

## **Non-Executive Committees 2022/23 – Terms of Reference**

### **Appointments and Conditions of Service Committee**

#### **Terms of Reference**

**Note:** These Terms of Reference **must** be read in conjunction with Article 14 of the Constitution – Officer Employment Procedure Rules as the meaning of defined terms used here are set out in the Interpretations section of the Procedure Rules.

#### **Description**

The Appointments and Conditions of Service Committee (ACOS) is a politically balanced Non-executive Committee of Council. It is established to determine local terms and conditions of Council employees and procedures for disciplinary action and dismissal. It undertakes the appointment process for the Chief Executive, Deputy Chief Executive and Corporate Directors and is required to approve proposals for significant restructuring of the Council's management structure. Staffing management and individual staffing decisions are the responsibility of Council officers.

#### **Purpose**

- a) To undertake shortlisting, final interviews and approve appointments of Statutory Chief Officers and Chief Officers where they are at Corporate Director level and above, having been presented with a viable longlist of candidates by the Head of Paid Service, noting that this provision is subject to the following exception:
  - i. where the appointment relates to the Head of Paid Service, a longlist will be presented to the Committee by the Proper Officer and
  - ii. that any recommendation regarding the appointment of the Head of Paid Service is made by the Committee to full Council for its final determination.
- b) Where permitted, and in the event of any required divergence from the National Joint Council Agreement on pay and conditions of service for local government services (Green Book) to determine Policy relating to the terms and conditions of Council employees.
- c) ACOS is responsible for the determining Council Policy where it relates to:
  - i. discretions permitted under the Local Government Pension Scheme
  - ii. discretions permitted under the Local Government Early Termination of Employment ("DCR") Regulation
  - iii. discretionary decisions relating to the Flexible Retirement Scheme.
- d) ACOS determines any decisions relating to Statutory Chief Officers and Chief Officers, where they are at Corporate Director level and above, in relation to discretionary award of additional LGPS (Local Government Pension Scheme), payments permitted under DCR and in relation to flexible retirement within the

Policy framework provided for by 3 above. ACOS must notify the Proper Officer and the Executive and carry out consultation with nominated councillors.

- e) To designate officers as Head of Paid Service, Section 151 Officer, Monitoring Officer and all other Proper Officers.
- f) To receive reports on action taken in respect of terms agreed for the Statutory Chief Officers, Chief Officers and Deputy Chief Officers leaving the employment of the Council where those terms include compensation.
- g) To approve proposals for any significant restructure of the Council's management, where it involves the transfer, addition or deletion of a Chief Officer or Deputy Chief Officer post to or from a directorate.
- h) To approve proposals from the Chief Executive for changes to salary levels (including ranges of salaries) for Chief Officers.
- i) To consider any grievances relating to or raised by the Chief Executive.

### **Membership and Chairing**

ACOS has 8 members who are councillors.

Where the Committee is involved in the following functions, at least one seat shall be reserved for the relevant Portfolio Holder whose remit covers Resources (or their substitute):

- i. the function of appointment (or dismissal) of a Statutory Chief Officer and Chief Officers above the level of Director; and
- ii. the function of designating Officers as the Head of Paid Service, Monitoring Officer or Section 151 Officer.

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

In the event that the Committee is called upon to consider any grievances raised by or relating to the Chief Executive, those members considering the grievance shall not participate in any further consideration of the matter at other committees.

### **Substitutes**

Substitutes are permitted for this Committee.

### **Quorum**

The standard quorum for Council committees applies to this Committee.

### **Frequency of Meetings**

Scheduled for monthly meetings with the exception of August but may be required to meet more frequently depending on the circumstances.

**Accountability**

The functions of this Committee are delegations by full Council. There are specific reporting requirements to full Council which are specified in the Officer Employment Procedure Rules.

**Duration**

There is no limit on the lifespan of ACOS.

## **Appeals Committee**

### **Terms of Reference**

#### **Description**

The Appeals Committee (the Committee) is a politically balanced Non-Executive Committee of Council, and is accountable to Council.

#### **Purpose**

The purpose of the Appeals Committee is to:

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

The decision of the Appeals Committee is final.

