process, without a significant change of direction from the chancellor will be amongst the worst we have seen.

Nottingham City Council will prioritise its resources, in this increasingly difficult context, towards standing with and supporting our citizens through this crisis. This council commits to supporting Nottingham residents to mitigate the impact of the cost of living crisis through funding services such as Welfare Rights and energy advice

We call on the Government to:

- Convene an emergency response committee to tackle the cost of living crisis with urgent measures;
- To prioritise resources to protect hard pressed families and businesses from the energy price rises and the impact of inflation – levying a windfall tax to support this;
- Immediately reduce the standard rate of VAT from 20% to 17.5% for one year, saving the average household in Nottingham a further £600 this year;
- Deliver a sustainable plan to insulate millions of homes across the country to save on energy bills now and in the future;
- Commit to the pensions triple lock to support pensioners in Nottingham;
- Ensure benefits are updated to adequately protect those most vulnerable to the cost of living crisis;
- Resource local authorities adequately so that they can support their citizens through this crisis and to fuel real levelling up of our regions.

The recently exacerbated turmoil is having a profound impact on people's livelihoods, their mental and physical wellbeing and local spending decisions, all of which will impact on our local economy and services. Fundamental change is required to address what are systemic issues. People right across the country are facing impossible choices in the face of rapidly rising prices in food and energy.

Nottingham City Council urges the Government to do everything within its power to tackle this issue now. Life is harder than ever for people across the areas that were promised real change. There is now an urgent need to deliver on those promises.

**Resolved to carry the motion.**

## **51 Committee membership changes**

It was noted that:

- a) Councillor Nayab Patel had been removed as a member of the Children and Young People Scrutiny Committee
- b) Councillor Eunice-Campbell had been appointed to replace Councillor Nayab Patel as a member of the Health and Adult Social Care Scrutiny Committee
- c) Council Nayab Patel had been appointed to a vacant seat on the Audit Committee
- d) Councillor Shuguftah Quddoos had been appointed to a vacant seat on the Licensing Committee

- e) Councillor Sajid Mohammed had been appointed to a vacant seat on the Licensing Committee
- f) Councillor Cate Woodward had been appointed to a vacant seat on the Children and Young People Scrutiny Committee

The Meeting concluded at 5.10 pm

**Responses to questions from Councillors requiring a written response**

**CQ1**

**Question to be asked by Councillor Kevin Clarke of the Portfolio Holder for Highways, Transport and Parks at the meeting of the City Council to be held on 31 October 2022**

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Can the Portfolio Holder address why, despite this being the hottest summer on record, the residents of our City had no paddling pool on Victoria Embankment to take their children to?

Councillor Audra Wynter replied as follows:

Thank you and I would like to thank Councillor Clarke for his question about the paddling pool. As you will remember from my response to Councillor Jones's question about the closure of the paddling pool at Council in July, we fully recognise that the facility was a well-loved visitor attraction and also understand the concerns about its closure particularly during this summer's periods of extreme hot weather. We are fully aware of the public's support to bring back the paddling pool but significant investment is now required to fix the damaged filtration system. As the facility was no longer fit or capable of operating there was no choice but to keep the paddling pool closed this summer but we are committed sourcing the funding to bring back a new facility serving families of all abilities.

Recognising that access to safe open air water play would be in high demand this summer the parks team did put in extra effort to ensure that Bulwell Bogs water park remained open throughout the summer and whilst I appreciate that the Bulwell facility is located in the North of the City it is fully accessible via the Tram network. As outlined at Council in July, the Parks team have now carried out and recently completed a community engagement survey. The survey was originally scheduled to conclude at the end of July but, following feedback, it was felt that a further month during the summer holidays would help capture additional opinions and ensure that all the local community groups had time to engage with the survey. The survey has been carried out in order to help provide evidence of support for a replacement facility and to prioritise the type of facility that the community would prefer to see developed. Over 2,100 people have engaged with the online survey or have returned paper surveys. The Parks Team also visited 4 local primary schools to get the opinions direct from local children. The survey has resulted in an overwhelming support for a new facility and one that includes a mixture of both traditional open water and a splash pad. In addition, the school survey has also confirmed a strong interest in providing some form of water play facility.

Now that the survey is completed, the Parks Team are now starting to explore funding opportunities which will include a mixture of funding bids to external funding organisations alongside the use of new section 106 funding from local developments. In addition, the Parks Team are also working with the Nottingham Open Space Forum to deliver a Just Giving type of campaign. It is hoped that this will start in the next few weeks.

It is hoped that the funding package will be confirmed before Christmas and plans can then be put in place to implement a new water park facility later in 2023.

**Question to be asked by Councillor Kevin Clarke of the Portfolio Holder for Strategic Regeneration and Communications at the meeting of the City Council to be held on 31 October 2022**

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As the Council claims it supports community activity, does it consider that increasing the rent of the Place Community Centre in Sherwood by 120,000% will achieve this?

Councillor David Mellen replied as follows:

The 'Place' is a building in Sherwood which belongs to the City Council. It houses many community activities but it is not one of the Council's community centres. The organisation that runs the Place has leased the premises from the Council and pay a nominal rent. Their lease has now expired and the organisation has requested a renewal.

One of the actions of the 'Together for Nottingham' improvement programme is to carry out a review to ensure robust agreements are in place for all of our leases. The Place is part of that review. Many existing agreements leave the Council receiving only small rents while retaining significant repairing liabilities which is not sustainable. The current agreement for the Place leaves the Council with external repairing responsibility.

Our starting point for all property transactions has to be market rent in line with our adopted Disposals Policy and emerging Community Asset Policy. We can only consider offering rent reductions for organisations that are not for profit and properly constituted and where they deliver community outputs which meet the Council's priorities, and which have to be monitored for delivery.

As the Portfolio Holder for Property, I have met with the organisation together with officers and the local ward members for Sherwood, who I commend for taking the issues raised by the Place Management Committee forward, and we have indicated that if they can demonstrate that they are a not-for-profit organisation and properly constituted they can submit a proposal for a reduced amount of rent offset by quantifiable community outputs for consideration by the Council. It is important to note that this 'social value' will have to be in line with the Council's priorities and appropriate Council officers will be asked to advise in that respect.

**Question to be asked by Councillor Andrew Rule of the Portfolio Holder for Housing and HR at the meeting of the City Council to be held on 31 October 2022 requesting a written response**

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Could the Portfolio Holder provide a breakdown by service line of the current number of advertised vacancies in the Council, split out by grade of staff?

Councillor Toby Neal replied as follows:

The below table shows the number of 'live' advertised vacancies on 2 November 2022.

Directorate	Grade	Total	
People	Grade C	3	
	Grade D	8	
	Grade E	4	
	Grade F	4	
	Grade H	1	
	Grade I	1	
	<b>People Total</b>		<b>21</b>
Resident Services	Grade A	3	
	Grade B	1	
	Grade D	5	
	Grade E	2	
	Grade F	1	
	Grade G	2	
	Grade I	1	
	Grade K	1	
	<b>Resident Services Total</b>		<b>16</b>
	Growth & City Development	Grade E	1
Grade F		1	
Grade G		3	
<b>Growth &amp; City Development Total</b>		<b>5</b>	
Finance & Resources	Grade E	1	
	Grade F	2	
	Grade G	1	
	Grade H	2	
<b>Finance &amp; Resources Total</b>		<b>6</b>	
<b>NCC Total</b>		<b>48</b>	

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# City Council – 9 January 2023

## Report of the Leader of the Council

### Corporate Director/ Director

Malcolm Townroe, Director of Legal and Governance and Monitoring Officer

Nancy Barnard, Head of Governance

[nancy.barnard@nottinghamcity.gov.uk](mailto:nancy.barnard@nottinghamcity.gov.uk)

0115 876 4312

### Title: Executive Amendments to the Constitution

#### Does the report form part of the Budget or Policy Framework?

Yes     No

#### Does this report contain any information that is exempt from publication?

No

#### Relevant Council Plan Key Outcome:

Clean and Connected Communities	<input type="checkbox"/>
Keeping Nottingham Working	<input type="checkbox"/>
Carbon Neutral by 2028	<input type="checkbox"/>
Safer Nottingham	<input type="checkbox"/>
Child-Friendly Nottingham	<input type="checkbox"/>
Healthy and Inclusive	<input type="checkbox"/>
Keeping Nottingham Moving	<input type="checkbox"/>
Improve the City Centre	<input type="checkbox"/>
Better Housing	<input type="checkbox"/>
Financial Stability	<input type="checkbox"/>
Serving People Well	<input checked="" type="checkbox"/>

## 1. Summary

- 1.1 This report asks Council to note that amendments have been made to the Executive Scheme of Delegation contained within Article 10 of the Constitution and, arising from those changes, to Article 13. These amendments were made by the Director of Legal and Governance under delegated powers following their approval by the Leader.

## 2. Recommendations

- 2.1 That Council notes the amendments to Articles 10 and 13 of the Constitution. The revised articles are attached as Appendices A and B to this report and the changes are outlined in paragraph 7.2.

## 3. Reasons for recommendations

- 3.1 The Council is required to have a Constitution outlining its governance arrangements, including roles, responsibilities and decision making procedures. It is important that the Constitution is kept up to date and that it supports efficient and effective decision making.

3.2 The Leader of the Council reviewed the Scheme of Executive Delegation in November and agreed a number of changes to decision making arrangements as part of our ongoing governance improvement work. These resulted in changes to the Constitution which were made by the Director of Legal and Governance under delegation 77. It is a requirement that any changes made in this way are reported to Full Council at the next available meeting for noting.

#### 4. **Other options considered in making recommendations**

4.1 No other options were considered as noting amendments is a Constitutional requirement.

#### 5. **Consideration of Risk**

5.1 The recommendations to note the amendments do not generate any risks. The scheme of delegation will continue to be monitored to ensure it is operating effectively. Individual decisions taken within the scheme will include consideration of risk.

#### 6. **Best Value Considerations**

6.1 This report has no financial implications and the maintenance of the Constitution is a statutory requirement.

#### 7. **Background (including outcomes of consultation)**

7.1 As part of the Together for Nottingham Plan, Full Council agreed a new Constitution on 13 September 2021 which came into operation on 1 October 2021. The new Constitution contained a revised Scheme of Executive Delegation containing changes to the delegations to officers. When adopted, the Leader of the Council committed to keeping the scheme under six monthly review to ensure it continued to operate effectively. The second review took place in November 2022 and resulted in the Leader approving changes to the scheme which are presented for noting.

7.2 The affected Articles of the Constitution (10 and 13) are attached as appendices A and B but in summary the changes are as follows:

a) **Limit on Officer Delegations**

The officer decision making limit has been raised to £250,000. Provided the decision maker (usually the Corporate Director) has sufficient funds in their overall budget, they can take decisions up to this limit. The exception to this is policy decisions which remain with the Portfolio Holder.

b) **Grant Funding Decisions**

Corporate Directors can approve decisions to bid for and accept grant funding to implement agreed policies, up to the value of £250,000.

c) **Call-in**

All Key Decisions and decisions taken by Portfolio Holders or Executive Committees will continue to be subject to call in (unless exempted).

d) **Publication**

All officer decisions with a value of £25,000 and above will be recorded on an operational decision form and published on the website (unless exempt where a

record of the decision will be published, in line with current arrangements and legal requirements).

## 8. Finance colleague comments (including implications and value for money)

- 8.1 This report has no direct financial implications as it is a procedural update and has no impact on the Council's finances. Any decisions taken within the revised scheme of delegation will be subject to financial advice and comment.

Nishil Rabheru, Strategic Finance Business Partner, 22/12/2022

## 9. Legal colleague comments

- 9.1 The Council is required under the Local Government Act 2000 to have and maintain a Constitution. It is an essential element of good governance that the Council's Constitution is clear, concise and up to date and that it sets out, in a very transparent manner, how the Council conducts its business. The amendments to the Scheme of Executive Delegation have been made in accordance with the Constitution and have been brought to Council for noting.

Beth Brown, Head of Legal, 22/12/2022

## 10. Other relevant comments

- 10.1 Not required.

## 11. Crime and Disorder Implications (If Applicable)

- 11.1 Not applicable.

## 12. Social value considerations (If Applicable)

- 12.1 Not Applicable.

## 13. Regard to the NHS Constitution (If Applicable)

- 13.1 Not Applicable.

## 14. Equality Impact Assessment (EIA)

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

No



An EIA is not required because the amendment of the Constitution does not involve a new or changing policy or service.

## 15. Data Protection Impact Assessment (DPIA)

- 15.1 Has the data protection impact of the proposals in this report been assessed?

No



A DPIA is not required because amending the Scheme of Delegation has no data protection implications.

**16. Carbon Impact Assessment (CIA)**

16.1 Has the carbon impact of the proposals in this report been assessed?

No



A CIA is not required because amending the Scheme of Delegation has no carbon implications.

**17. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

17.1 None

**18. Published documents referred to in this report**

18.1 The Council's Constitution - [Nottingham City Council's Constitution - Nottingham City Council](#)

18.2 Report to and minutes of the meeting of Full Council held on 13 September 2021 - [Agenda for City Council on Monday, 13th September, 2021, 2.00 pm - Nottingham City Council](#)

**Councillor David Mellen**  
**Leader of the Council**



Nottingham

City Council

# Constitution

## Article Ten: Executive Arrangements (including the Executive Scheme of Delegation)

# Article Ten: Executive Arrangements

10.1 Nottingham City Council operates a Strong Leader and Cabinet model of Executive governance. Under this model, the Leader has responsibility for all Executive functions and can choose to discharge them him/herself or to delegate them to:

- Executive Board
- other Executive Committees (including joint committees with other local authorities, the Executives of other local authorities, or other permitted organisations)
- other Executive Councillors or
- officers.

The current arrangements for the delegation of Executive functions, determined by the Leader, are outlined in this article. Details of delegations to officers (both Executive and Non-Executive) can be found in Governance Framework Document G – Delegations to Officers.

10.2 Executive functions are any of Nottingham City Council's functions which are not reserved to any other part of the Council, by the law or this Constitution. Further detail on Executive Functions can be found in Article 7 – Decision Making.

10.3 At the Annual General Meeting of the Council, the Leader will present the following information on delegations he/ she has made:

- the individuals he/she has appointed to Executive Board and matters within their Portfolios
- the terms of reference and membership of any Executive Committee
- the nature and extent of any delegations of Executive functions to any other authority or any joint arrangements and the appointment of Portfolio Holders to any joint committee
- the nature and extent of any changes to existing delegations to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

10.4 Any body or individual to whom Executive functions have been delegated by the Leader can sub-delegate that power to another Executive body or individual unless the Leader or this Constitution directs otherwise. Delegations to officers will not usually be sub-delegated below the level of Head of Service without explicit agreement of the Leader. The delegation of functions does not prevent the discharge of those functions by the person or body who delegated them or the Leader.

## 10.5 **The Election of the Leader**

The Leader is elected by Full Council at the Annual General Meeting held after all Council elections. If the Council fails to elect a Leader at that meeting, the election will take place at a subsequent meeting of the Council. The term of office of the Leader usually lasts four years. It starts on the day of his/her election as Leader and ends on the day of the next Annual General Meeting of Full Council held after all Council elections.

10.6 The Leader will serve a full term unless, before the end of the term he/she:

- is removed from office or resigns,
- ceases to be a Councillor,
- is disqualified from being a Councillor.

- 10.7 Only Full Council has the power to remove the Leader. This requires a resolution of Council, passed by a simple majority. If the Council passes a resolution to remove the Leader, a new Leader will be elected at the same meeting of Full Council or at a subsequent meeting.
- 10.8 **The Appointment of the Executive**  
Once elected, the Leader will determine the size of the cabinet, which in Nottingham is called Executive Board. He/she will appoint between two and nine Councillors to Executive Board in addition to him/herself. The Lord Mayor and Sheriff cannot be appointed to Executive Board. These Executive Councillors are known in Nottingham as Portfolio Holders. Executive Board is constituted of all Portfolio Holders, the Leader and Deputy Leader and they collectively take Executive decisions. The terms of reference for Executive Board can be found at the end of this Article.
- 10.9 One of the Portfolio Holders must be appointed by the Leader as Deputy Leader. If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in his/her place. If the Deputy Leader is unable to act or the office is vacant, the Executive Board must act in the Leader's place or arrange for a member of the Executive Board to do so.
- 10.10 The Leader will delegate responsibility for the discharge of Executive Functions to individual Portfolio Holders who will take decisions on these functions in accordance with the Scheme of Delegation. The current remits of the Portfolio Holders can be found later in this Article.
- 10.11 The Leader can make changes to the membership and remits of the Executive and its committees with immediate effect by informing the Director of Legal and Governance, and the individuals affected by the changes, in writing of the changes he/ she wishes to make. These changes will be reported to the next meeting of Full Council for incorporation into the Constitution.
- 10.12 Further information on the operation of Executive Committees can be found in the Executive Committee terms of reference later in this Article and Article 12 – Council Standing Orders and Committee Procedures.
- 10.13 The Leader can also choose to appoint Executive Assistants to support Portfolio Holders with their responsibilities. Executive Assistants do not have any decision making powers but can work with officers, represent Executive Councillors at meetings and offer advice and support. Further information on the role of Executive Assistants can be found in Article 4 – Councillors and a summary of their remits can be found at the end of this article.

## The Scheme of Executive Delegation

### 10.14 Introduction

This section of the Constitution outlines the arrangements for the delegation of Executive functions determined by the Leader. It outlines what Executive decisions can be taken by whom. It should be read alongside Article 7 – Decision Making, which outlines how decisions should be taken, Article 4 – Councillors, and Article 5 – Officers, which outline the distinct roles Councillors and Officers have in decision making.

10.15 Decisions taken under this Scheme must comply with all other provisions outlined in this Constitution, in particular, those in Article 13 – Access to Information Procedure Rules and Article 7 – Decision Making. Decisions must also be taken in accordance with the agreed Budget and Policy Framework of the Council (Article 8).

### 10.16 Amendment of this Scheme

The Leader can amend the Executive Scheme of Delegation at any time and with immediate effect. To do so, the Leader must give written notice to the Director of Legal and Governance, and to the person, body or committee concerned, of the amendment. Any amendments to the arrangements outlined in this Constitution will be reported to the next meeting of Full Council for incorporation into the Constitution.

### 10.17 Definitions of Financial Impact

Many of the delegations made by the Leader are subject to financial limits. Unless otherwise stated, throughout this Article the following principles apply when defining the financial limit of decision making:

- The financial value of a decision should reflect the total committed financial impact of that decision to the Council, for example, the full cost of a contract over its lifespan rather than the cost per year
- Decisions incurring savings, income (including income from grants), loss of income and expenditure all fall within the definition of financial impact.

A table summarising the financial limits of delegations can be found at paragraph 10.31 below.

### 10.18 Key Decisions

Nottingham City Council has decided that Key Decisions are Executive decisions which are likely to:

- have a financial value to the Council of £750,000 or above (revenue or capital), and/ or
- be significant in terms of their effects on communities living or working in an area consisting of two or more wards in the City.

10.19 Key Decisions may only be taken by:

- the Leader of the Council,
- an Executive Committee,
- an Officer or individual Portfolio Holder where specifically delegated by the Leader or an Executive Committee.

10.20 The Chief Executive, Corporate Directors, and the Director for Public Health will decide which decisions within their areas of responsibility are Key Decisions, seeking advice from the Director of Legal and Governance if necessary.

10.21 While the Leader can take Key Decisions this should only be requested in exceptional circumstances if it is not possible to take the decision to a scheduled meeting of the relevant Executive Committee. The usual decision making route for Key Decisions will be through Executive Committees.

10.22 Key Decisions can only be taken in accordance with the notice requirements outlined in Article 13 – Access to Information Procedure Rules.

**10.23 Delegations to Executive Committees**

In addition to Executive Board, the Leader can establish Committees of Executive Councillors to discharge Executive functions. All Executive Committees, including Executive Board, must operate in accordance with Article 7 - Decision Making and Article 13 - Access to Information Procedure Rules and Article 12 – Council Standing Orders and Committee Procedures. The terms of reference for the currently established Executive Committees which include detail of the functions delegated to them by the Leader, are outlined at the end of this Article. A list of members appointed to these Committees can be found in Governance Framework Document I – Executive Committee Appointments.

**10.24 Delegations to Portfolio Holders**

The Leader has delegated responsibility to individual Portfolio Holders to make Executive decisions within the remits of their Portfolio subject to the following:

- Portfolio Holders cannot take Key Decisions unless specifically delegated to do so by the Leader or an Executive Committee
- Portfolio Holders will take all Executive Decisions within their remits with a value between £250,000 and £749,999
- For decisions that are not Key Decisions that have a value of less than £250,000 Portfolio Holders will take strategic, policy and budgetary decisions outside of agreed budgets only.

Any decisions taken by individual Portfolio Holders must be taken in accordance with Article 7 - Decision Making and Article 13 - Access to Information Procedure Rules. The current remits of the Portfolio Holders can be found at the end of this Article.

10.25 As outlined below, responsibility for operational decisions below the value of £250,000 has been delegated to Officers.

10.26 Where a delegated decision comes within the remit of more than one Portfolio, it should be authorised by the principal Portfolio Holder only. However, consultation must take place with the other affected Portfolio Holder(s) and a record of this consultation should be recorded in the record of the decision. If agreement cannot be achieved between the Portfolio Holders as to who the principal Portfolio Holder is this will be resolved by the Leader.

10.27 All formal decisions taken by Portfolio Holders will be subject to publication in accordance with Article 13 – Access to Information Procedure Rules and will be subject to Call-in in accordance with Article 11 – Overview and Scrutiny. Budgetary decisions with a value below £25,000 do not require a formal decision.

**10.28 Executive Delegations to Officers**

The Leader has delegated responsibility to Officers to take operational Executive decisions within their remits up to the value of £250,000 unless otherwise delegated. Any decisions taken by individual officers must be taken in accordance with Article 7 - Decision Making and Article 13 - Access to Information Procedure Rules. The current remits of the Chief Executive and Corporate Directors are summarised in Article 5 – Officers and further detail can be found in Governance Framework Document G – Delegations to Officers.

10.29 In accordance with the roles of Councillors and Officers outlined in Articles 4, 5 and 6 of this Constitution, the Leader has delegated responsibility to officers to take operational decisions within their remits up to the value of £250,000. As outlined above, responsibility for strategic, policy and budgetary decisions outside of agreed budgets, below the value of £250,000 has been delegated to Portfolio Holders. Operational decisions are defined as decisions being taken within agreed policies, strategies and the overall budget controlled by the officer authorising the decision. In addition, the acceptance of grant funding of up to £250,000 to deliver agreed policies has been delegated to officers. Before exercising any delegated power, an officer must consider whether the decision to be made is of such a nature that it ought to be referred for decision to an individual Portfolio Holder, an Executive Committee or the Leader.

10.30 Operational decisions taken by officers are not subject to call-in but must still be taken in accordance with Article 7 – Decision Making. They must be recorded on an Operational Decision Form which will be published for transparency purposes. These records must record the reasons why a decision has been classified as an operational decision.

**10.31 Summary of the Limits of Delegation**

The table below outlines the financial limits of Executive Delegation, and applies unless separate, specific delegations have been agreed.

<b>Executive Decision Maker</b>	<b>Limit of Authority</b>
Leader Executive Committees	Any sum but £750,000 and above and any decision having a significant impact on two or more wards is a Key Decision.
Portfolio Holder	<p>→ All Executive Decisions with a value of £250,000 and above and which are not Key Decisions.</p> <p>→ All Strategic, Policy and Budgetary (outside of agreed budgets) Executive decisions that are not Key Decisions, noting that budgetary decisions with a value below £25,000 do not require a formal decision form to be completed.</p>
Officer	All Operational Decisions, including the acceptance

	of grant funding to deliver agreed policies with a value of up to £249,999.
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**10.32 Ward Level Decision Making**

The Leader has delegated responsibility for decisions related to spend from Area Capital Budgets and Ward Budgets to specific officers, as identified in the Governance Framework Document G – Delegations to Officers. These budgets are to be spent on supporting ward initiatives.

10.33 In addition to being taken in accordance with Article 7 - Decision Making and Article 13 - Access to Information Procedure Rules these decisions must be based upon recommendations from the relevant Ward Councillors. All ward level decisions will be published quarterly on the Council’s website.

10.34 If any authorised colleague is not prepared to take a decision, then the proposals will be taken by the relevant Corporate Director.

**10.35 Records of Executive Decisions taken by Individuals**

Leader’s Key Decisions and decisions taken by individual Portfolio Holders, should be counter-signed by an officer who has delegated authority to do so and whose remit covers the subject of the decision. While an officer must counter-sign the decision, by signing it, the Leader or Portfolio Holder is responsible and accountable for the decision. The delegated decision making form recording the decision must be signed by both the Portfolio Holder and officer within 10 working days of each other.

10.36 Unless otherwise stated in Governance Framework Document G – Delegations to Officers or sub-delegated, the authority to countersign Leader’s Key decisions and Portfolio Holder decisions sits with the Chief Executive, Corporate Directors and the Director of Public Health. These officers can choose to sub-delegate this power in accordance with Article 7 – Decision Making but cannot delegate it below Head of Service level.

10.37 All delegated decisions must be completed on the prescribed form and submitted to the Director of Legal and Governance within 2 working days of the final signature.

10.38 Only where recommended in a report must a formal delegated decision form be completed for a specific decision delegated to a Portfolio Holder or an officer by the Leader or an Executive Committee. Such decisions should be recorded on an operational decision form.

10.39 Further information on requirements of records of Executive decisions can be found in Article 13 – Access to Information Procedure Rules.

**10.40 Exceptions to this Scheme**

The only exceptions to the general delegations outlined above are:

- where the Tables of Delegations in Governance Framework Document G specifically state different financial thresholds

- where specific delegated authority is granted by the Executive Decision maker with responsibility for decision
- where the decision is a treasury management decision on borrowing, leasing, investments, and financing, and related day to day transactions. These decisions are delegated, without limit, to the Chief Finance Officer, in accordance with Article 17 – Financial Regulations.

**10.41 Variation from Delegated Authority**

Where a decision has been approved but the need for variation from that approved decision is subsequently identified, depending on the nature and value of the variation, approval for the variation may be required. The delegation limits identified in paragraph 10.31 above apply to the level of authority required to authorise the variation. The colleague (Head of Service or above) responsible for managing the implementation of the decision is responsible for identifying any variation to the original decision, seeking the appropriate level of approval for the variation and liaising with the relevant Portfolio Holder where the variation requires officer approval.

**10.42 Misattribution of functions**

The Scheme of Delegation describes particular functions as Executive functions and Non-executive functions for illustrative purposes only, and misattribution of a function as Executive or Non-executive shall not be treated as preventing the exercise of the function or delegation.

**10.43 Effect of structural reorganisation within the Council on the Scheme of Delegation and Tables of Delegations**

The delegations granted in this Scheme and detailed in Governance Framework Document G – Delegations to Officers remain in force regardless of any change in the title or remit of a Directorate, an officer or a Portfolio Holder. Where this occurs, these delegations shall pass to the Portfolio Holder, officer or officers within whose remit the function lies.

# Executive Committee Terms of Reference

## Executive Board

### Terms of Reference

#### Description

The Executive Board (the Board) is an Executive Committee, which is a single party Executive, and political balance rules do not apply. As the City Council operates a Strong Leader and Cabinet form of governance as set out in the provisions of the Local Government Act 2000 (as amended), the Board's responsibilities are delegated to it by the Leader. The Leader will report to Council on all appointments to and changes to the Board.

#### Purpose

The purpose of the Executive Board is to take decisions relating to the Council's functions which are not the responsibility of any other part of the Council, whether by law or under the Constitution.

#### Objectives

The Executive Board has the authority to:

- (a) take Key and other Executive Decisions unless delegated to a specific Executive Committee or individual within the Scheme of Delegation or have been reserved by the Leader
- (b) require the development of plans and strategies for approval by full Council that form the Policy Framework, with the exception of the Licensing Policy due to it being a Non-executive function
- (c) respond to reports or recommendations received from the Overview and Scrutiny Committees within two months of receipt and to publish the response if the report or recommendation has been published, except when reports or recommendations have been received by individual members of the Executive, in which case the responsibility to respond and publish lies with that individual.

#### Membership and Chairing

The Leader determines the size of the Board. He/she will appoint a Deputy Leader and up to 8 other Councillors as Portfolio Holders. The Leader, Deputy Leader and Portfolio Holders are the members of the Executive Board. They hold office until:

- (a) they resign;
- (b) they are no longer Councillors; or
- (c) they are removed from office by the Leader.

The Leader is the Chair of the Board. The Deputy Leader is Vice-Chair.

The Lord Mayor or Sheriff are excluded from the membership.

Representation for the minority groups is provided by giving the Leaders of the groups the right to attend and speak at Board meetings, including when exempt items are being considered.

In agreement with the Leader, Non-executive Councillors can address Executive Board on matters specifically relevant to their ward.

**Substitutes**

No substitute members are permitted for the Board.

**Quorum**

The standard quorum for Council committees applies to Board.

**Frequency of Meetings**

The usual frequency of meetings will be once a month, with the exception of August.

**Duration**

There is no limit on the lifespan of the Executive Board.

# Commissioning and Procurement Executive Committee

## Terms of Reference

### Description

The Commissioning and Procurement Executive Committee is an Executive Committee, and political balance rules do not apply. The Committee is accountable to the Leader.

### Purpose

The purpose of the Commissioning and Procurement Executive Committee is to approve and oversee the delivery of the Council's commissioning and procurement work programme.

### Objectives

The Commissioning and Procurement Executive Committee will:

- (a) review the implementation of the Commissioning Framework and Procurement Strategy across the City Council
- (b) evaluate the impact of the Commissioning Framework
- (c) evaluate the impact of the Procurement Strategy
- (d) approve the Council's annual commissioning work programme
- (e) approve the Council's annual procurement plan
- (f) approve procurement, commissioning and de-commissioning proposals, including at Key Decision level, identified for review in the annual work programme, and occasional urgent decisions not included in the work programme
- (g) review, by exception, outcomes achieved and delivery against the Nottingham City Council Commissioning Framework's Guiding Principles
- (h) review, by exception, outcomes achieved and delivery against the Nottingham City Council Procurement Strategy Guiding Principles
- (i) approve and oversee the commissioning and implementation of the third sector Area Based Grant programme and any other voluntary sector grants of £25,000 and above.

### Membership and Chairing

The Commissioning and Procurement Executive Committee has 5 Portfolio Holders as members, which are appointed by the Leader.

The Chair will be the Portfolio Holder with responsibility for commissioning and procurement.

If the Chair of the Health and Wellbeing Board is not a member, s/he will be non-voting co-opted member.

Standing invitations, with speaking rights but not voting rights, are made to representatives of the Voluntary Sector, namely Nottingham Community and Voluntary Service. These invitations do not extend to any exempt or confidential discussions.

**Substitutes**

Substitute members are permitted for the Committee.

**Quorum**

The quorum for the Committee is 2 members.

**Frequency of Meetings**

The usual frequency of meetings will be once a month, with the exception of August.

**Duration**

There is no limit on the lifespan of the Commissioning and Procurement Executive Committee.

# Companies Governance Executive Committee

## Terms of Reference

### Description

The Companies Governance Executive Committee is an Executive Committee and political balance rules do not apply. As the City Council operates a Strong Leader and Cabinet form of governance as set out in the provisions of the Local Government Act 2000 (as amended), the Committee's responsibilities are delegated to it by the Leader. The Leader will report to Council on all appointments to and changes to the Board.

### Purpose

To ensure that the Council's strategic objectives are met across the group of companies or other entities in which the Council has an interest such as shares or a financial interest, the right to appoint a director or for which it is a member and to support the development of the Group in line with the Council's Governance Handbook and Commercial Strategy.

### Objectives

- To approve the Council's strategic objectives for the interests it holds in its companies, and to apply appropriate guidelines when considering the creation of new interests or changes to existing holdings.
- To monitor the performance and achievements of its company interests to achieve value for money for citizens.
- To maintain an overview of the risk associated with ownership and ensure there is commensurate management of such risks
- To support the development of the collective interests it holds in line with the Council's regulations and ambitions and external guidance.
- To give direction to the Authority on the vision and ambition of the Council with reference to its current and future holdings in companies.
- To review the effectiveness of the Council's governance approach to its company interests.
- To evaluate the impact of companies on the achievement of the Council's strategic objectives.
- To consider (and approve as appropriate or provide guidance) in relation to proposals from the companies in relation to Business plans and strategies.

- To approve governance proposals and other formal structures/ policies to protect the legal and commercial interests of the Council as shareholder or owner and resolve conflicts of interest.
- To endorse the work programme of the Shareholder Unit, and consider occasional urgent decisions not included in the work programme.
- To review, by exception, outcomes achieved and delivery against the Nottingham City Council company governance principles and approve measures taken to enable any deficiencies identified to be remedied.
- To take Key Decisions within its remit where appropriate, and periodically review and endorse a scheme of delegation for the Council's approval of Reserve Matters.
- To monitor the competency and development of Council appointed company Board Directors, and endorse proposals for training and membership (as appropriate) to professional institutions (e.g. The Institute of Directors)

The Committee is accountable to the Leader of the Council.

### **Membership and Chairing**

The Committee has 5 members who must be drawn from the Council's Executive.

The Leader of the Council will chair the Committee and the Portfolio Holder with responsibility for finance must be one of the members.

Standing invitations, with speaking but not voting rights, are made to the Chief Executive, the Monitoring Officer and the Corporate Director of Finance and Resources (s151 Officer).

Shareholder Executive officers and representatives of the group companies will be invited to meetings as appropriate dependent on the business on the agenda. The Committee may invite any person it considers able to support its work to participate on a non-voting basis, either generally or in relation to specific strategies, projects and/or initiatives.

### **Substitutes**

Substitutes are permitted for this committee but must be drawn from the Council's Executive

### **Quorum**

The standard quorum applies to this Committee.

### **Frequency of Meetings**

The Committee will normally meet 11 times a year or at such other frequency as shall be determined.

**Duration**

There is no limitation on the duration of the committee

# Joint Executive Committee Terms of Reference

## City of Nottingham and Nottinghamshire Economic Prosperity Committee

### Terms of Reference

#### 1. Purpose

- 1.1 To bring together local authorities in Nottingham and Nottinghamshire to agree and promote the key aspects of economic prosperity across the area, with a specific focus on shared priorities and securing investment.