#### **Membership and Chairing**

The Appeals Committee has 5 members, one of whom must be an Executive Member.

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

#### **Substitutes**

Substitute members are permitted for this committee.

#### **Quorum**

The standard quorum for Council committees applies to this committee, but one member must be an Executive Member.

#### **Frequency of Meetings**

The Appeals Committee will meet as and when required.

#### **Duration**

There is no limit on the lifespan of the Appeals Committee.

## **Audit Committee**

### **Terms of Reference**

#### **Description**

The Audit Committee (the Committee) is a politically balanced Non-Executive Committee of Council. The Committee is necessary to satisfy the requirements of the Accounts and Audit (England) Regulations 2015 and Section 151 of the Local Government Act 1972. The Committee is accountable to Council and will report annually to Council on its activities during the previous year.

The Committee operates within the relevant sections of:

- Audit Committee – Practical Guidance for Local Authorities and Police 2018 (CIPFA)
- Delivering Good Governance in Local Government (CIPFA)
- the Public Sector Internal Audit Standards 2017 (IIA and CIPFA)
- the Local Government Application Note 2019 on PSIAS (CIPFA)
- the Code of Practice on Managing the Risk of Fraud and Corruption 2014 (CIPFA)

#### **Purpose**

The purpose of the Audit Committee is to:

- (a) provide an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards
- (b) provide independent assurance to those charged with governance of the adequacy of the risk management framework and the internal control environment
- (c) provide independent review of the Council's governance, risk management and control frameworks
- (d) oversee the financial reporting and annual governance processes.
- (e) oversee internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place
- (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:
  - Governance risks around 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
- (g) oversee proposed and actual changes to the Council's policies and procedures pertaining to governance.

#### **Objectives**

The Audit Committee will:

##### **Governance, Risk & Control**

1. review the Council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance

2. 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
3. consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements
4. consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council
5. receive and consider the results of reports from external inspectors, ombudsman and similar bodies and from statutory officers
6. monitor the effective development and operation of risk management in the Council.
7. monitor progress in addressing risk-related issues reported to the committee
8. consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions
9. review the assessment of fraud risks and potential harm to the Council from fraud and corruption
10. monitor the counter-fraud strategy, actions and resources
11. review the governance and assurance arrangements for Council owned companies, significant partnerships or other collaborations, including reports of companies assurance
12. commission work from internal and external audit
13. consider arrangements for and the merits of operating quality assurance and performance management processes
14. consider the exercise of officers' statutory responsibilities and of functions delegated to officers
15. 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
16. 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.

### **Financial Reporting**

17. 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
18. consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts
19. approve the Council's Statement of Accounts and associated governance and accounting policy documents.

### **External Audit**

20. 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 the Public Sector Audit Appointments Limited (PSAA) or the authority's auditor panel as appropriate
21. consider the external auditor's annual letter, relevant reports and the report to those charged with governance
  22. consider specific reports as agreed with the external auditor
  23. comment on the scope and depth of external audit work and to ensure it gives value for money
  24. advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

### Internal Audit

25. undertake the duties of the Committee mandated by the Public Sector Internal Audit Standards (PSIAS) (as identified in Table 1 below)
26. 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
27. consider summaries of specific internal audit reports as requested.

<b>Table 1: Duties Of The Board (Audit Committee) Mandated By PSIAS</b>	
<b>PSIAS ref</b>	<b>Duty of the Board</b>
1000	Approve the Internal Audit charter
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.
1110	Approve decisions relating to the appointment and removal of the Chief Audit Executive
1110	Receive an annual confirmation from the Chief Audit Executive with regard to the organisational independence of the internal audit activity
1110	Make appropriate enquiries of the management and the Chief Audit Executive to determine whether there are inappropriate scope or resource limitations
1110	The chair to provide feedback for the Chief Audit Executive's performance appraisal
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.
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.
1130	Approve significant additional consulting services agreed during the year and not already included in the audit plan, before the engagement is accepted
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.
1320	Receive the results of the Quality Assurance and Improvement Programme from the Chief Audit Executive
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

<b>Table 1: Duties Of The Board (Audit Committee) Mandated By PSIAS</b>	
<b>PSIAS ref</b>	<b>Duty of the Board</b>
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.
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.