#### 2. Governance

- 2.1 The Economic Prosperity Committee ("EPC") will act as a Joint Committee under Section 20(2)(E) of the Local Government Act 2000 and pursuant to Regulation 11 of the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.
- 2.2 The EPC will comprise the local authorities within the Nottinghamshire area: Ashfield District Council, Bassetlaw District Council, Broxtowe Borough Council, Gedling Borough Council, Mansfield District Council, Newark and Sherwood District Council, Nottingham City Council, Nottinghamshire County Council and Rushcliffe Borough Council ("constituent authorities").
- 2.3 Political Proportionality rules will not apply to the EPC as so constituted.
- 2.4 The EPC will be a legally constituted body with powers delegated to it by the constituent authorities in the following areas:
- to prioritise and make decisions on the use of the funding that the EPC may influence or control;
  - to review future governance requirements and delivery arrangements and how these can be best achieved in Nottingham and Nottinghamshire;
  - to have direct oversight of key economic growth focused projects and initiatives that the EPC has influence over the funding of or contributes to;
  - to have strategic oversight of other key growth focused projects and initiatives in Nottingham and Nottinghamshire.
- The EPC will not hold funds or monies on behalf of the constituent authorities.
- 2.5 The EPC's work plan and the outcome of any wider review into alternative governance may require a change in the delegated powers and terms of reference of the EPC and any such change would require the approval of all the constituent authorities.
- 2.6 These terms of reference should be reviewed two years after their adoption or after any amendments.

### **3. Remit**

#### **3.1 The remit of the EPC will be:**

- a) to act as a local public sector decision making body for strategic economic growth;
- b) to act as a conduit to other sub-regional and regional bodies such as the D2N2 Local Enterprise Partnership and the Midlands Engine;
- c) to oversee the alignment of relevant local authority plans for economic prosperity;
- d) to agree shared priorities and bids for funding, where appropriate, to existing and new funding sources such as Local Growth Funds, European Funds (until the end of the Brexit transition period) and the Shared Prosperity Fund (at the end of the Brexit transition period);
- e) to monitor and evaluate projects and programmes of activity commissioned directly by the EPC;
- f) to agree, monitor and evaluate spending priorities for the Nottinghamshire Business Rates Pool. (Only those constituent authorities that are members of the Pool would participate in this);
- g) to communicate and, where unanimously agreed, to align activity across Nottingham and Nottinghamshire on a range of other key public priorities that affect citizens.

### **4. Membership**

4.1 One member from each constituent authority (such member to be the Leader/Elected Mayor or other executive member or committee chair from each constituent authority) and for the purposes of these terms of reference this member will be known as the principal member.

4.2 Each constituent authority to have a named substitute member who must be an executive member where the authority operates executive governance arrangements. In those constituent authorities where governance is by committee, that alternate member shall be as per that authority's rules of substitution. All constituent authorities must provide no less than twenty four hours' notice to either the Chair or the Secretary where a substitute member will be attending in place of the principal member. Regardless of any such notification, where both the principal member and the substitute member attends a meeting of the EPC the principal member shall be deemed as representing their authority by the Chair or Vice Chair.

4.3 In the event of any voting member of the EPC ceasing to be a member of the constituent authority which appointed him/her, the relevant constituent authority shall as soon as reasonably practicable appoint another voting member in their place.

4.4 Where a member of the EPC ceases to be a Leader / Elected Mayor of the constituent authority which appointed him/her or ceases to be a member of the Executive or Committee Chair of the constituent authority which appointed him/her, he/she shall also cease to be a member of the EPC and the relevant

constituent authority shall as soon as reasonably practicable appoint another voting member in their place.

- 4.5 Each constituent authority may remove its principal member or substitute member and appoint a different member or substitute as per that authority's rules of substitution, and by providing twenty-four hours' notice to the Chair or the Secretary. Co-options onto the Committee are not permitted.
- 4.6 Each constituent authority may individually terminate its membership of the EPC by providing twelve months written notice of its intent to leave the EPC to the Chair or the Secretary. At the end of these twelve months, but not before, the authority will be deemed to no longer be a member of the EPC.
- 4.7 Where an authority has previously terminated its membership of the EPC it may rejoin the EPC with immediate effect on the same terms as existed prior to its departure, where the EPC agrees to that authority rejoining via a majority vote.

## **5. Quorum**

- 5.1 The quorum shall be 5 members. No business will be transacted at a meeting unless a quorum exists at the beginning of a meeting. If at the beginning of any meeting, the Chair or Secretary after counting the members present declares that a quorum is not present, the meeting shall stand adjourned.

## **6. Chair and Vice Chair**

- 6.1 The Chair of the EPC will rotate annually between the principal member of the City of Nottingham and the principal member of Nottinghamshire County Council. The position of Vice Chair shall be filled by the principal member of one of the district/borough council members of the EPC and this role will rotate annually between district/borough councils. The Chair or in their absence the Vice Chair or in their absence the member of the EPC elected for this purpose, shall preside at any meeting of the EPC.
- 6.2 Appointments will be made in May of each year.
- 6.3 Where, at any meeting or part of a meeting of the EPC both the Chair and Vice Chair are either absent or unable to act as Chair or Vice Chair, the EPC shall elect one of the members of the EPC present at the meeting to preside for the balance of that meeting or part of the meeting, as appropriate. For the avoidance of doubt, the role of Chair and Vice Chair vests in the principal member concerned and in their absence the role of Chair or Vice Chair will not automatically fall to the relevant constituent authority's substitute member.

## **7. Voting**

- 7.1 One member, one vote for each constituent authority.

- 7.2 All questions shall be decided by a majority of the votes of the members present, the Chair having the casting vote in addition to their vote as a member of the Committee. Voting at meetings shall be by show of hands.
- 7.3 On the requisition of any two Members, made before the vote is taken, the voting on any matter shall be recorded by the Secretary so as to show how each Member voted and there shall also be recorded the name of any Member present who abstained from voting.

## **8. Sub-Committees and Advisory Groups**

- 8.1 The EPC may appoint sub-committees from its membership as required to enable it to execute its responsibilities effectively and may delegate tasks and powers to the sub-committee as it sees fit.
- 8.2 The EPC may set up advisory groups as required to enable it to execute its responsibilities effectively and may delegate tasks as it sees fit to these bodies, which may be formed of officers or members of the constituent authorities or such third parties as the EPC considers appropriate.

## **9. Hosting and Administration**

- 9.1 The EPC will be hosted by the same authority as the Chair. The Director of Legal and Democratic Services from that authority shall be Secretary to the Committee (“the Secretary”). The Host Authority will also provide s151 and Monitoring Officer roles and legal advice to the EPC. The administrative costs of supporting the committee will be met equally by the constituent authorities, with each authority being responsible for receiving and paying any travel or subsistence claims from its own members.
- 9.2 The functions of the Secretary shall be:
- a) to maintain a record of membership of the EPC and any sub-committees or advisory groups appointed;
  - b) to publish and notify the proper officers of each constituent authority of any anticipated “key decisions” to be taken by the EPC to enable the requirements as to formal notice of key decisions as given under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to be met;
  - c) to carry out such notification to and consultation with members of any appointing constituent authority as may be necessary to enable the EPC to take urgent “key decisions” in accordance with the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012;
  - d) to summon meetings of the EPC or any sub-committees or advisory groups;
  - e) to prepare and send out the agenda for meetings of the EPC or any sub-committees or advisory groups; in consultation with the Chair and the Vice Chair of the Committee (or sub-committee/ advisory group);

- f) to keep a record of the proceedings of the EPC or any sub-committees or advisory groups, including those in attendance, declarations of interests, and to publish the minutes;
- g) to take such administrative action as may be necessary to give effect to decisions of the EPC or any sub-committees or advisory groups;
- h) to perform such other functions as may be determined by the EPC from time to time.

## **10. Meetings**

10.1 The EPC will meet no less than quarterly and meetings will be aligned where necessary with deadlines for decisions on resources and investment plans.

10.2 Meetings will be held at such times, dates and places as may be notified to the members of the EPC by the Secretary, being such time, place and location as the EPC shall from time to time resolve. Meeting papers will be circulated five clear working days in advance of any meeting. The Chair may choose to accept or reject urgent items that are tabled at any meeting.

10.3 Additional ad hoc meetings may be called by the Secretary, in consultation, where practicable, with the Chair and Vice Chair of the Committee, in response to receipt of a request in writing, which request sets out an urgent item of business within the functions of the EPC, addressed to the Secretary:

- a) from and signed by two members of the EPC, or
- b) from the Chief Executive of any of the constituent authorities.

10.4 Urgent, virtual meetings facilitated via teleconference, video conferencing or other remote working methodologies may be called by the Secretary, in consultation, where practicable, with the Chair and Vice Chair of the EPC, in response to receipt of a request in writing, which request sets out an urgent item of business within the functions of the EPC, addressed to the Secretary:

- a) from and signed by two members of the EPC; or
- b) from the Chief Executive of any of the constituent authorities.

Any such virtual meeting must comply with the access to information provisions and enable public access to proceedings.

10.5 The Secretary shall settle the agenda for any meeting of the EPC after consulting, where practicable, the Chair or in their absence the Vice Chair; and shall incorporate in the agenda any items of business and any reports submitted by:

- a) the Chief Executive of any of the constituent authorities;
- b) the Chief Finance Officer to any of the constituent authorities;
- c) the Monitoring Officer to any of the constituent authorities;
- d) the officer responsible for economic development at any of the constituent authorities; or
- e) any two Members of the EPC.

10.6 The EPC shall, unless the person presiding at the meeting or the EPC determines otherwise in respect of that meeting, conduct its business in accordance with the procedure rules set out in paragraph 13 below.

## **11. Access to Information**

- 11.1 Meetings of the EPC will be held in public except where confidential or exempt information, as defined in the Local Government Act 1972, is being discussed.
- 11.2 These rules do not affect any more specific rights to information contained elsewhere under the law.
- 11.3 The Secretary will ensure that the relevant legislation relating to access to information is complied with. Each constituent authority is to co-operate with the Secretary in fulfilling any requirements.
- 11.4 Any Freedom of Information or Subject Access Requests received by the EPC should be directed to the relevant constituent authority(s) for that authority to deal with in the usual way, taking account of the relevant legislation. Where the request relates to information held by two or more constituent authorities, they will liaise with each other before replying to the request.

## **12. Attendance at meetings**

- 12.1 The Chair may invite any person, whether a member or officer of one of the constituent authorities or a third party, to attend the meeting and speak on any matter before the EPC.
- 12.2 Third parties may be invited to attend the EPC on a standing basis following a unanimous vote of those present and voting.
- 12.3 Where agenda items require independent experts or speakers, the Officer or authority proposing the agenda item should indicate this to the Secretary and provide the Secretary with details of who is required to attend and in what capacity. The participation of independent experts or speakers in EPC meetings will be subject to the discretion of the Chair.

## **13. Procedure Rules**

### **13.1 Attendance**

- 13.1.1 At every meeting, it shall be the responsibility of each member to enter their name on an attendance record provided by the Secretary from which attendance at the meeting will be recorded.

### **13.2 Order of Business**

- 13.2.1 Subject to paragraph 13.2.2, the order of business at each meeting of the EPC will be:
- i. Apologies for absence
  - ii. Declarations of interests
  - iii. Approve as a correct record and sign the minutes of the last meeting

- iv. Matters set out in the agenda for the meeting which will clearly indicate which are key decisions and which are not
  - v. Matters on the agenda for the meeting which, in the opinion of the Secretary are likely to be considered in the absence of the press and public
- 13.2.2 The person presiding at the meeting may vary the order of business at the meeting.

### 13.3 Disclosable Pecuniary Interests

- 13.3.1 If a Member is aware that he/she has a disclosable pecuniary interest in any matter to be considered at the meeting, the Member must withdraw from the room where the meeting considering the business is being held:
- a) in the case where paragraph 13.3.2 below applies, immediately after making representations, answering questions or giving evidence;
  - b) in any other case, wherever it becomes apparent that the business is being considered at that meeting;
  - c) unless the Member has obtained a dispensation from their own authority's Standards Committee or Monitoring Officer. Such dispensation to be notified to the Secretary prior to the commencement of the meeting.
- 13.3.2 Where a member has a disclosable pecuniary interest in any business of the EPC, the Member may attend the meeting (or a sub –committee or advisory group of the committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

### 13.4 Minutes

- 13.4.1 There will be no discussion or motion made in respect of the minutes other than except as to their accuracy. If no such question is raised or if it is raised then as soon as it has been disposed of, the Chair shall sign the minutes.

### 13.5 Rules of Debate

- 13.5.1 **Respect for the Chair**  
A Member wishing to speak shall address the Chair and direct their comments to the question being discussed. The Chair shall decide the order in which to take representations from members wishing to speak and shall decide all questions of order. Their ruling upon all such questions or upon matters arising in debate shall be final and shall not be open to discussion.
- 13.5.2 **Motions / Amendments**

A motion or amendment shall not be discussed unless it has been proposed and seconded. When a motion is under debate no other motion shall be moved except the following:

- i. To amend the motion
- ii. To adjourn the meeting
- iii. To adjourn the debate or consideration of the item
- iv. To proceed to the next business
- v. That the question now be put
- vi. That a member be not further heard or do leave the meeting
- vii. To exclude the press and public under Section 100A of the Local Government Act 1972

### 13.6 Conduct of Members

13.6.1 Members of the EPC will be subject to their own authority's Code of Conduct.

## 14. Application to Sub-Committees

14.1 The procedure rules and also the Access to Information provisions set out at paragraph 11 shall apply to meetings of any sub-committees of the EPC.

## 15. Scrutiny of decisions

15.1 Each constituent authority which operates executive arrangements will be able to scrutinise the decisions of the EPC in accordance with that constituent authority's overview and scrutiny arrangements.

## 16. Winding up of the EPC

16.1 The EPC may be wound up immediately by a unanimous vote of all constituent authorities.

## 17. Amendment of this Constitution

17.1 This Constitution can only be amended by resolution of each of the constituent authorities.

## East Midlands Shared Services Joint Committee

### Terms of Reference

Subject to the terms of the East Midlands Shared Services (EMSS) Partnership Agreement to:

- (a) oversee and provide strategic direction for the development, implementation and on-going operation of EMSS;
- (b) ensure the effective delivery of the shared service functions in accordance with the terms of the agreement;
- (c) monitor the effectiveness of those arrangements and make recommendations to the Member Authorities e.g. in the event of any changes to legislation, developments in best practice or the requirements imposed on Member Authorities;
- (d) on an annual basis, agree a three year business plan for EMSS including:
  - service delivery, service development and financial objectives;
  - performance improvement & efficiency targets;
  - staffing;
  - business continuity planning;
  - risk management.
- (e) set annual capital, revenue and staffing budgets for EMSS and no later than 1st December in each year submit these to the Member Authorities for approval as part of the business plan;
- (f) monitor the operational performance of EMSS on a quarterly basis;
- (g) ensure service delivery is in accordance with the key performance indicators and agreed national, regional and local priorities;
- (h) ensure effective action is taken to remedy any under-performance in the delivery of services;
- (i) monitor the financial performance of EMSS – quarterly report and monthly updates;
- (j) determine the arrangements for support services in agreement with the Host Authority and in consultation with the Head of Shared Service;
- (k) produce an annual report to the member Authorities by no later than 30th June in each year covering the performance of EMSS in the 12 month period ending on the preceding 31st March;
- (l) co-operate with and participate in overview and scrutiny exercises of the Member Authorities into the activities of EMSS;

- (m) review the operation and effectiveness of the shared service arrangements at least every two years, consider ways in which the Shared Services partnership can be expanded and make recommendations to the Member Authorities as appropriate.

## **Rules for Conduct of Meetings and Proceedings of the Joint Committee**

Preamble: the Joint Committee shall follow the normal arrangements which apply to the proceedings of local government committees with the following additional provisions applying:

### **1. Annual Meeting**

- 1.1 The Joint Committee shall in every year hold an Annual Meeting.
- 1.2 The first meeting held after the Annual Meeting of all the Member Authorities in any year shall be the Annual Meeting.
- 1.3 The Joint Committee may in every year hold in addition to the Annual Meeting such other meetings as they may determine.

### **2. Membership**

- 2.1 The membership of the Joint Committee to comprise four elected members, two being drawn from each Council's Executive.
- 2.2 Each Authority will have the right to appoint a substitute elected member drawn from their Executive to attend any meeting of the Joint Committee in place of an appointed elected member provided that the Secretary shall be given at least 24 hours notice of any such appointment.

### **3. Appointment of Chairman, Vice Chairman, Secretary and Treasurer**

- 3.1 The Joint Committee shall appoint one of its Members to be Chairman of the Joint Committee who shall subject to paragraph 3.2 and, unless he resigns his office or ceases to be a member of the Joint Committee, continue in office for a period of 24 months or until his successor becomes entitled to act.
- 3.2 The first Chairman of the Joint Committee shall be a person nominated by Nottingham City and shall hold office for the period up to 31st May 2013.
- 3.3 The Chairmanship of the Joint Committee following the initial appointment by Nottingham City shall rotate between Leicestershire and Nottingham City on a two year cycle.
- 3.4 The Joint Committee shall appoint one of its Members to be Vice Chairman of the Joint Committee who shall subject to paragraph 3.5 and, unless he resigns his office or ceases to be a member of the Joint Committee, continue in office for a period of 24 months or until his successor becomes entitled to act.

- 3.5 The first Vice Chairman of the Joint Committee shall be a person nominated by Leicestershire and shall hold office for the period up to 31st May 2013.
- 3.6 The Vice Chairmanship of the Joint Committee following the initial appointment by Leicestershire shall rotate between Nottingham City and Leicestershire on a two year cycle.
- 3.7 The role of Secretary and Treasurer to the Joint Committee will be provided by Nottingham City Council.

#### **4. Casual Vacancies**

- 4.1 On a casual vacancy occurring in the office of Chairman or Vice Chairman of the Joint Committee the vacancy shall be filled by the appointment by the Joint Committee of one of their members at the next meeting and the person so appointed shall hold office until the date upon which the person in whose place he is appointed would regularly have retired.