### **Membership and Chairing**

The Audit Committee has 9 councillor members and up to 2 external independent members.

Members of the Executive are excluded from membership of the Committee.

The Chair of the Committee will be appointed by Full Council at its Annual General Meeting. If the Chair changes in year, the Committee will appoint a Chair for the remainder of the Municipal Year at its next available meeting.

The Chair of the Committee cannot be a Chair of the Board of any of the Council's Group of companies.

Any Councillor or external independent member serving as a Director of any Council company must declare an interest in agenda items related to the company of which they are a Director and must not take any part in the discussion or vote on the matter. From the Full Council Annual General Meeting in 2023 all Directors of Council companies will be excluded from membership of the Committee.

External independent members will have full voting rights.

### **Substitutes**

Councillor substitute members are permitted for this Committee.

Independent member substitutes are not permitted for this Committee.

### **Quorum**

The standard quorum for Council committees applies to this Committee.

### **Frequency of Meetings**

The Audit Committee will usually meet six times per year.

### **Duration**

There is no limit on the lifespan of the Audit Committee.



# **Children and Young People Scrutiny Committee**

## **Terms of Reference**

### **Description**

The Children and Young People Scrutiny Committee (the Committee) is a politically balanced Non-Executive Committee of Council. It is established to discharge functions conferred by the Localism Act 2011 in relation to matters affecting children and young people. The Committee is accountable to Council and will report annually to Council on its activities during the previous year.

The Committee will offer constructive review, feedback and challenge to the Council's Executive and other relevant local decision makers on their decisions, actions, policy, strategy and performance.

### **Purpose**

The purpose of the Children and Young People Scrutiny Committee is to:

- (a) hold local decision-makers, including the Council's Executive and the Boards of the Council's group of companies, to account for their decisions, actions, performance and management of risk relating to children and young people
- (b) review existing policies and strategies of the Council and other local decision-makers where they impact on Nottingham children and young people
- (c) contribute to the development of new policies and strategies of the Council and other local decision-makers where they impact on Nottingham children and young people
- (d) explore any matters affecting Nottingham and/ or its children and young people
- (e) make reports and recommendations to relevant local agencies with respect to the delivery of their functions, including the Council and its Executive

### **Objectives**

The Children and Young People Scrutiny Committee will:

- (a) develop and manage a work programme to ensure all statutory and other roles and responsibilities are fulfilled in relation to matters relating to children and young people to the required standard and which covers review and development of key strategic issues, policies and strategies relevant to Nottingham and its residents, and which adds value through the examination of issues of local importance and concern, in accordance with the scope and approach set out in Article 11 – Overview and Scrutiny.
- (b) to work with the other scrutiny committees to support effective delivery of a co-ordinated overview and scrutiny work programme
- (c) monitor the effectiveness of its work programme and the impact of outcomes from overview and scrutiny activity
- (d) regularly review the decisions, actions and performance of the Council's Executive and other relevant local decision makers, including the Council's group of companies, in order to fulfil its role in holding those decision makers to account.
- (e) consider any relevant matter referred to it by any of its members and consider any relevant local government matter relating to children and young people referred to it by any Nottingham City Councillor.

The Overview and Scrutiny Committee has no decision making powers but has the power to:

- (a) require members of the Council's Executive, and certain other local decision makers, to: provide information to the Committee, to attend meetings, and answer questions posed by the Committee in relation to their Executive role
- (b) invite other persons to attend meetings of the Committee to provide information and/ or answer questions
- (c) make recommendations and provide reports to relevant decision makers, and in particular the Council's Executive, on matters within their remits. The Council's Executive and other relevant decision makers have a duty to respond in writing to such recommendations within two months of receipt.

Further detail on the rules and procedures relating to Overview and Scrutiny can be found in Article 11 - Overview and Scrutiny.

### **Membership and Chairing**

The Children and Young People Scrutiny Committee has 9 members.

Members of the Executive are excluded from membership of the Committee.

Executive Assistants responsible for assisting on a Portfolio within the remit of this Committee are excluded from membership of this Committee.

The Chair of the Committee will be appointed by Full Council at its Annual General Meeting. The Chair cannot be a Chair of the Board of any of the Council's Group of companies.

The Children and Young People Scrutiny Committee may choose to appoint co-opted members to the Committee. Voting arrangements for co-optees will be in accordance with the scheme of voting rights for co-opted member of overview and scrutiny committees set out in Article 11 – Overview and Scrutiny.

When the Committee plans to consider a matter that relates to an education function which is the responsibility of the Executive, the statutory education co-optees\* must be invited to be full and equal members of the Committee with voting rights for that specific item.

\*Church of England Diocese representative (if the local authority maintains one or more Church of England schools)/ Roman Catholic Diocese representative (if the local authority maintains one or more Roman Catholic schools)/ Parent Governors representatives (if the local authority maintains one or more schools).

### **Substitutes**

Substitute members are permitted for this Committee.

### **Quorum**

The standard quorum for Council committees applies to this Committee.

### **Frequency of Meetings**

The Committee meets six times a year.

**Duration**

There is no limit on the lifespan of the Children and Young People Scrutiny Committee.

# **Corporate Parenting Board**

## **Terms of Reference**

### **Description**

The Corporate Parenting Board (the Board) is a politically balanced Non-Executive Committee of Council. The City Councillors act collectively as the 'corporate parents' for children in the Council's care. The Committee is accountable to Council and will report annually to Council on its activities during the previous year.

### **Purpose**

The purpose of the Corporate Parenting Board is to secure Councillor and cross-departmental involvement and commitment throughout the Council to deliver better outcomes for children in its care.

### **Objectives**

The Corporate Parenting Board will:

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

### **Membership and Chairing**

The Corporate Parenting Board has 10 members.

The membership will include the Portfolio Holder with a remit covering Children or Early Years.

The Chair of the Board will be appointed by Full Council at its Annual General Meeting. If the Chair changes in year, the Board will appoint a Chair for the remainder of the Municipal Year at its next available meeting.

**Substitutes**

Substitute members are permitted for the Board.

**Quorum**

The standard quorum for Council committees applies to the Board.

**Frequency of Meetings**

The Corporate Parenting Board usually meets six times per year.

**Duration**

There is no limit on the lifespan of the Corporate Parenting Board.

## **Greater Nottingham Light Rapid Transit Advisory Committee Terms of Reference**

### **Description**

The Greater Nottingham Light Rapid Transit Advisory Committee (the Committee) is a statutory body established under the powers of The Nottingham Express Transit System Order 2009. It is a Non-Executive Committee, and there is no requirement for it to be politically balanced. The Committee is accountable to Council.

### **Purpose**

To provide advice to Nottingham City Council on the operation of the Nottingham Express Transit (NET) system.

### **Objectives**

The Greater Nottingham Light Rapid Transit Advisory Committee will:

- (a) be consulted by and advise the Council on the operation of the NET system
- (b) consider representations made to the Committee by members of the public in relation to the NET system
- (c) make representations or recommendations to the Council in relation to the operation of the NET system.

### **Membership and Chairing**

The Committee has 10 Councillor members - five Nottingham City Councillors and five Nottinghamshire County Councillors. Its membership shall also include one person appointed by each of the following groups representing users of the NET system:

- East Midlands Chamber of Commerce
- Nottingham City Disability Involvement Group
- Nottingham Federation of Small Businesses
- Nottingham Trent University
- Nottinghamshire Better Transport
- Pedals
- RideWise
- Travel Watch East Midlands

Members from the groups representing users of the NET system are appointed for a three-year term. The Committee may, with the agreement of the full Council, add additional groups representing users of the NET system to its membership, to support the effective delivery of its objectives.

The Chair and Vice Chair will be councillor members and will be appointed by the Committee on an annual basis at its first meeting of the municipal year.