#### **5. Calling of Meetings**

- 5.1 The Secretary of the Joint Committee shall summon the members to such meetings as may:
  - 5.1.1 have been agreed in accordance with paragraph 1.3;
  - 5.1.2 be called by the Chairman of the Joint Committee or, if the office of Chairman is vacant, the Vice Chairman of the Joint Committee at any time;
  - 5.1.3 be requisitioned by any two members of the Joint Committee giving notice in writing signed by them to the Secretary of the Joint Committee specifying the nature of the business to be transacted; or
  - 5.1.4 be requisitioned by any Member Authority giving notice in writing to the Secretary of the Joint Committee specifying the nature of the business to be transacted and signed by the Chief Executive or proper officer of the Member Authority.
- 5.2 Unless the persons giving notice requisitioning a meeting in accordance with paragraph 5.1.3 or paragraph 5.1.4 agree otherwise any meeting consequent upon such a requisition shall so far as practicable be held within 10 working days of the date of the receipt of the requisition by the Secretary to the Joint Committee.
- 5.3 At least five clear working days before a meeting of the Joint Committee:
  - 5.3.1 notice of the time and place of the intended meeting shall be published at the offices of both Leicestershire and Nottingham City: and
  - 5.3.2 a summons to attend the meeting, specifying the agenda for that meeting and signed by the Secretary to the Joint Committee shall be sent to:
    - 5.3.2.1 every member of the Joint Committee; and
    - 5.3.2.2 the proper officer of every Member Authority by sending by first class mail to the principal office address of the Member Authority or by sending an electronic copy by e- mail to any e-

mail address notified to the Secretary of the Joint Committee for that purpose.

5.4 The Secretary will draw up the agenda in consultation with both the Chairman and Vice Chairman.

5.5 No business shall be transacted at a meeting requisitioned by the members of the Joint Committee other than that specified in the agenda.

## **6. Nominated Officers to Attend**

6.1 The Head of Paid Service, the Monitoring Officer and the s151 Officer of each Member Authority or their respective nominees shall be entitled to attend every meeting of the Joint Committee in the capacity of observer.

## **7. Quorum**

7.1 The number of Members constituting a quorum shall be one quarter of the membership of the Joint Committee provided that in no case shall a quorum be less than three members and further provided that no item of business shall be transacted at a meeting of the Joint Committee unless at least one member from each Founding Member Authority \*\* is present and entitled to vote thereon.

## **8. Standing Orders**

8.1 Subject to anything expressly provided herein the Standing Orders (Meeting Procedure Rules) of the Authority providing the Secretariat will apply to the Joint Committee.

## **9. Voting**

9.1 Given the composition of the Joint Committee, decisions shall normally be taken on the basis of consensus.

## **10. Sub-Committees**

10.1 The provisions of these Terms of Reference shall apply mutatis mutandis to meetings of subcommittees as they do to meetings of the Joint Committee.

\*\* Nottingham City Council and Leicestershire County Council

# Executive Remits

## Portfolio Holder Remits and Contact Details

All Portfolio Holders can be contacted at LH Box 28 Loxley House Station Street Nottingham NG2 3NG. Contact details for individual Portfolio Holders can be found on the Council’s website.

Further information on the roles of the Leader, Deputy Leader and Portfolio Holders can be found in Article 4 – Councillors.

Portfolio	Broad responsibilities
<p><b>Councillor David Mellen</b>  <b>Leader of the Council</b>  <b>Portfolio Holder for Strategic Regeneration and Communications</b></p>	<p><b>Strategic Regeneration and Development</b>  <b>Communications and Marketing</b>            Political leadership and development of the city            Overview of all regeneration across the city            Strategic and Operational Property            Regeneration Land and Property            Facilities and Building Services            Improvement and Assurance Board            Core Cities            Devolution            One Nottingham            International Links            Promote Vision of the Council            Overseeing strategic use of resources and strategic planning cycle of the Council            Partnerships – Voluntary Sector and Faith            Strategic partnerships            Strategy and Policy            Support to portfolio Holders</p>
<p><b>Councillor Adele Williams</b>  <b>Deputy Leader of the Council</b>  <b>Portfolio Holder for Finance</b></p>	<p><b>Deputise for Leader</b>  <b>Finance</b>            Value for Money across the council            Collection of Council Tax and NNDR            Housing and Council Tax Benefits            East Midlands Shared Services            Income Generation and Commercialisation            Commissioning and Procurement            Risk Management  <b>Transformation (Joint Lead)</b>  <b>Health Integration Partnerships</b>            Chair of the Health and Well Being Board  <b>Legal and Democratic Services and Elections</b>  <b>Customer Care and Customer Services across the Council</b>            Registrars and Coroners</p>

Portfolio	Broad responsibilities
<p><b>Councillor Sally Longford</b>  <b>Portfolio Holder for Energy, Environment and Waste Services</b></p>	<p><b>Climate Change, Carbon Reduction and Sustainability</b>  Carbon Neutral 2028  Clean Air and Air Quality  Biodiversity and Conservation  Energy – Fuel Poverty  Energy from Waste  District Heating  Nottingham Energy Partnerships  Flooding  Council Plan Monitoring  <b>Waste Collection and Disposal</b>  <b>Cleansing and Streetscene</b>  Recycling  Domestic and Street bins</p>
<p><b>Councillor Cheryl Barnard</b>  <b>Portfolio Holder for Children, Young People and Schools</b></p>	<p><b>Children’s Services</b>  Performing the Lead Role for Children’s Services in accordance with statutory requirements and guidance.  Children’s Safeguarding, children’s social care  Children in Care and Care Leavers  Early Intervention  Children’s Partnership and Young People’s Plan  Youth and Play teams,  Youth justice services  Children’s Centres  Children’s Mental Health  Lead on commissioning of Children’s Services  Early Years  <b>Schools</b>  School re-organisation and governance  Attendance  Educational provision 3 – 16 including Academies and Free  Special Educational Needs – Special Education Schools  Pupil Referral Units  Virtual School for Children in Care  Services to schools  School Catering  Education Partnership Board</p>
<p><b>Councillor Rebecca Langton</b>  <b>Portfolio Holder for Skills, Growth and Economic Development</b></p>	<p><b>Jobs and Skills</b>  <b>Lead on skills and employment</b>  Post 16 Training, FE and HE  Apprenticeships  Develop opportunities for young people and</p>

Portfolio	Broad responsibilities
	adults Local Jobs for Local People Investment initiatives Nottingham and Notts Futures Advice, Skills and Employment Employability in Schools <b>City Centre Management</b> City Centre Retail Management Tourism Place Marketing Organisation Markets, Fairs and Toilets <b>Business &amp; Growth</b> Growth Plan Delivery Neighbourhood Regeneration Business Support, Development and Liaison Inward Investment Social Enterprise and Enterprise Development Creative Quarter Smart Cities <b>Transformation (Joint Lead)</b> Welfare Rights
<b>Councillor Toby Neal</b> <b>Portfolio Holder for Housing and Human Resources</b>	<b>Housing</b> Physical neighbourhood transformation and regeneration. Estate Management – Council and private Estates Private Housing and Private Rented Sector Performance of NCH and Housing Associations Student Housing Student Living Strategy Housing with care and support. Strategic and Retained Housing functions Oversight of Housing function governance Temporary Accommodation commissioning HiMOs Safer Housing inc Selective Licensing Homelessness and Housing Aid – Policy and Operational Health and Safety <b>IT</b> Digital Inclusion <b>HR</b>
<b>Councillor Neghat Khan</b> <b>Portfolio Holder for Neighbourhoods, Safety and Inclusion</b>	<b>Community Safety</b> Crime and Drugs Partnership Overview of the Council’s Section 17 responsibilities.

Portfolio	Broad responsibilities
	<p>Community Safety and Respect for Nottingham  Domestic Violence Lead  Licensing  Environmental Health  Trading Standards  Taxi Strategy  Parking Enforcement  <b>Equalities and Inclusion</b>  Lead on refugees and asylum seekers  Community Sector and Volunteering  Community Centres  Community Cohesion  Area Based Grant</p>
<p><b>Councillor Pavlos Kotsonis</b>  <b>Portfolio Holder for Leisure, Culture and Planning</b></p>	<p><b>Leisure and Culture</b>  Leisure Centres and Sport  Museums and Heritage Sites  Libraries  Arts provision across the city  Events Programme  Theatres and concert venues  Armed Forces Champion</p> <p><b>Planning</b>  Planning Policy and Development Management  <b>Heritage</b></p>
<p><b>Councillor Linda Woodings</b>  <b>Portfolio Holder for Adult Social Care and Health</b></p>	<p><b>Adults:</b>  Corporate Strategies for Older People and Vulnerable Adults  Championing Independent Living  - telecare  - catering  Adult Safeguarding  Lead on commissioning of Adults Services  Meals at Home  Adult Passenger Transport  All age disability services  <b>Health:</b>  Public Health and Wellbeing  Health inequalities  Smoking and avoidable injuries  Mental Health and Well-being  Teenage Conception  Oral/Dental health  Wider Health Links</p>

Portfolio	Broad responsibilities
<p><b>Councillor Audra Wynter</b>  <b>Portfolio Holder for Highways, Transport and Parks</b></p>	<p><b>Public Transport</b>  <b>Strategic Transport</b>  Tram  HS2  Corporate Transport Fleet  Parking  WPC and WPL  Cycling  Traffic Management  Highways Design  Highways Maintenance  Road repairs and resurfacing  Street Lighting  <b>Parks and Open Spaces</b>  Cemeteries and Crematoriums  Playgrounds  Allotments</p>

## Executive Assistant Remits

Title	Broad responsibility and Executive Assistant to:
<p><b>Councillor Ethan Radford</b> Executive Assistant for Housing and Cleansing</p>	<p>Councillor Toby Neal, Portfolio Holder for Housing and HR Councillor Sally Longford, Portfolio Holder for Energy, Environment and Waste Services</p>
<p><b>Councillor Jay Hayes</b> Executive Assistant for Health and Culture</p>	<p>Councillor Linda Woodings, Portfolio Holder for Adults and Health Councillor Pavlos Kotsonis, Portfolio Holder for Leisure, Culture and Planning</p>
<p><b>Councillor Zafran Khan</b> Executive Assistant for Energy and Finance</p>	<p>Councillor Sally Longford, Portfolio Holder for Energy, Environment and Waste Services Councillor Adele Williams, Portfolio Holder for Finance Councillor Rebecca Langton, Portfolio Holder for Skills, Growth and Economic Development</p>
<p><b>Councillor Angela Kandola</b> Executive Assistant for Education and Transport</p>	<p>Councillor Cheryl Barnard, Portfolio Holder for Children, Young People and Schools Councillor Audra Wynter, Portfolio Holder for Highways, Transport and Parks</p>
<p><b>Councillor Leslie Ayoola</b> Executive Assistant for Property and Community Safety</p>	<p>Councillor David Mellen, Portfolio Holder for Strategic Regeneration and Communications Councillor Neghat Khan, Portfolio Holder for Neighbourhoods, Safety and Inclusion</p>

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Nottingham

City Council

# Constitution

## Article Thirteen: Access to Information Procedure Rules

# Article Thirteen: Access to Information

## Procedure Rules

### 13.1 **Scope**

These rules cover all formal meetings of Full Council and its Committees, and the Executive and its Committees. Throughout this Article these are collectively referred to as meetings. The relevant sections also apply to Executive decisions taken by the Leader, individual Portfolio Holders and officers.

13.2 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

### **Rules Applying to All Meetings and Decisions**

13.3 The following rules (13.4 – 13.22) apply to all meetings.

### 13.4 **Notice of Meetings**

The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at the Council House, Old Market Square, Nottingham, at Loxley House, Station Street, at the venue for the meeting if it is being held elsewhere and on the Council's website.

13.5 Clear days do not include the day on which the notice of the meeting is given or the day of the meeting itself. Working days excludes weekends and bank holidays.

13.6 In exceptional circumstances a meeting may have to be convened at shorter notice. In these circumstances notice will be given at the time that the meeting is convened. The reasons for the short notice will be recorded in writing with the agenda for the meeting.

### 13.7 **Public Access to agendas and reports before the meeting**

The Council will make copies of the agenda and reports which are open to the public available for inspection at Loxley House and on the Council's Website at least five clear working days before the meeting or as soon as a meeting is convened.

13.8 In relation to Non-executive Committees only, and in exceptional circumstances, if an item is included on an agenda for a meeting but the report is not available at the time that the agenda for the meeting is made available it will be marked "To Follow" on the agenda. Reports marked "To Follow" will be made available to Councillors and the public, provided it is not exempt from publication, as soon as possible.

13.9 Items can be added to an agenda after it has been made available. Where this occurs the revised agenda and any report will be made available to Councillors and the public, provided it is not exempt from publication, as soon as the item is added to the agenda. Such items can only be added to an agenda with the agreement of the Chair which must be recorded at the meeting.

13.10 Councillors have additional rights of access which are detailed in paragraphs 13.50 to 13.56 below.

**13.11 Copies of Agenda and Reports**

If requested, the Council will supply copies of:

- any agenda and reports which have been made available to the public
- any additional or supplementary information necessary to indicate the nature of those agenda or reports
- copies of any other documents supplied to Councillors in connection with an item, if the Director of Legal and Governance thinks fit

to any member of the public. The Council reserves the right to charge for these copies to cover postage and any other reasonable costs.

**13.12 Attending and Recording Meetings**

Nottingham City Council encourages citizens to attend its meetings. Citizens have the right to attend all formal meetings subject only to the exceptions in these rules.

13.13 Those attending meetings also have the right to record and report on public meetings, as outlined in Governance Framework Document A - Policy on Recording and Reporting on Public Meetings, provided this is done in accordance with that Policy.

**13.14 Access to Information After Meetings or After Decisions are Taken**

Copies of the following information will be available to the public for a minimum of six years after a meeting:

- the agenda for the meeting
- reports relating to items when the meeting was open to the public provided they do not disclose exempt or confidential information
- the minutes of meetings, excluding any part of the minutes when the meeting was not open to the public or which disclose exempt or confidential information
- a summary of any part of the meeting that was not open to the public if the published minutes of that part of the meeting do not provide a reasonably fair and coherent record of the business conducted.

**13.15 Background papers**

The officer responsible for a report will list any relevant background papers in the report. Background papers are defined as documents which in the opinion of the officer responsible for the report:

- disclose any facts or matters which the report or an important part of the report is based, and which have been relied upon to a significant extent in preparing the report
- are not published works which should be listed separately
- are not exempt or confidential.

13.16 Copies of any listed background papers will be made available for public inspection for a minimum of four years after the date of the meeting. Background papers relating to any Executive decision must also be made available on the Council's website.

### 13.17 Excluding the Public From Meetings

Whilst the Council seeks to conduct its business as openly and transparently as possible, there are occasions when it is necessary to exclude the public from meetings. Paragraphs 13.18- 13.23 outline when this may be necessary.

### 13.18 Confidential information

The public must be excluded from meetings whenever it is likely that confidential information would be disclosed. Any document or part of document that contains or may contain confidential information must not be disclosed to the Public.

13.19 Confidential information means information provided to the Council by a Government Department on terms which forbid the disclosure of the information to the public or information which the Council has been prohibited from disclosing by any enactment or by any order of a court.

### 13.20 Exempt information

The public may be excluded from meetings whenever it is likely that exempt information would be disclosed. The Committee considering the information will decide whether to exclude the public. Exempt information means information falling within one or more of the seven categories outlined in the table below. In addition, all seven categories are subject to a Public Interest Test. This means that the exemption is only possible if the public interest in maintaining an exemption outweighs the public interest in disclosing the information. The exclusion of the public will be recorded in the minutes of the meeting.

Category	Qualifications/ Definitions
1. Information relating to any individual.	
2. Information which is likely to reveal the identity of an individual.	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information is not exempt information if it is required to be registered under: (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1993  Information is not exempt if it relates to proposed development for which the Local Planning Authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.

Category	Qualifications/ Definitions
	<p>‘financial or business affairs’ includes contemplated, as well as past or current, activities.</p> <p>‘registered’ in relation to information required to be registered under the Building Societies Act 1986 means recorded in the public file of any building society (within the meaning of that Act)</p>
<p>4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority</p>	<p>‘Employee’ means a person employed under a contract of service. ‘Labour relations matter’ means:</p> <p>(a) any of the matters specified in paragraphs (a) to (g) of section 218 (1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or</p> <p>(b) any dispute about a matter falling within paragraph (a) above;</p> <p>and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;</p> <p>‘office-holder’, in relation to the authority, means the holder of any paid office, appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	
<p>6. Information which reveals that the authority proposes</p> <p>(a) to give under any enactment: a notice under or by virtue of which requirements are imposed on a person; or</p>	

Category	Qualifications/ Definitions
(b) to make an order or direction under any enactment.	
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	

13.21 In addition to the exemptions outlined above, where a meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6 of the Act.

**13.22 Exclusion of Access by the Public to Reports**

If the Director of Legal and Governance thinks it is appropriate, the Council may exclude the public from accessing the whole or any part of reports. The public can only be excluded in this way if in the opinion of the Director of Legal and Governance, the report or part report contains exempt or confidential information and would therefore be considered in part of a meeting which would not be open to the public. These reports will be marked “Not for publication” and the category under which it has been exempted will be listed.

**13.23 Licensing Committee and Licensing Panels**

The Licensing Committee and its Panels are appointed by Council acting in its capacity as a Licensing Authority under the Licensing Act 2003. The Access to Information provisions do not apply to the Committee and Panels as they operate under the provisions of the Licensing Act 2003, Gambling Act 2005 and secondary legislation made under them.

**Rules Applying to Executive Meetings and Decisions**

13.24 The following rules (13.24 – 13.35) apply to Executive meetings and individual Executive decisions taken by the Leader, Portfolio Holders and Officers only.

13.25 In these rules, ‘decision maker’ means the body or individual responsible for taking an Executive decision. ‘Decision making body’ means either Executive Board, a Committee or Sub-committee of the Executive, a joint Committee or Sub-committee of a joint Committee (where all of its members are members of a local authority Executive).