It is expected that most decisions will be agreed by consensus but, where this is not possible, only those members who are councillors of Nottingham City Council and Nottinghamshire County Council may vote. Voting on all issues will be by show of hands. The Chair shall have a second (or casting) vote, in the event that a vote is tied.

Committee members who are not an elected councillor are known as 'co-opted' members, and must abide by the requirements of the Council's Co-opted Members Code of Conduct.

**Substitutes**

Substitute members are permitted for this committee.

**Quorum**

The standard quorum for Council committees applies to this committee. They must be councillor members and must include at least one councillor from each Council.

**Frequency of Meetings**

The Committee will meet four times per year.

**Duration**

There is no limit on the lifespan of the Greater Nottingham Light Rapid Transit Advisory Committee.

# Health and Adult Social Care Scrutiny Committee

## Terms of Reference

### Description

The Health and Adult Social Care Scrutiny Committee (the Committee) is a politically balanced Non-Executive Committee of Council. It is established to discharge functions conferred by the Localism Act 2011 in relation to matters relating to adult social care and health; and the NHS Act 2006, as amended by the Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013. The Committee is accountable to Council and will report annually to Council on its activities during the previous year.

The Committee will offer constructive review, feedback and challenge to the Council's Executive and other relevant local decision makers on their decisions, actions, policy, strategy and performance.

### Purpose

The purpose of the Health and Adult Social Care Scrutiny Committee is to:

- (a) hold local decision-makers, including the Council's Executive for matters relating to adult social care and public health and commissioners and providers of local health services, to account for their decisions, actions, performance and management of risk
- (b) review existing policies and strategies of the Council and other local decision-makers where they impact on adult social care and/ or the health of Nottingham citizens
- (c) contribute to the development of new policies and strategies of the Council and other local decision makers where they impact on adult social care and/ or the health of Nottingham citizens
- (d) explore any matters relating to adult social care and/ or health affecting Nottingham and/or its citizens
- (e) make reports and recommendations to relevant local agencies with respect to the delivery of their functions, including the Council and its Executive and commissioners and providers of local health services
- (f) exercise the Council's statutory role in scrutinising health services for Nottingham City, in accordance with the NHS Act 2006, as amended and associated regulations and guidance
- (g) be part of the accountability of the whole health system and engage with commissioners and providers of health services and other relevant partners, such as the Care Quality Commission and Healthwatch.

### Objectives

The Health and Adult Social Care Scrutiny Committee will:

- (a) develop and manage its work programme to ensure all statutory and other roles and responsibilities are fulfilled in relation to matters relating to adult social care and health to the required standard and which covers review and development of key issues, policies and strategies relevant to Nottingham and its residents, and which adds value through the examination of those issues of local



importance and concern, in accordance with the scope and approach set out in Article 11 – Overview and Scrutiny,

- (b) to work with the other scrutiny committees to support effective delivery of a co-ordinated overview and scrutiny work programme.
- (c) monitor the effectiveness of its work programme and the impact of outcomes from overview and scrutiny activity
- (d) regularly review decisions, actions and performance of the Council's Executive and other relevant local decision makers, including the commissioners and providers of NHS and public health funded services
- (e) consider any relevant matter referred to it by any of its members and consider any relevant local government matter relating to adult social care or health referred to it by any Nottingham City Councillor.
- (f) engage with and respond to formal and informal consultations from commissioners and providers of local health services
- (g) hold the Health and Wellbeing Board to account for its work to improve the health and wellbeing of the population of Nottingham City and to reduce health inequalities
- (h) respond to referrals from, and make referrals to, Healthwatch Nottingham and Nottinghamshire as appropriate

The Health and Adult Social Care Scrutiny Committee has no decision making powers but has power to:

- (a) review any matter relating to the planning, provision and operation of health services in the area
- (b) require members of the Council's Executive, and representatives of commissioners and providers of NHS and public health funded services, to: provide information to the Committee, to attend meetings and answer questions posed by the Committee
- (c) invite other persons to attend meetings of the Committee to provide information and/ or answer questions
- (d) make recommendations and provide reports to relevant decision makers, including the Council's Executive and commissioners of NHS and public health funded services, on matters within their remits. The Council's Executive and commissioners of NHS and public health funded services have a duty to respond in writing to such recommendations
- (e) be consulted by commissioners of NHS and public health funded services when there are proposals for substantial developments or variations to services, and to make comment on those proposals. In certain circumstances, the Committee has the power to refer decisions about substantial developments or variations in health services to the Secretary of State.

Further detail on the rules and procedures relating to Overview and Scrutiny can be found in Article 11 – Overview and Scrutiny.

### **Membership and Chairing**

The Health and Adult Social Care Scrutiny Committee has 9 members.

Members of the Executive and members of the Health and Wellbeing Board are excluded from membership of the Committee.

Executive Assistants responsible for assisting on a Portfolio within the remit of this Committee are excluded from membership of this Committee.

The Chair of the Committee will be appointed by Full Council at its Annual General Meeting. The Chair cannot be a chair of the Board of any of the Council's Group of companies

The Health and Adult Social Care Scrutiny Committee may choose to appoint co-opted members to the Committee. Voting arrangements for co-optees will be in accordance with the scheme of voting rights for co-opted member of overview and scrutiny committees set out in Article 11 – Overview and Scrutiny.

A representative of Healthwatch Nottingham and Nottinghamshire is invited to attend formal meetings of the Committee to provide evidence and insight on matters under the Committee's consideration.

### **Substitutes**

Substitute members are permitted for this Committee.

### **Quorum**

The standard quorum for Council Committees applies to this Committee.

### **Frequency of Meetings**

The Committee meets once a month, with the exception of August.

### **Duration**

There is no limit on the lifespan of the Health and Adult Social Care Scrutiny Committee.

# Nottingham City Health and Wellbeing Board

## Terms of Reference

### Description

The Nottingham City Health and Wellbeing Board (the Board) was established under the The Health and Social Care Act 2012 which requires upper-tier and unitary local authorities to establish a Health and Wellbeing Board to share leadership on the strategic approach to improving the health and wellbeing of local communities, and sets out a number of statutory functions.

The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 set out the governance arrangements for the Board, which is established and treated as a 'section 102 committee' of the Council. However, the Regulations modify certain provisions of the Local Government Act 1972 relating to committees, including dis-applying the political proportionality requirements and enabling Council officers and other non-elected representatives of partner organisations to be voting or non-voting members. The Board is a non-executive committee, but it exercises certain executive functions.

### Purpose

The purpose of the Nottingham City Health and Wellbeing Board is to bring together key local leaders to improve the health and wellbeing of the population of Nottingham and reduce health inequalities through:

- (a) developing a shared understanding of the health and wellbeing needs of its communities from pre-birth to end of life, including the health inequalities within and between communities;
- (b) providing system leadership to secure collaboration to meet these needs more effectively;
- (c) having strategic influence over commissioning decisions across health, public health and social care, encouraging integration where appropriate;
- (d) recognising the impact of the wider determinants of health on health and wellbeing; and
- (e) involving patient and service user representatives, and councillors, in commissioning decisions.

### Objectives

The Nottingham City Health and Wellbeing Board will:

- (a) publish and refresh the Joint Strategic Needs Assessments (including the Pharmaceutical Needs Assessment), to provide an evidence base for future policy and commissioning decisions
- (b) produce a Joint Health and Wellbeing Strategy, to identify priorities and provide a strategic framework for future commissioning
- (c) consider local commissioning plans, to ensure that they are in line with the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy, and specifically to consider the NHS Nottingham and Nottinghamshire Clinical Commissioning Group's commissioning plans, to ensure that they are in line with the Joint Health and Wellbeing Strategy, and to provide an opinion for publication

- (d) liaise with NHS England and NHS Improvement as necessary on the Clinical Commissioning Group's annual assessment
- (e) encourage integrated working between health and social care commissioners including, where appropriate, supporting the development of arrangements for pooled budgets, joint commissioning and integrated delivery under Section 75 of the National Health Service Act 2006
- (f) oversee the Better Care Fund (given that some members of the Board represent service provider organisations, strategic funding decisions relating to the Better Care Fund are delegated to the Board's Commissioning Sub-Committee, which is a commissioner-only body)
- (g) encourage close working between health and social care commissioners and the Board itself
- (h) encourage close working between health and social care commissioners and those responsible for the commissioning and delivery of services related to the wider determinants of health
- (i) establish one or more sub-committees to carry out any functions delegated to it by the Board
- (j) delegate any of its functions to an officer
- (k) establish one or more time-limited task and finish groups to carry out work on behalf of the Board
- (l) carry out any other functions delegated to it by the Council under Section 196(2) of the Health and Social Care Act 2012.