**13.26 Procedure Before a Key Decision Can be Taken**

This rule applies to Key Decisions taken by the Leader, an Executive Committee or an officer. A Key Decision (as defined in Article 10 – Executive Arrangements) may not normally be taken unless the following procedure has been followed.

13.27 At least 28 clear calendar days before a Key Decision is to be taken, a notice will be published on the Council’s website and made available for inspection by

the public at the Council's offices at Loxley House, Station Street, Nottingham setting out the following:

- that a key decision is to be made on behalf of the Council
- the matter on which the decision is to be made
- where the decision maker is an individual, that individual's name, and title, if any
- where the decision maker is a decision-making body, its name and a list of its members
- the date on which, or the period within which, the decision will be made
- a list of the documents submitted to the decision maker for consideration
- the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available
- that other documents relevant to those matters may be submitted to the decision maker
- the procedure for requesting details of those documents (if any) as they become available.

13.28 This notice must contain details of any part of an Executive meeting from which the public are likely to be excluded, or any documents that the public are excluded from accessing. Such exclusions are based on the likely disclosure of:

- confidential or exempt information or
- advice provided by a political adviser or assistant (in the case of a Key Decision taken by an individual).

13.29 In addition, where the decision is to be taken at a meeting of Executive Board or another Executive Committee, notice of the meeting will be given in accordance with paragraph 13.4 (Notice of Meetings).

13.30 **General Exception – Key Decisions**

Subject to paragraph 13.31 below, where it is impracticable to give 28 clear calendar days' notice that a Key Decision is going to be made, that decision may only be taken when the following procedure has been followed.

- where the proper officer has informed the Chair of the Overview and Scrutiny Committee, or if there is no such person, each member of the Overview and Scrutiny Committee of the matter about which the decision is to be made
- where the proper officer made a notice available for inspection by the public at the Council's offices at Loxley House, Station Street, Nottingham and on the Council's website confirming
  - the matter about which the decision is to be made
  - the date that the Chair of the Overview and Scrutiny Committee (or each member of the Overview and Scrutiny Committee) was informed of this matter
  - the reasons why it was impracticable to give 28 clear days' notice of that key decision.
- 5 clear working days have elapsed following the publication of this notice.

### 13.31 **Cases of Special Urgency – Key Decisions**

Where the date by which a Key Decision must be made, makes compliance with paragraph 13.30 impracticable, the decision may only be taken when agreement has been obtained from:

- the Chair of the Overview and Scrutiny Committee or
- where 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 Full Council) or
- where there is no Chair of either the Overview and Scrutiny Committee or Lord Mayor, or neither can act, the Sheriff (as Vice Chair of Council)

that the decision is urgent and cannot reasonably be deferred.

13.32 As soon as reasonably practicable after agreement has been obtained as outlined above, a notice must be made available at the Council's offices at Loxley House, Station Street, Nottingham, for public inspection and published on the Council's website stating the reasons why the decision is urgent and cannot reasonably be deferred and recording the date of the agreement by the Chair of the Overview and Scrutiny Committee (or Lord Mayor or Sheriff).

### 13.33 **Procedures Before an Executive Decision Making Body can Meet in Private**

At least 28 days before an Executive decision making body intends to hold all or any part of a meeting in private a notice must be made available at the Council's offices at Loxley House, Station Street, Nottingham and on the Council's website stating the intention to hold the meeting in private and providing reasons why the meeting is to be held in private. The notice must also provide details of how the public can make representations about why the meeting should be open to the public.

13.34 At least 5 clear days before a private meeting a further notice must be made available at the Council's offices at Loxley House, Station Street, Nottingham and published on the Council's website of its intention to hold the meeting in private. The notice must include:

- a statement of the reasons why the meeting will be held in private
- details of any representations received by the decision making body about why the meeting should be open to the public
- a statement of its response to any such representations.

13.35 If it is impracticable to comply with the requirement for 28 days' notice of a private meeting the meeting may only be held in private where agreement has been obtained from:

- the Chair of the Overview and Scrutiny Committee; or
- 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 Council); or
- where there is no chair of either the Overview and Scrutiny Committee or of the Council, the Sheriff (as Vice- Chair of the Council)

that the meeting is urgent and cannot be reasonably be deferred.

13.36 As soon as reasonably practicable after agreement has been obtained a notice must be made available at the Council's offices at Loxley House, Station Street, Nottingham and published on the Council's website setting out the reasons why the meeting is urgent and cannot reasonably be deferred and the date of the agreement by the Chair of the Overview and Scrutiny Committee (or Lord Mayor or Sheriff).

**13.37 Reports to Council Where the Key Decision Procedure is Not Followed**

The Overview and Scrutiny Committee can require a report where an Executive decision has been made and was not treated as a key decision and a relevant Overview and Scrutiny Committee is of the opinion that the decision should have been treated as a Key Decision.

13.38 The Overview and Scrutiny Committee may require the Executive decision maker to submit a report to Council within a reasonable time period as specified by the Committee including details of:

- the decision and the reasons for the decision
- the decision maker and
- if the Executive decision maker is of the opinion that the decision was not a Key Decision, the reasons for that opinion.

**13.39 Executive Reports to Council on Special Urgency**

The Leader will submit reports to each meeting of Full Council containing details of each Executive decision taken under the Special Urgency procedure during the period since the last report. This information will also be reported to the Standards and Governance Committee.

**13.40 Records of Executive Decisions Taken at Meetings**

As soon as reasonably practicable after any meeting of a decision making body at which an Executive decision was made the proper officer or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting in the form of minutes. These minutes will be dealt with in accordance with paragraph 13.14.

13.41 Minutes of Executive Committee meetings must include the following information:

- a record of the decision made and the date it was made
- the reasons for the decision
- details of any alternative options that were considered and rejected by the individual making the decision
- a record of any conflict of interest declared by the individual within whose remit the decision falls
- and, if any decision is taken by an individual who has declared a conflict of interest, a note of dispensation granted by the Standards and Governance Committee.

**13.42 Individual Executive Decisions Made by the Leader and Portfolio Holders**

As soon as reasonably practicable after an Executive decision has been taken by an individual member of the Executive a record of the decision will be prepared. The record must include the information listed in paragraph 13.41

13.43 After an Executive decision has been taken by an individual member of the Executive, the record of the decision, any report considered and the background papers listed in any report must be available at the Council's offices at Loxley House, Station Street, Nottingham and on the Council's website, for inspection by the public as soon as is reasonably practicable. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

**13.44 Records of Executive Decisions taken by Officers**

As soon as reasonably practicable after an officer has made an operational Executive Decision with a value above £25,000, the record of decision will be prepared.

13.45 The decision will be recorded on the prescribed Operational Decision form and will be published for transparency purposes.

13.46 Where such an Executive decision is taken by an officer, the record of the decision will be made available to the public on the Council's website and at the Council's offices as soon as reasonably practicable.

## **Non-Executive Decisions taken by Officers**

13.47 Where an officer takes a non-Executive decision with a financial value equal to that which defines a Key Decision, a record of that decision will be produced. The record will include the information outlined in paragraph 13.41 and will be made available for public inspection at the Council's offices and published on the Council's website.

13.48 In addition, decisions taken by officers which:

- grant a permission or licence or
- affect the rights of an individual

must be recorded, made available for inspection at the Council's offices and published on the Council's website as soon as practicable after the decision has been made. Hard copies must be made available on request for which a reasonable fee may be charged to cover printing and postage costs. The record must remain available for a minimum of six years.

13.49 The record must contain the following information:

- the date the decision was taken
- a record of the decision taken along with reasons for the decision
- details of alternative options, if any, considered and rejected.

## **Rights of Access to Information for Councillors**

**13.50 Additional Rights of Access for Overview and Scrutiny Committees**

Subject to paragraph 13.52 a member of an Overview and Scrutiny Committee is entitled to copies of any document in the possession or control of the Executive which contains material relating to:

- any business transacted at a meeting of an Executive decision making body
- any decision taken by an individual member of the Executive or by an officer under Executive arrangements.

13.51 Any document which an Overview and Scrutiny member is entitled to under this paragraph must be provided by the Executive as soon as reasonably practicable and no later than 10 clear days after the Executive receives the request.

**13.52 Limit on rights**

Members of Overview and Scrutiny Committees are not entitled to copies of:

- any document or part of a document that contains exempt or confidential information unless that information is relevant to:
  - an action or decision that that Councillor is reviewing or scrutinising or
  - any review contained in any programme of work of such a Committee or Sub-committee or
- a document or part of a document containing advice provided by a political adviser or assistant.

13.53 Where the Executive decides that a member of the Overview and Scrutiny Committee is not entitled to a copy of a document or part of a document for a reason set out in this paragraph, it must provide the Overview and Scrutiny Committee with a written statement setting out its reasons for that decision.

**13.54 Additional rights of access for Councillors**

All Councillors are entitled to any public document which is in the possession or under the control of the Executive. Such a document must be made available for inspection at least 5 clear working days before the meeting at which the decision is to be taken. Where a meeting is convened at shorter notice such a document must be available at the time the meeting is convened and where an item is added to an agenda at shorter notice such a document must be available for inspection when the item is added to the agenda. Additional rights have been given to the Leaders of Political Groups as outlined in Article 10 – Executive Arrangements.

13.55 Where information has been considered at a private meeting of the Executive, immediately after a decision is made or is taken by an individual member or an officer, any document which is in the possession or under the control of the Executive and contains material relating to that decision shall be open to inspection by all Councillors unless either of the points below applies.

- it contains exempt information falling within paragraphs 1, 2, 4, 5 and 7 of the categories of exempt information and paragraph 3 (to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract) or
- contains the advice of a political adviser.

13.56 The rights outlined in paragraphs 13.50 and 13.51 are in addition to any other rights that councillors may have. Further information on some of these rights can be found in Article Six – Councillor/ Officer Protocol.

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## City Council – 9 January 2023

### Report of the Leader of the Council

#### Corporate Director/Director:

Director of Legal and Governance

#### Report Author and Contact Details:

Laura Wilson, Senior Governance Officer

0115 8764301, [laura.wilson@nottinghamcity.gov.uk](mailto:laura.wilson@nottinghamcity.gov.uk)

### Title: Members' Allowances Scheme – Report of the Independent Remuneration Panel

#### Does the report form part of the Budget or Policy Framework?

Yes  No

#### Does this report contain any information that is exempt from publication?

No

#### Relevant Council Plan Key Outcome:

Clean and Connected Communities	<input type="checkbox"/>
Keeping Nottingham Working	<input type="checkbox"/>
Carbon Neutral by 2028	<input type="checkbox"/>
Safer Nottingham	<input type="checkbox"/>
Child-Friendly Nottingham	<input type="checkbox"/>
Healthy and Inclusive	<input type="checkbox"/>
Keeping Nottingham Moving	<input type="checkbox"/>
Improve the City Centre	<input type="checkbox"/>
Better Housing	<input type="checkbox"/>
Financial Stability	<input checked="" type="checkbox"/>
Serving People Well	<input checked="" type="checkbox"/>

## 1. Summary

- 1.1 In order to pay allowances to councillors, all local authorities must have an agreed Members' Allowances Scheme outlining the levels of allowances available to all councillors and the roles that attract an additional allowance. The Members' Allowances Scheme forms one of the Council's Governance Framework Documents which support the Council's Constitution.
- 1.2 Council is responsible for agreeing the Members' Allowances Scheme but before any changes can be made regulations require Council to seek, and have regard to, the views of an Independent Remuneration Panel (IRP).
- 1.3 The IRP met during December 2022 and a copy of their report dated January 2023 is attached as Appendix A to this report. A summary of their recommendations will be published in a newspaper circulating in Nottingham as required by regulations.

## 2. Recommendations

- 2.1 That the recommendations of the IRP are adopted in full.

2.2 That a revised Members' Allowances Scheme, incorporating the amendments recommended by the IRP, is adopted with immediate effect.

2.3 That the published Governance Framework Document is amended accordingly.

### **3. Reasons for recommendations**

3.1 The Council is required to consider and respond appropriately to the view of the IRP.

### **4. Other options considered in making recommendations**

4.1 The City Council is required to consider the IRP's recommendations, but it is not bound to adopt them and can, provided it acts reasonably, take decisions on allowances which are not in accord with the recommendations.

### **5. Consideration of Risk**

5.1 Not applicable.

### **6. Best Value Considerations**

6.1 Not applicable.

### **7. Background (including outcomes of consultation)**

7.1 The IRP met on 15 December 2022 to consider indexation of the Members' Allowances Scheme.

7.2 The indexation period previously recommended and accepted by Council has not expired, but the Panel was convened as the increase to Local Government Employees' Pay for 2022/23 is a flat cash sum of £1,925, so does not follow the usual percentage increase format referenced in the Scheme.

7.3 The Panel made a number of recommendations in relation to indexation, which are detailed in the attached report.

### **8. Finance colleague comments (including implications and value for money)**

8.1 The 2022/23 Budget was approved by Full Council in March 2022 and this assumed 2% pay inflation for both employees and Councillor allowances for 2022/23. The 2022/23 budget was set prior to the current period of high inflation and the impacts of this have been reflected in budget monitoring reports to Executive Board in September and December 2022.

8.2 The recommendations in this report result in a c£40k pressure for the 2022/23 budget and this will be need to be included in the latest budget monitoring forecasts for 2022/23.

Jo Worster – Team Leader Strategic Finance 19 December 2022

**9. Legal colleague comments**

9.1 Under the Local Authorities (Members' Allowances) (England) Regulations 2003 the City Council has a duty to consider the recommendations of the IRP before adopting or amending its Scheme of Allowances.

9.2 Public and press notice of the report of the IRP will be given in accordance with legal requirements

Beth Brown – Head of Legal, 22 December 2022

**10. Other relevant comments**

10.1 Not applicable.

**11. Crime and Disorder Implications (If Applicable)**

11.1 Not applicable.

**12. Social value considerations (If Applicable)**

12.1 Not applicable.

**13. Regard to the NHS Constitution (If Applicable)**

13.1 Not applicable.

**14. Equality Impact Assessment (EIA)**

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

No



An EIA is not required because the report and recommendation does not relate to a new or changing policy or service.

**15. Data Protection Impact Assessment (DPIA)**

15.1 Has the data protection impact of the proposals in this report been assessed?

No



A DPIA is not required because there are no data protection implications associated with the report and recommendations.

**16. Carbon Impact Assessment (CIA)**

16.1 Has the carbon impact of the proposals in this report been assessed?

No



A CIA is not required because there are no carbon implications associated with the report and recommendations.

**17. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

17.1 None.

**18. Published documents referred to in this report**

18.1 Previous reports of the IRP.

18.2 Governance Framework Document C (Members' Allowances Scheme) of Nottingham City Council's Constitution.

18.3 Local Authorities (Members' Allowances) (England) Regulations 2003.

**Councillor David Mellen**  
**Leader of the Council**

# **Independent Remuneration Panel**

**Eleventh report to Nottingham City Council  
January 2023**

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## **Chair's Foreword**

I am pleased to present to the City Council the eleventh report of the Independent Remuneration Panel. The Panel trust that their recommendations in relation to the indexation of Members' Allowances will be well-received.

The Panel membership from the 2021 review was retained and I would like to pay tribute to how efficiently the Panel worked and actively contributed in a business-like way, providing constructive challenge and judgement throughout the process. I would also like to thank Nancy Barnard and Laura Wilson from the City Council's Governance Services team for their efficient support to us in servicing our meeting and producing this report.

**Nigel Cullen**  
**Chair**  
December 2022

## Summary of Recommendations

### Recommendation One

In light of the flat cash sum pay increase in Local Government Employees' Pay of £1,925, that the Basic Allowance in the City Council's Members' Allowances Scheme be increased by 7%, backdated to 1 April 2022. This reflects the average percentage increase for a Nottingham City Council employee on an average salary (£28,025).

### Recommendation Two

That the Special Responsibility Allowances in the City Council's Members' Allowances Scheme be increased by 2%, backdated to 1 April 2022.

### Recommendation Three

That, where percentage increases are implemented in the future, the Members' Allowances continue to be indexed by reference to increases in Local Government Employees' Pay, for a four-year period from 9 January 2023, and any changes to Members' Allowances should be backdated in the same way as employee pay.

### Recommendation Four

To note that if a flat cash sum is offered in subsequent years that the Independent Remuneration Panel will meet again to consider how this should be applied to Members' Allowances.

## 1. Remit and Panel

- 1.1 The Independent Remuneration Panel (IRP) is appointed under the Local Authorities (Members Allowances) (England) Regulations 2003 (the Regulations), to consider the Council's Members' Allowances Scheme and to make recommendations to the Council on any changes to the scheme it believes are appropriate. The Council cannot make any amendments to the Scheme without having first considered any recommendations made by the Panel.
- 1.2 On this occasion, the Panel's remit was to consider indexation only.
- 1.3 Throughout our work we sought to apply principles of fairness and transparency to our deliberations and recommendations. We considered input from the political Leaders as submitted, and also took into account how the £1,925 pay increase will be prorated for employees and that those on the lowest pay would receive the most significant percentage increase.
- 1.4 The Panel's membership was retained in order to maintain knowledge and experience and ensure it continued to reflect the City's diverse communities and sectors, and to maintain the independence of the Panel Members. The previous Chair of the Panel, Nigel Cullen, continued in his role in order to ensure continuity and depth of knowledge. The Panel's membership was as follows:
- |                             |                                   |
|-----------------------------|-----------------------------------|
| <b>Nigel Cullen</b> (Chair) | Business Community representative |
| <b>Melanie Futer</b>        | Citizen representative            |
| <b>Michael Henry</b>        | Communities Inc.                  |
| <b>Nick Hodgson</b>         | East Midlands Councils            |
- 1.5 We met on one occasion in December 2022 to receive written and oral evidence to assist our deliberations. Where this report remains silent on any matter within the Allowances Scheme this should be read as an indication that the Panel were satisfied with the current arrangements and did not recommend any change.

## 2. Indexation of Allowances

- 2.1 When the Panel last met it recommended to Council that Allowances should be indexed by reference to increases in Local Government Employees' Pay for a four-year period from 1 April 2021. By law, indexation cannot apply for more than four years and no further increases can be made to allowances unless a new period of indexation is agreed.
- 2.2 Even though the indexation period previously recommended has not expired, the Panel was convened again as the increase to Local Government Employees' Pay for 2022/23 is a flat cash sum of £1,925, so does not follow the usual percentage increase format.
- 2.3 The Panel felt that applying the equivalent percentage increase for an employee (7%) on the average Nottingham City Council salary (£28,025) to the Basic Allowance and increasing Special Responsibility Allowances by 2% reflected the impact for employees (that those receiving the lowest pay received the greatest increase) and achieved our aim that the Scheme is as fair as possible.
- 2.4 The Panel considered and discounted three other options:
- (a) that the £1,925 is apportioned to each band of the Special Responsibility Allowance and the Basic Allowance, based on what percentage of the Leader's Allowance is currently received
  - (b) that the flat £1,925 is applied to the Allowances
  - (d) that a 4.04% increase be applied to the Allowances as this percentage is being applied to other (non-salary) employee allowances.
- 2.5 In light of the Council's current financial situation, the Panel considered current Special Responsibility Allowances and agreed that a 2% increase was appropriate on top of the increase to Basic Allowance.
- 2.6 The Panel agreed to recommend the backdating of the increases to both basic and Special Responsibility Allowances to April 2022 in line with the backdating of employee pay.
- 2.7 **Recommendation One**  
**That the Basic Allowance in the City Council's Members' Allowances Scheme be increased by 7%, backdated to 1 April 2022.**

**2.8 Recommendation Two**

**That the Special Responsibility Allowances in the City Council's Members' Allowances Scheme be increased by 2%, backdated to 1 April 2022.**

**2.9 Recommendation Three**

**That, where percentage increases are implemented in the future, the Members' Allowances continue to be indexed by reference to increases in Local Government Employees' Pay, for a four-year period from 9 January 2023, and any changes to Members' Allowances should be backdated in the same way.**

**2.10 Recommendation Four**

**That if a flat cash sum is offered in subsequent years that the Independent Remuneration Panel meet again to consider how this should be applied to Members' Allowances.**

## Appendix One – Proposed Allowances

Allowance	Current £	With 7% increase £	With 2% increase £	Total increased allowance (Basic + SRA) £	Total % increase
Basic Allowance	13,052.62	13,966.30	N/A	13,966.30	7.00
<b>Special Responsibility Allowances</b>					
Leader	38,885.94	N/A	39,663.66	53,629.96	3.26
Deputy Leader	28,280.69	N/A	28,846.30	42,812.61	3.58
Portfolio Holders	21,210.51	N/A	21,634.72	35,601.02	3.90
Chair of Overview and Scrutiny Committee	14,140.34	N/A	14,423.15	28,389.45	4.40
Chief Whip (Majority Group)	10,606.26	N/A	10,818.39	24,784.69	4.76
Executive Assistants	7,070.17	N/A	7,211.57	21,177.88	5.24
Lord Mayor	7,070.17	N/A	7,211.57	21,177.88	5.24
Sheriff	7,070.17	N/A	7,211.57	21,177.88	5.24
Vice-Chairs of Overview and Scrutiny Committees	7,070.17	N/A	7,211.57	21,177.88	5.24
Chair of Planning Committee	7,070.17	N/A	7,211.57	21,177.88	5.24
Chair of Licensing Committee	7,070.17	N/A	7,211.57	21,177.88	5.24
Chair of Audit Committee	7,070.17	N/A	7,211.57	21,177.88	5.24
Leader of Minority Group	7,070.17	N/A	7,211.57	21,177.88	5.24
Chair of Appointments and Conditions of Service Committee	3,535.09	N/A	3,605.79	17,572.10	5.93
Vice-Chair of Licensing Committee	3,535.09	N/A	3,605.79	17,572.10	5.93
Adoption Panel Members	3,535.09	N/A	3,605.79	17,572.10	5.93
Leader of smaller and smallest minority group	0	0	0	0	N/A
Deputy Leader of each minority group (6+ members)	0	0	0	0	N/A

## City Council - 9 January 2023

### Report of the Chair of the Audit Committee

#### Corporate Director/ Director:

Corporate Director of Finance and Resources

#### Report Author and Contact Details:

Shail Shah, Head of Internal Audit

[shail.shah@nottinghamcity.gov.uk](mailto:shail.shah@nottinghamcity.gov.uk)

#### Title: Audit Committee Annual Report 2021/2022

#### Does the report form part of the Budget or Policy Framework?

Yes  No

#### Does this report contain any information that is exempt from publication?

No

#### Relevant Council Plan Key Outcome:

Clean and Connected Communities	<input type="checkbox"/>
Keeping Nottingham Working	<input type="checkbox"/>
Carbon Neutral by 2028	<input type="checkbox"/>
Safer Nottingham	<input type="checkbox"/>
Child-Friendly Nottingham	<input type="checkbox"/>
Healthy and Inclusive	<input type="checkbox"/>
Keeping Nottingham Moving	<input type="checkbox"/>
Improve the City Centre	<input type="checkbox"/>
Better Housing	<input type="checkbox"/>
Financial Stability	<input checked="" type="checkbox"/>
Serving People Well	<input checked="" type="checkbox"/>

### 1. Summary

- 1.1 This report summarises the work undertaken by the Audit Committee over the year 2021/22 and explains how the Committee has filled its designated role within the Constitution and how this work relates to its core responsibilities.

### 2. Recommendations

- 2.1 To note the work undertaken by the Audit Committee during 2021/22.
- 2.2 To accept the Audit Committee Annual Report 2021/22, as set out in Appendix 1.

### 3. Reasons for recommendations

- 3.1 The Audit Committee is accountable to Council and the report is brought in accordance with Article 9 of the Constitution.

### 4. Other options considered in making recommendations

- 4.1 None. The report is required by the Councils Constitution.

## 5. **Consideration of Risk**

5.1 The purpose of the Audit Committee is explained further in the Annual Report at Appendix 1, but includes to:

- provide independent assurance to those charged with governance of the adequacy of the risk management framework and the internal control environment;
- provide independent review of the Council's governance, risk management and control frameworks; and
- consider related assurances.

## 6. **Background (including outcomes of consultation)**

6.1 The Committee is a key component of corporate governance. CIPFA guidance for audit committees states that:

'The purpose of an audit committee is to provide to those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and governance processes. By overseeing both internal and external audit it makes an important contribution to ensuring that effective assurance arrangements are in place.'

meaning that taking actions towards this purpose helps fulfil the statutory obligations of the Council under the Accounts and Audit Regulations 2015 and section 151 of the Local Government Act 1972.

6.2 The overall aim of good governance is to ensure that:

- resources are directed in accordance with agreed policy and according to priorities
- there is sound and inclusive decision making
- there is clear accountability for the use of those resources in order to achieve desired outcomes for service users and communities.

6.3 The Audit Committee should play a key role in supporting the discharge of those responsibilities by providing a high-level focus on audit, assurance and reporting.

6.4 Whilst the Audit Committee exists partly to oversee proposed and actual changes to the council's policies and procedures pertaining to governance, the executive and senior management have responsibility for implementing these arrangements. In order to support this the Committee has approved a strategy, clear frameworks and processes for managing risk.

6.5 Good governance maintains and increases public confidence in the objectivity and fairness of financial and other reporting, and service planning, delivery and improvement. It is important that local authorities have independent assurance about the mechanisms underpinning these aspects of governance.

6.6 An effective Audit Committee both supports and challenges, and in doing so helps to raise the profile and effectiveness of internal control, risk management and financial reporting within the Council and should enhance public trust and confidence in the governance of the Council.

- 6.7 In order to demonstrate the effectiveness of the Committee and develop public trust, the Chair has produced this annual report in respect of its activities in 2021/22. It aims to develop the Council's commitment to improving corporate governance.
- 6.8 The report at Appendix 1 summarises the work undertaken by the Committee during 2021/22, shows the topics it discussed and uses its Terms of Reference to demonstrate how it met its objectives and responsibilities. The report recognises the positive contributions of councillors and colleagues in the deliberations of the Committee and the positive effect the Committee has had on the Council's governance arrangements. The report categorises the work under the broad themes below:
- Assurance Statements and Governance;
  - Risk Management;
  - Performance Management and Value for Money;
  - External Audit, Inspection and Assurance;
  - Internal Audit and Counter Fraud; and
  - Financial Reporting.
- It also comments on the Committee's:
- independence; and
  - training and development.
- 6.9 The work undertaken is crosscutting, however, and the work covered in each theme is complimentary to that reported in the other themes.
- 6.10 CIPFA Guidance referred to in this paper and its Appendix is the guidance which was current in 2021/22 as shown below. CIPFA published a new position statement on Audit Committees in May 2022 and is due to publish revised Guidance in October 2022, but this had not yet been published at the date of preparing this report. The Audit Committee will give due regard to the new guidance in carrying out its role in 2022/23.

## **7. Finance colleague comments (including implications and value for money)**

- 7.1 Any financial impact as a direct or indirect result of the work undertaken by the Audit Committee has been included in the Medium Term Financial Plan at the appropriate time, either in-year or in future years.

Nishil Rabheru, Strategic Finance Business Partner 20/12/2022

## **8. Legal colleague comments**

- 8.1 Audit committees are a key component of corporate governance.
- 8.2 They provide a high-level focus on assurance and the organisation's arrangements for governance, managing risk, maintaining an effective control environment, and reporting on financial and non-financial performance.
- 8.3 The Local Government Act 1972 and the Accounts and Audit Regulations 2015 require the Council to make arrangements for the proper administration of their financial affairs.
- 8.4 The authority must ensure that it has a sound system of internal control which—  
(a) facilitates the effective exercise of its functions and the achievement of its aims and objectives;

- (b) ensures that the financial and operational management of the authority is effective; and
- (c) includes effective arrangements for the management of risk.

8.5 The Audit Committee is a committee of Council. The Committee terms of reference are set out at Article 9 of the Council Constitution. This report fulfils the requirement to report annually to Council on the work of the Committee.

Beth Brown, Head of Legal and Governance 19/12/2022

**9. Other relevant comments**

9.1 Not Applicable

**10. Crime and Disorder Implications (If Applicable)**

10.1 Not Applicable

**11. Social value considerations (If Applicable)**

11.1 Not Applicable

**12. Regard to the NHS Constitution (If Applicable)**

12.1 Not Applicable

**13. Equality Impact Assessment (EIA)**

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

No



An EIA is not required because no proposals are made in this report and no equalities or diversity issues arise from the report.

**14. Data Protection Impact Assessment (DPIA)**

14.1 Has the data protection impact of the proposals in this report been assessed?

No



A DPIA is not required because no proposals are made in this report and no personal data has been used in preparing the report.

**15. Carbon Impact Assessment (CIA)**

15.1 Has the carbon impact of the proposals in this report been assessed?

No



A CIA is not required because no proposals are made in this report.

**16. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

16.1 None

**17. Published documents referred to in this report**

17.1 Accounts and Audit Regulations 2015

17.2 CIPFA Audit Committees Practical Guidance for Local Authorities and Police 2018

17.3 CIPFA Delivering Good Governance In Local Government – Guidance Notes for English Authorities 2016 Edition

17.4 Nottingham City Council Constitution Version 8.2

**Councillor Sajid Mohammed**  
**Chair of the Audit Committee**

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# **Audit Committee**

## **Annual Report**

### **2021/22**

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## Foreword by the Chair

I am pleased to provide the Audit Committee's Annual Report for the municipal year 2021/2022. The Council is requested to take note of the work conducted by the Audit Committee in improving and enhancing the governance arrangements throughout the Council. The report illustrates how the Audit Committee has continued to make a positive contribution to the Council's governance and control environments. These cover all aspects, such as internal control; risk management; internal audit; anti-fraud; external audit; and financial reporting. The Committee continues to be well supported by officers, providing a high standard of reports and presentations, and officers have taken on suggestions to ensure the benefits of this Committee are passed onto our citizens. I would like to thank Councillor Audra Wynter for chairing the Committee during 2021/22, and the Internal Audit and the External Audit teams for their input. In particular I would like to wish our retiring external audit partner John Gregory well in the future, and thank him for his clarity and objectivity in reporting to us and responding to our questions. I look forward to a similarly productive working relationship with his successor. I should also like to take this opportunity to give my personal thanks to all the officers, and all fellow Committee members who have contributed and supported the work of the Committee in such a meaningful and positive way throughout the past year. Audit Committee Members have supported and challenged officers to ensure our risk, control and governance processes are effective, open, and transparent.



Key highlights of the Committee's work in 2021/22 included

- Reports from theme leads on progress, governance, risk and control in the Together for Nottingham Plan
- Recognising the issues raised in the S151 Officers S114 report
- Progress towards production of Financial Statements and in the statutory audit
- Improvement plans and progress resulting from Limited Assurance Internal Audit Reports and external assurance provider reports

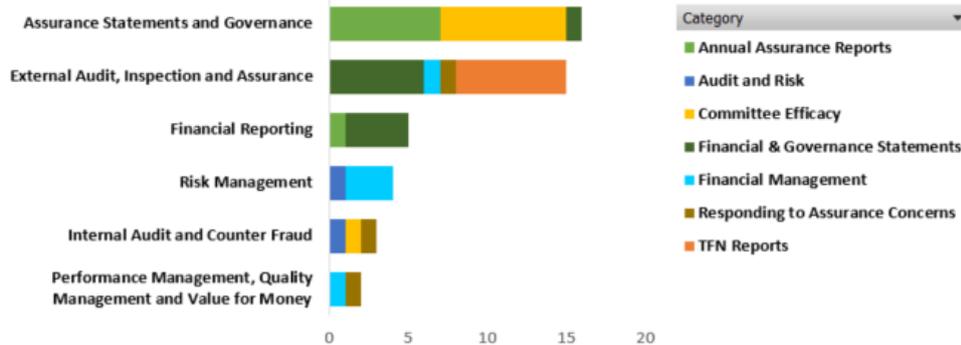
For 2022/23, as Audit Committee Chair I look forward to continuing to support the Council by ensuring that the Committee

- continues to recognise issues that require its focus
- prioritises the most significant corporate risks and issues
- seeks to gain assurance and challenges weaknesses in
  - governance,
  - risk management, and
  - control
- works to improve its efficacy, being proactive and forward thinking

How we risk manage our priorities, resources and partnerships will continue to be vital. The Audit Committee holds a distinctive position to challenge and scrutinise the activities of the Council, and together with the support of officers and my fellow Councillors, I seek for this to continue to bring value to the Council.

## Introduction

This report summarises the work performed over the year 2021/2022



The committee has contributed to the effectiveness of the Council by the work it has done including 45 reports as follows:

17  
Reports

### Assurance Statements and Governance

- Monitoring and approving the Annual Governance Statement and associated activity
- Considering governance, risk and control arrangements for
  - high level financial strategy and reserves
  - governance risks connected to asset realisation
  - governance of capital programme and projects
  - value for money and delivering objectives
  - governance of linked incorporated bodies (and in particular our wholly owned Companies)
- Receiving and making recommendations in respect of Annual Assurance Reports from key corporate specialisms
- Scrutinising non-executive amendments to the Constitution

4  
Reports

### Risk Management

- Reviewing the mechanisms for the assessment and management of risk and thereby developing the Council's ability to respond to known and emerging risks and considering key risks
- Overseeing the Council's Treasury Management arrangements

2  
Reports

### Performance Management, Quality Management and Value for Money

- Reviewing assurances provided including in respect of Exemption from Contract Procedure Rules
- Reviewing actions taken by services as a result of Limited Assurance Internal Audit Reports

15  
Reports

### External Audit, Inspection and Assurance

- Managing a good working relationship with the external auditor, ensuring appropriate action is taken on its recommendations
- Receiving cross-cutting external inspections and assurance reports, ensuring appropriate action is taken on their recommendations

3  
Reports

### Internal Audit and Counter Fraud

- Approving arrangements and monitoring performance of Internal Audit and Counter Fraud
- Ensuring internal audit independence and that findings are actioned by managers and consequently help to improve the Council's effectiveness and governance arrangements;

4  
Reports

### Financial Reporting

- Monitoring of, and contribution to, the development of the Council's Statement of Accounts

## **The Purpose of Audit Committees**

The Audit Committee operates in accordance with the “Audit Committees, Practical Guidance for Local Authorities” produced by the Chartered Institute of Public Finance and Accountancy (CIPFA) in 2018. The Guidance defines the purpose of an Audit Committee as follows:

1. Audit committees are a key component of an authority's governance framework. Their function is to provide an independent and high - level resource to support good governance and strong public financial management.
2. The purpose of an Audit Committee is to provide to those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes. By overseeing internal and external audit it makes an important contribution to ensuring that effective assurance arrangements are in place.

By overseeing internal and external audit, it makes a significant contribution to ensuring that effective assurance arrangements are in place.

## **Terms of Reference**

The Council reviewed and updated the Audit Committee’s terms of reference in 2021 as required by the Report in the Public Interest. As part of this process, CIPFA was engaged to review these terms of reference and suggest improvements. CIPFA provided the committee with assurance that the terms continued to be appropriate and more extensive than comparator authorities, including detailed functions within them to support compliance with the Public Sector Internal Audit Standards. The Council has delegated some of its non-executive functions to the Audit Committee. These are defined in the committee’s terms of reference.

Good governance is ultimately the responsibility of those charged with governance, as well as those with leadership roles and statutory responsibilities in the organisation, including the Chief Executive, Corporate Directors, the Chief Financial Officer and the Monitoring Officer. The Audit Committee plays a key role in supporting the discharge of those responsibilities by providing a high-level focus on audit, assurance and risk management and financial reporting.

Good corporate governance requires the Council to undertake its functions with integrity and in a way that is accountable to the people of Nottingham, transparent, effective and inclusive. My role as the Chair of the Audit Committee is to drive forward improvements on corporate governance. This means I must:

- Consider the reports of external audit and inspection agencies;
- Seek assurances that action is being taken on risk-related issues identified by auditors and inspectors and gain assurance that recommended improvements meet the needs identified and are being delivered to an appropriate timescale;
- Support the committee in reviewing the financial statements, external auditor’s opinion and reports to councillors, and monitor management action in response to the issues raised by external audit;
- Support the committee in reviewing the Council’s integrated planning and performance framework;
- Support consideration of the effectiveness of the Council’s risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements;

- Lead the committee to be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it;
- Lead approval of the Internal Audit's strategy, plan and monitor performance.
- Support Internal Audit and contribute to Peer Review
- Support the review of the summary Internal Audit reports and the main issues arising, and seek assurance that action has been taken where necessary;
- Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted; and
- Lead the Audit committee in procuring external audit if required.

### **Committee Aims**

In summary, the committee's role is to challenge, assess and gather assurance from within the Council and from external agencies, on the level and quality of the internal control and risk management processes in place to ensure that Council objectives are met. As part of this role it approves Audit Plans, the Statement of Accounts, and Annual Governance Statement and monitors the robustness of performance management systems. The benefits gained from operating an effective committee are that it:

- contributes to the development of an effective control environment including arrangements for management of risk;
- increases stakeholder confidence in the objectivity and fairness of financial and other reporting by promoting transparency and accountability;
- reinforces the importance and independence of internal and external audit and any other similar review process (e.g. providing a view on the AGS) and the implementation of audit recommendations;
- advises on the adequacy of the assurance framework and considers whether assurance is deployed efficiently and effectively to give assurance that business objectives are met;
- helps the authority to implement the values of ethical governance, including effective arrangements for countering risks of fraud and corruption

### **Membership**

The Audit Committee was made up of 9 non-executive councillors appointed to reflect the political balance of the Council. The members of the committee for 2021/2022 were:

Councillor Audra Wynter (Chair)  
 Councillor Sajid Mohammed (Vice Chair)  
 Councillor Graham Chapman  
 Councillor Michael Edwards  
 Councillor Jane Lakey  
 Councillor AJ Matsiko  
 Councillor Anne Peach  
 Councillor Ethan Radford  
 Councillor Andrew Rule

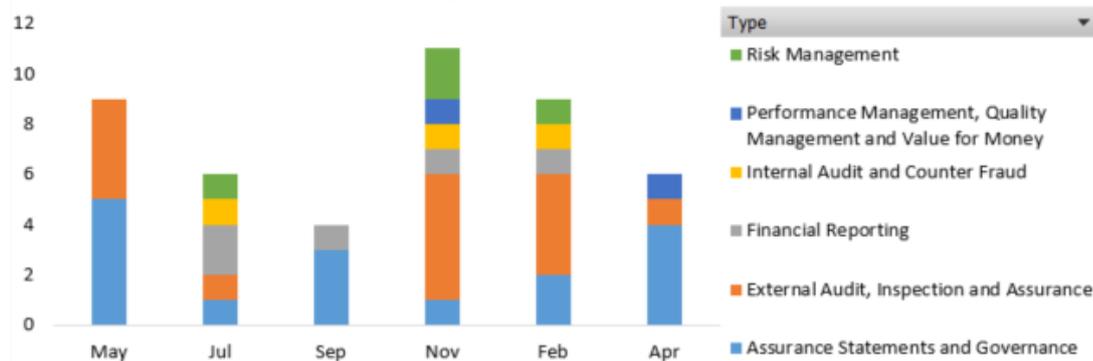
## Work Undertaken

During 2020/21, the Council received two very significant reports which continued to impact the committee's activity during 2021/22:

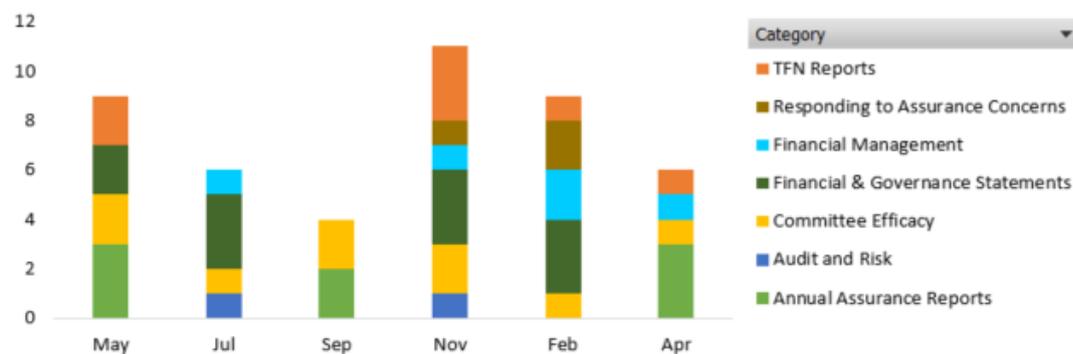
- The external auditor's Report in the Public Interest.
- The Non-Statutory Review by Max Caller which was commissioned by the Secretary of State.

As a result of these reports a programme of improvement actions was undertaken one strand of which led in 2021/22, to a further significant report:

- The Section 114 report by the Chief Financial Officer regarding illegal transactions connected to the Housing Revenue Account



2021/2022 has continued to be a testing time for all Councils with the resources available becoming more important. It has, however, been a year when the Audit Committee has seen noticeable improvements in the impact of its activities. Several services have reported on activity to respond to concerns raised by Internal Audit at the request of the Committee. Also there has been a broader focus in Directorates on compliance with our framework of rules, and on completing actions arising from assurance reports. I expect to see further improvements as 2022 progresses.



The work is reflective of the committee's terms of reference shown at **Appendix A** which is addressed via an annual work programme endorsed by the committee and cross-referenced to the elements of the annual work programme. The analysis has been derived from the reports and presentations set before the committee in the period, which are shown in **Appendix B**.

### Assurance Statements and Governance

The Audit Committee Work Programme shown in **Appendix A** reflects the many subject areas and sources of information that the committee considers in its deliberations about corporate governance. The information assimilated allows members of the committee to understand governance issues and determine their opinion about the overall state of corporate governance in the Council. In addition the

Audit Committee formed informal working groups to help the committee to better understand and consider the following areas:

- Capital
- Companies
- Fraud (Anti-fraud, anti-bribery, and anti-corruption)
- Risk & Assurance

Having gained this understanding, in future these groups will focus only on specific tasks.

Reports on the following areas were considered by the committee during the year:

- The Together for Nottingham Plan
- Section 114 Notice – HRA ring-fence
- Companies Governance
- Council Plan and Corporate Performance Assurance
- The Transformation Programme
- Culture & Ethics
- COVID-19 and Emergency Planning
- Risk Management and Corporate Risk and Assurance Register
- External Audit
- Retender of External Audit for 2023/24 to 2027/28
- Statements of Accounts & Accounting Policies
- Annual Governance Statement
- Information Compliance and Information Security
- Treasury Management
- Contract Management and Procurement including Exemption from Contract Procedure Rules
- Health and safety within the council
- HR & EDI
- Have Your Say Complaints & Local Government Ombudsman Annual Letter
- East Midlands Shared Service
- SEND Transport
- Internal Audit
- Role of the Audit Committee, Annual Work Programme & Performance

The Committee considered these reports and made resolutions in respect of each as set out in Appendix C.

### **Looking Forward**

The Audit Committee will amongst other activities

- continue to seek assurance on the implementation of the Together for Nottingham Plan including theme milestones and outcomes
- monitor progress in bringing the Council's external audits up to date and ensuring future external audit cycles progress smoothly and on time
- receive an update on the current procurement cycle for external audit
- have oversight of the Corporate Risk Register and associated management assurance frameworks including examination of key risks as needed
- provide challenge to the executive and senior officers to encourage implementation of improvements and delivering best value
- work with the proposed Audit Committee Officer to:

- consider the recent review of the roles and responsibilities of Audit Committee together with new guidance from CIPFA and develop a target work plan for the Committee
- develop a forward training plan for members targeting identified development areas
- develop a system for Committee recommendation and action tracking
- commission an independent review of the effectiveness of the Audit Committee and implement its recommendations

### **Independence**

The key criterion in assessing the independence of the committee is that its members are non-executives and their conduct on the committee is independent of political allegiances. Councillors have sought advice from legal and governance officers to achieve this requirement, and made declarations or have left the meeting where a conflict of interest was apparent, as appropriate. We accept the observations of the external auditor about the conflicts of interest that arise when councillors act as directors on council owned companies and the Council continues to make appropriate arrangements including for councillors on the Audit Committee as part of the Constitution theme of its Together for Nottingham Plan. The Audit Committee terms of reference now allow for 2 independent members.

### **Training & Development**

Training has been provided to committee members during the year on:

- the Role of the Audit Committee and its members (CIPFA – March 2021)
- Risk management (Zurich – March 2021)
- Constitution eLearning (available October 2021)
- Treasury Management (Link Asset Management – December 2021)

### **Conclusion**

Having considered the available guidance, the terms of reference and duties of the Audit Committee, and the work undertaken over the period since the last annual report, it is my assessment that the committee has carried out its roles effectively during 2021/22. The committee has made several changes to its activity during 2021/22 to respond to the Public Interest Report and Non-Statutory Review in 2020/21 and suggestions by the members of the Improvement & Assurance Board and will continue to aim to improve its effectiveness during 2022/23.

## Appendix A - Analysis of Audit Committee Work Programme

Description	Report	Meeting			
<b>Purposes:</b>					
a. The Audit Committee is a key component of Nottingham City Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.	Annual Audit Committee Report			SEP	
b. Provide independent assurance to those charged with governance of the adequacy of the risk management framework and the internal control environment.	External Audit reports, Annual Audit Committee Report, Annual Governance Statement (AGS) reports	MAY	JUL	SEP	
			FEB		
c. Provide independent review of the Council's governance, risk management and control frameworks.	AGS, Risk Management & External Audit reports		JUL		NOV
			FEB		
d. Oversee the financial reporting and annual governance processes.	Budget, Statement of Accounts, Accounting Policies & AGS reports		JUL		NOV
			FEB		
e. Oversee internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.	Annual IA Plan and updates & EA Updates	MAY	JUL	SEP	NOV
			FEB		
f. Consider assurance of 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 including emphasis on: <ul style="list-style-type: none"> <li>Governance risks around high level financial strategy and reserves</li> <li>Governance risks connected to asset realisation</li> <li>Governance of Capital Programme and projects</li> <li>Value for Money and Delivering Objectives</li> <li>Governance of linked incorporated bodies</li> </ul>	Budget, Statement of Accounts, EA Updates, IICSA, OFSTED, Ombudsman, Companies, Assurance & Corporate Risk reports and presentations	MAY	JUL	SEP	NOV
			FEB	APR	

Description	Report	Meeting			
g. Oversee proposed and actual changes to the Council's policies and procedures pertaining to governance.	Audit Committee Terms of Reference, Public Interest Report, Companies Governance, Councillor Directors, Non-Statutory Review and Recovery & Improvement Plan, Interim AGS & Governance Updates connected to Action Plans	MAY		SEP	NOV
			FEB	APR	
<b>Objectives:</b>					
<b>Governance, Risk &amp; Control</b>					
a. Review the Council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.	AGS reports		JUL		
			FEB		
b. Review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account Internal Audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.	AGS		JUL		
c. Consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.	Annual Audit Letter & VfM Report				
			FEB	APR	
d. Consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.	Assurance Reports (H&S, ITG, Complaints, HR)	MAY		SEP	
			FEB	APR	
e. Receive and consider the results of reports from external inspectors, Ombudsman and similar bodies and from statutory officers.	Budget, Annual summary of External Assurances, IICSA, OFSTED, Complaints & LG Ombudsman,		JUL	SEP	
			FEB		

Description	Report	Meeting					
		MAY			NOV		
f. Monitor the effective development and operation of risk management in the Council.	Risk Management Reports, Brexit, Covid-19 & Emergency Planning	MAY			NOV		
g. Monitor progress in addressing risk-related issues reported to the committee.	IICSA, Ofsted, Budget, Risk Management Updates, External Audit updates, Corporate Action Plans, Companies & Brexit	MAY			NOV		
			FEB	APR			
h. Consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.	IA Progress Updates & Service presentations, Companies reports	MAY	JUL	SEP	NOV		SEP
			FEB	APR			FEB
i. Review the assessment of fraud risks and potential harm to the Council from fraud and corruption.	Annual IA Report & Annual Audit Letter		JUL				
j. Monitor the counter fraud strategy, actions and resources.	Annual IA Report & progress update		JUL		NOV		
			FEB				
k. Review the governance and assurance arrangements for significant partnerships or collaborations, including the Partnership Governance Framework, annual health checks and the Register of Significant Partnerships.	Audit Committee Terms of Reference	MAY					
			FEB	APR			
l. Commission work from internal and external audit.	Culture & Ethics	MAY					
m. Consider arrangements for and the merits of operating quality assurance and performance management processes.	Customer Experience, EMSS, Council Plan and Corporate Performance Assurance			SEP	NOV		
n. Consider the exercise of officers' statutory responsibilities and of functions delegated to officers.	e.g. S114A & S5A reports						
				FEB			

Description	Report	Meeting			
o. Effectively scrutinise, review and monitor treasury management strategies and policies in accordance with guidance issued to local authorities, and make appropriate recommendations to the responsible body.	TM 2019/20 Annual Report, TM Strategy and Capital Strategy, TM Half-Yearly update		JUL		NOV
p. Consider 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.	[Audit Committee will be advised by officers if/when it is required to carry out this role]	Not applicable in 2020/21			
<b>Financial Reporting</b>					
q. Review the Annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.	Statement of Accounts		JUL		
r. Consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.	Audit Findings Report, Auditor's Report to members of NCC (both with Statement of Accounts), Public Interest Report	MAY			
s. Approve the Council's Statement of Accounts and associated governance and accounting policy documents	Accounting Policies, Statement of Accounts, external audit outcome and Public Interest reports & Annual Governance reports		JUL		
<b>External Audit</b>					
t. Support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.	Annual Audit Letter	MAY			
			FEB		

Description	Report	Meeting			
u. Consider the external auditor's annual letter, relevant reports and the report to those charged with governance.	Annual Audit Letter	MAY			
			FEB		
v. Consider specific reports as agreed with the external auditor.	Public Interest Report	Not applicable in 2021/22			
w. Comment on the scope and depth of external audit work and to ensure it gives value for money.	EA reports	MAY	JUL		NOV
			FEB		
x. Advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.	Annual Audit Committee Report			SEP	
<b>Internal Audit</b>					
y. Undertake the duties of the Board mandated by PSIAS as identified in Appendix 2.	PSIAS duties are listed below		JUL	SEP	NOV
			FEB	APR	
z. Consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services, and the head of internal audit's annual report.	IA Progress Reports		JUL		NOV
			FEB		
aa. Consider summaries of specific internal audit reports as requested.	Annual IA Report		JUL		NOV
			FEB		
<b>PSIAS Duty of the Board</b>					
1000 Approve the Internal Audit Charter	Annual IA Report		JUL		
1110 Approve the risk-based internal audit plan, including internal audit's resource requirements, including any significant changes, the approach to using other sources of assurance and any work required to place reliance upon those other sources.	Annual IA Report		JUL		
1110 Approve decisions relating to the appointment and removal of the Chief Audit Executive	[If required the S151 Officer will provide a report]	Not applicable in 2021/22			

Description	Report	Meeting			
1110 Receive an annual confirmation from the Chief Audit Executive with regard to the organisational independence of the internal audit activity	Annual IA Report		JUL		
1110 Make appropriate enquiries of the management and the Chief Audit Executive to determine whether there are inappropriate scope or resource limitations	Annual IA Report		JUL		
1110 The Chair to provide feedback for the Chief Audit Executive's performance appraisal	Annual Audit Committee Report			SEP	
1111 Provide free and unfettered access to the Audit Committee Chair for the head of internal audit, including the opportunity for a private meeting with the committee.	Annual IA Report		JUL		
1112 Consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.	Annual IA Report		JUL		
1130 Approve significant additional consulting services agreed during the year and not already included in the audit plan, before the engagement is accepted	IA Progress Reports		FEB		NOV
1312 Contribute to the QAIP and in particular, to oversee the external quality assessment of internal audit that takes place at least once every five years.	Annual IA Report		JUL		
1320 Receive the results of the Quality Assurance and Improvement Programme from the Chief Audit Executive	Annual IA Report		JUL		
2020 & 2030 Receive communications from the Chief Audit Executive on internal audit's audit plan and resource requirements including the approach to using other sources of assurance, the impact of any resource limitations and other matters	Annual IA Report		JUL		
2060 Receive communications from the Chief Audit Executive on the internal audit activity's purpose, authority, responsibility and performance relative to its plan. Reporting must also include significant risk exposures and control issues, including fraud risks, governance issues and other matters needed or requested by senior management and the board.	Annual IA Report		JUL		NOV
			FEB		

Description	Report	Meeting			
2600 Receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.	Annual IA Report			SEP	NOV
				APR	

## Appendix B – List of Reports to Audit Committee by Date

### 28 May 2021

Working Group Updates  
Verbal update from the Chairs of each Working Group

Annual Audit Letter 2018/19  
Update from the External Auditor

Verbal Update from External Auditor  
A verbal update from the External Auditor on progress of the 19/20 and 20/21 audit process

Annual Report of health and safety within the council  
Report of the Director of Legal and Governance

COVID-19 and Emergency Planning  
Report of the Director of Legal and Governance

Culture & Ethics  
Report of the Interim Corporate Director Finance and Resources

HR Annual Assurance  
Report of the Director for HR & Equality, Diversity and Inclusion

Audit Committee Terms of Reference  
Report of the Interim Corporate Director of Finance & Resources

Companies Governance Update  
Report of the Interim Corporate Director of Finance & Resources

### 30 Jul 2021

Working Group Updates  
Verbal update from the Chairs of each Working Group

2019/20 Accounts update  
Report of the Interim Corporate Director of Finance and Resources

Draft Statement of Accounts 2020/21 and Draft Annual Governance Statement 2020/21  
Report of the Interim Corporate Director of Finance and Resources

External Audit Update  
Verbal update from External Auditors, Grant Thornton

Treasury Management 2020/21 Annual Report  
Report of the Interim Corporate Director of Finance & Resources and S151 Officer

Internal Audit Annual Report and Opinion  
Report of the Interim Corporate Director of Finance and Resources

### 24 Sep 2021

Working Group Updates  
Verbal update from the Chairs of each Working Group

Audit Committee Annual Report 2020/2021  
Report of the Chair of Audit Committee

Have Your Say Complaints Annual Assurance Report – Including Local Government Ombudsman Annual Letter 2020-21  
Report of the Interim Corporate Director of Finance and Resources

East Midlands Shared Service Annual Report 2020-21  
Report of the Head of East Midlands Shared Services

25 Nov 2021

Working Group Updates

Verbal update from the Chairs of each Working Group

Update on the Audit of the Councils Statutory Accounts 2019/20 and 2020/21

Report of the Interim Corporate Director of Finance and Resources

External Audit Update

Verbal update from the External Auditor, Grant Thornton

Council Plan and Corporate Performance Assurance

Report of the Interim Director Strategy and Policy and the Interim Corporate Director of Finance and Resources

Internal Audit Update

Report of the Interim Corporate Director of Finance & Resources

Contract Management and Procurement Audits 2021

Report of the Interim Corporate Director Finance and resources

Retender of External Audit for 2023/24 to 2027/28

Report of the Interim Corporate Director of Finance and Resources

Treasury Management 2021/22 Half Yearly Update

Report of the Interim Corporate Director of Finance & Resources and S151 Officer

Companies Governance Update

Report of the Interim Corporate Director of Finance and Resources

Recovery and Improvement - Culture Update

Report of the Director of HR, and EDI, and the Interim Corporate Director Finance and Resources

Risk Management and Corporate Risk and Assurance Register Update

Report of the Chief Executive, and the Interim Corporate Director of Finance & Resources

25 Feb 2022

Working Group Updates

Verbal update from the Chairs of each Working Group

Review of Accounting Policies 2021/22

Report of the Corporate Director for Finance and Resources

Annual Governance Statement – Process For Producing 2021/22 Statement

Report of the Corporate Director for Finance and Resources

Internal Audit Update

Report of the Corporate Director for Finance and Resources

External Audit Update

Report of the External Auditor, Grant Thornton

Update on Section 114 Notice

Verbal update from the Corporate Director for Finance and Resources

Treasury Management Strategy 2022/23 and Capital Strategy 2022/23

Report of the Corporate Director for Finance and Resources

SEND Transport Monitoring Report 2022

Report of the Director of Education Services

Refresh of the Together for Nottingham Plan

Report of the Leader of the Council

29 Apr 2022

Exemption from Contract Procedure Rules

Report of the Interim Corporate Director for Finance and Resources

Working Group Updates

Verbal update from the Chairs of each Working Group

Service Design and Delivery (including the Transformation Programme)

Report of the Chief Executive

Equality and HR Assurance annual report

Report of the Director for HR & EDI

Annual Report of Health and Safety within the Council

Report of the Interim Corporate Director for Finance and Resources

Information Compliance and Information Security Annual Assurance Report  
2022

Report of the Interim Corporate Director for Finance and Resources

## Appendix C – Resolutions Made by Audit Committee

### 28 May 2021

Verbal Update from External Auditor

**The committee noted the update provided by the External Auditor.**

Annual Report of Health and Safety within the Council

**(1) Require all Corporate Directors ensure their departmental colleagues can demonstrate up to date training in the mandatory health and safety courses, and where appropriate, asbestos management by Friday 30 July 2021;**

**(2) Require all Corporate Directors ensure that all outstanding Accident/Violence/Audit recommendation are completed and recorded on the corporate system by Friday 30 Jul 2021**

**(3) Note the absence of any Health and Safety Executive intervention in the Council in the past three years**

**(4) Ask that the Risk and Assurance working group review updated figures after 30 July 2021**

Covid-19 and Emergency Planning

**(1) To confirm assurance that specific and generic plans and arrangements were in place to deal with a pandemic emergency prior to the outbreak of Covid-19**

**(2) To acknowledge that the early reviews of both the Council's and the Local Resilience Forum's (LRF) Pandemic Flu plans showed they provided effective templates for the response phase;**

**(3) To note that an interim debrief of the response phase was held and arrangements adjusted but that a full debrief is yet to be held whilst the pandemic is ongoing, and**

**(4) That, on conclusion of any full debrief, the recommendations relevant to the Council be shared with this Committee for consideration**

Culture & Ethics

**(1) require the findings of this report be used:**

**a. As a framework for monitoring progress in rectifying the failures highlighted, particularly in paragraph 1.5 and 1.7 of the published appendix**  
**b. As a basis for training and information to support the necessary change in culture**

**(2) refer the report to both the Chairs of the Standards Committee and Overview and Scrutiny Committee and to Executive Panel to consider further action.**

HR Annual Assurance

**(1) Note the work being done within the division to ensure the Council's statutory and non-statutory obligations relating to people management and equalities are being met and / or progressed.**

Companies Governance Update

**(1) Note the report on progress against the Recovery and Improvement Plan**

Audit Committee Terms of Reference

**(1) Note the role and functions of the Audit committee as set out in the Terms of Reference, which comply with best practice in the 2018 revision of CIPFA guidance on Audit Committees (the 2018 Guidance), including the additional elements prescribed by the Public Sector Internal Audit Standards (PSIAS)**

30 Jul 2021

2019/20 Accounts update

**(1) Resolved to note the progress in respect of the 2019/20 Statement of Accounts and associated Audit.**

Draft Statement of Accounts 2020/21 and Draft Annual Governance

**(1) Note the progress of the draft 2020/21 Statement of Accounts; and  
(2) Note draft 2020/21 Annual Governance Statement and the expectation of an updated Annual Governance Statement to be brought to a future committee meeting reflecting the suggestions of this committee, alongside the final statement of Accounts for 2020/21.**

Treasury Management 2020/21 Annual Report

**(1) Resolved to note the performance information in relation to treasury management for 2020/21**

Internal Audit Annual Report and Opinion

**(1) Note the audit work completed during the year, including the use of other resources of assurance and reliance on those sources;  
(2) Note the Head of Audit and Risk's Annual Opinion;  
(3) Note the proposed Audit Plan for 2021/22;  
(4) Approve the Internal Audit Charter; and  
(5) Note the Counter Fraud Strategy**

24 Sep 2021

Working Group Updates

**(1) Resolved to request that the Chair of the Audit Committee writes to the Chief Finance Officer and relevant Portfolio Holder to request that they establish a target saving from fraud detection to be included in the budget.**

Audit Committee Annual Report 2020/2021

**(1) Resolved to request that the Chair and Vice-Chair, working with the Head of Audit and Risk, amend the report to make it more outcome focused.**

Have Your Say Complaints Annual Assurance Report – Including Local Government Ombudsman Annual Assurance 2021

**(1) Resolved to request an additional report to respond to the questions raised by the Committee.**

26 Nov 2021

Update on the Audit of the Councils Statutory Accounts 2019/20 and 2020/21

**(1) Having sought assurance on continued progress and issues the Committee noted the update on the progress of the Audit of the Statutory Accounts for 2019/20 and 2020/21**

External Audit Update

**(1) The committee noted the update**

Treasury Management 2021/22 Half Yearly Update

**(1) Resolved to note and acknowledge the treasury management actions taken in 2021/22 to 30 September 2021.**

Council Plan and Corporate Performance Assurance

**(1) Note the progress made on the Council's new Performance Management Framework;  
(2) Note plans for full implementation of the Performance Management Framework and improvements in performance reporting across the Council  
(3) To invite corporate performance officers to attend the Risk Working group to receive feedback on the scope of the Critical Indicators; and  
(4) Receive an informal Teams briefing from the Interim Corporate Director of Finance and Resources on the Oracle fusion system.**

Internal Audit Update

**(1) Receive an update from the Head of IT and Portfolio Holder for Finance and Resources on the Limited Assurance report for IT Security at the next Audit Committee meeting;  
(2) Note the progress reported in respect of high priority recommendation; and**

**(3) Note other areas marked as Limited Assurance and review these within working groups and those of particular concern be selected to come back to a future meeting for more detailed consideration.**

Contract Management and Procurement Audits 2021

- (1) Note the actions already completed in response to the internal audits, and the impact of these actions on assurance;**
- (2) Note the actions planned and being implemented, and the impact that these will have on future assurance; and**
- (3) Note the use of PWC to support improvements.**

Retender of External Audit for 2023/24 to 2027/28

- (1) Resolved to endorse the proposal to Council that it accepts Public Sector Audit Appointments invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for 5 financial years from 1 April 2023.**

Companies Governance Update

- (1) Resolved to note the progress and future plans for ongoing development and implementation of companies governance in accordance with the Recovery and Improvement Plan.**

Recovery and Improvement - Culture Update

- (1) Note the actions referred to in relation to embedding good practice outlined in the Internal Review Report of Culture and Ethics brought to the Audit Committee in May 2021; and**
- (2) Note that future updates and assurance on the Culture workstream in the Recovery and Improvement Plan will be undertaken through the existing monitoring and assurance that take place through the Improvement and Assurance Board.**

Risk Management and Corporate Risk and Assurance Register Update

- (1) Resolved to note the progress made to review existing processes and further embed Risk Management across the Council**

## 25 Feb 2022

Review of Accounting Policies 2021/22

- (1) Agree the Statement of Accounting Policies for inclusion in the 2021/22 annual accounts (within appendix 1 of the report).**
- (2) Agree the proposals where International Financial Reporting Standards (IFRS) allowed a degree of choice.**

Annual Governance Statement - Process for Producing 2021/22 Statement

- (1) Note the process and timetable for compiling and completing the 2021/22 Annual Governance Statement.**

Internal Audit Update

- (1) Note the progress reported in respect of high priority recommendations.**
- (2) Note the areas marked as Limited Assurance and request that at the next meeting the Head of IT reports progress in respect of issues raised in the Limited Assurance reports on IT Security and ICT Procurement.**
- (3) Note the progress made on the Internal Audit Plan 2021/22.**

External Audit Update

- (1) Note the report.**

Treasury Management Strategy 2022/23 and Capital Strategy 2022/23

- (1) Accept the Treasury Management Strategy for 2022/23, attached as Appendix 1 of the report, and, in particular:**
  - (a) the strategy in relation to debt repayment (Minimum Revenue Provision Statement) in 2022/23 (section 5.2 of the report);**
  - (b) the Borrowing Strategy for 2022/23 (section 3.4 of the report);**
  - (c) the Investment Strategy for 2022/23 (section 4 of the report);**
  - (d) the Prudential Indicators and Limits for 2022/23 to 2024/25 (section 5.1 of the report);**
- (2) Accept the Treasury Management Policy Statement (section 5.3 of the report).**
- (3) Accept the Capital Strategy 2022/23 (Appendix 2 of the report) including the Voluntary Debt Reduction Policy Statement and Debt Policy (Appendix B of the report).**

**(4) Note the content of the exempt appendices.**

SEND Transport Monitoring Report 2022

**(1) Note the improvements made.**

**(2) That a further annual Monitoring Report was not required to be presented in 2023.**

Refresh of the Together for Nottingham Plan

**(1) Note the contents of the report, and invite individual theme leads within the Together for Nottingham Plan to provide assurance to the Committee.**

29 Apr 2022

Exemption from Contract Procedure Rules quarter three 2021/22

**(1) Note the number of exemptions from Contract Procedure Rules during quarter three of 2021/22.**

**(2) Note the actions being taken to ensure that contracts are awarded in line with Contract Procedure Rules and that exemptions only occur where there is a sound rationale for approving the exemption.**

Working Group updates

**(1) Request a paper on District Heating and Waste Infrastructure.**

Together for Nottingham Plan – Theme 7 Service Design and Delivery

**(1) Note this report.**

Equality & HR Assurance

**(1) Note the work being done within the division to deliver on Theme 6 Organisation and Culture workstream of the Together for Nottingham Plan**

**(2) Note the work being done within the division to ensure the Council's statutory and non-statutory obligations relating to people management and Equality, Diversity and Inclusion are being met and/or progressed.**

**(3) Request an update in around 6 months on the challenges of staffing resourcing.**

Annual Report of health and safety within the council

**(1) All Corporate Directors ensure their directorate colleagues can demonstrate up to date training in the mandatory health and safety courses, and, where appropriate, asbestos management, by Friday 8th July 2022.**

**(2) All Corporate Directors ensure that all outstanding Accident/Violence/Audit recommendations are completed and recorded on the corporate system by Friday 8th July 2022**

**(3) Note the absence of any HSE intervention in the council in the past three years.**

Information Compliance and Information Security Annual Assurance Report 2022

**(1) Chair to email concerns regarding staffing resources to the Director of HR & EDI.**



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**Motion in the name of Councillor Georgia Power**

The Independent Review of Children's Social Care headed by Josh McCallister, published in May 2022 a final report and recommendations that included:

“Government should make care experience a protected characteristic”

and

“New legislation should be passed which broadens corporate parenting responsibilities across a wider set of public bodies and organisations.”

On Protected Characteristics for Care Experience:

“Many care experienced people face discrimination, stigma and prejudice in their day to day lives. Public perceptions of care experience centre on the idea that children are irredeemably damaged and that can lead to discrimination and assumptions being made.”

One young person told the review that a teacher had told them “You're smart - for a kid in care” and another young person said “I don't want people to point out that I am in care if I don't want that mentioned. It makes me so cross – that shouldn't happen.”

This stigma and discrimination can be explicit and often comes with assumptions about the likely characteristics of children and adults that have care experience. They can also be implicit and are evidenced in the way care experience is discussed in schools, workplaces and the media.

At its worst this can lead to care experienced people being refused employment, failing to succeed in education or facing unfair judgements about their ability to parent when they have children and families of their own.

Hearing testimony from care experienced people sharing the discrimination they have experienced, even from a very young age, it is clear that such discrimination can be similar in nature to other groups that have a legally protected characteristic under the Equality Act (2010).

So, while there may be ways that society can help reduce stigma and discrimination, including creating greater public consciousness on these issues, just as with other areas of equality, there is a case to go further. Therefore, the government should make care experience a protected characteristic.

“Making care experience a protected characteristic would provide greater authority to employers, businesses, public services, and policy makers to put in place policies and programmes which promote better outcomes for care experienced people. It will make the UK the first country in the world to recognise care experienced people in this way. As a measure, it will bolster and pave the way for a number of the recommendations in this chapter.”

*Independent Review of Children's Social Care May 2022*

Nottingham City Council believes that care experienced people face significant barriers that impact them throughout their lives:

- Despite the resilience of many care experienced people, society too often does not take their needs into account
- Care experienced people often face discrimination and stigma across housing, health, education, relationships, employment and in the criminal justice system
- Care experienced people often face a postcode lottery of support
- As corporate parents, councillors have a collective responsibility for providing the best possible care and safeguarding for the children who are looked after by us as an authority
- All corporate parents should commit to acting as mentors, hearing the voices of looked after children and young people and to consider their needs in any aspect of council work
- Councillors should be champions of our looked after children and challenge the negative attitudes and prejudice that exists in all aspects of society
- The Public Sector Equality Duty requires public bodies, such as councils, to eliminate unlawful discrimination, harassment and victimisation of people with protected characteristics
- Nottingham City Council acknowledges that children entering the care system are often split from their siblings and placed outside their home local authority area, that they don't choose to enter the care system, that they don't choose to be split up from their siblings and don't choose to be placed outside their local area.

Nottingham City Council therefore resolves:

1. that when making any decisions in relation to its policies or formulating its Council Plan it recognises that care experienced people are a vulnerable group who face discrimination;
2. that it recognises that councils have a duty to put the needs of vulnerable people at the heart of decision-making through co-production and collaboration;
3. that in the delivery of the Public Sector Equality Duty the Council includes care experience in the publication and review of Equality Objectives and the annual publication of information relating to people who share a Protected Characteristic in services and employment;
4. that this Council will treat care experience as if it were a Protected Characteristic so that future services and policies made and adopted by the Council should be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a Protected Characteristic;
5. to formally call upon all other bodies to treat care experience as a Protected Characteristic until such time as it may be introduced by legislation;
6. to formally call upon all other bodies to adopt corporate parenting for children in care and care leavers until such time as it may be introduced by legislation;
7. for the Council to proactively seek out and listen to the voices of care experienced people when developing new policies based on their views.