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

The Board is subject to the same requirements of openness and transparency as other Council committees and, in the interests of public accountability and transparency, is subject to the statutory overview and scrutiny functions of the Council. All Board partner organisations must agree to provide information to, attend meetings of, and answer questions from the relevant Council overview and scrutiny committee about the planning, provision and operation of services within their area, as required by the committee to carry out its statutory scrutiny functions. However, partners will not be required to give:

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

## **Membership and Chairing**

### **Voting Members (13)**

- Nottingham City Council's Portfolio Holder with a remit covering Health

- Nottingham City Council's Portfolio Holder with a remit covering Children's Services
- two further Nottingham City Councillors
- three representatives of the NHS Nottingham and Nottinghamshire Clinical Commissioning Group's Governing Body
- NHS Nottingham and Nottinghamshire Clinical Commissioning Group's Chief Officer
- Nottingham City Council's Corporate Director for People (Children and Adults)
- Nottingham City Council's Director of Adult Social Care
- Nottingham City Council's Director of Public Health
- one representative of the Healthwatch Nottingham and Nottinghamshire Board
- one representative of NHS England

### **Non-Voting Members (11)**

- one representative of the Nottingham University Hospitals NHS Trust
- one representative of the Nottinghamshire Healthcare NHS Foundation Trust
- one representative of the Nottingham CityCare Partnership
- one representative of Nottingham City Homes
- one representative of Nottinghamshire Police
- one representative of the Department for Work and Pensions
- one representative of the Nottingham Universities
- one representative of the Nottinghamshire Fire and Rescue Service
- up to two individuals representing the interests of the Third Sector
- Nottingham City Council's Chief Executive

The Board may, with agreement of the full Council, add additional voting or non-voting members to support effective delivery of its responsibilities.

The Chair of the Board will be the Nottingham City Council Portfolio Holder with a remit covering Health. The Vice Chair of the Board is appointed by the Board and shall be one of the representatives of the Clinical Commissioning Group.

It is expected that most decisions will be agreed by consensus but, where this is not the case, only those members listed as voting members may vote. Voting on all issues will be by show of hands. At the Council, the statutory roles of Director of Children's Services and Director of Adult Social Services are held by the same Corporate Director. Therefore, the Director of Adult Social Services vote will be exercised by the Council's Director of Adult Social Care. The Chair shall have a second (or casting) vote, in the event that a vote is tied.

All members of the Board are accountable to the organisation or sector that appointed them. Each member has a responsibility to communicate the Board's business through their respective organisation or sector's own communication mechanisms. If a member of the Board misses three consecutive meetings without giving apologies, their continued membership of the Board will be reviewed with the organisation or sector that they represent.

Members of the Board who are not an elected councillor are known as 'co-opted' members, and must abide by the requirements of the Council's Co-opted Members

Code of Conduct. There is a requirement upon the Council to hold an up-to-date record of the Disclosable Pecuniary Interests of elected councillors and co-opted Board members, and their spouses or civil partners, on a Register of Interests, and for them to declare any relevant Disclosable Pecuniary Interests or Other Interests at Board meetings. In addition, Board members may also be bound by a code of conduct or professional standards of the organisation or sector that they represent.

### **Substitutes**

Each Board member may nominate up to three substitutes, any one of whom may attend a Board meeting in their place. Substitutes must be from the same organisation or sector as the Board member and be of sufficient seniority to be empowered by the relevant organisation or sector to represent its views to the Board, so that they may be in a position to contribute to decision-making and to commit resources to the Board's business.

### **Quorum**

The quorum for Board meetings is three voting members, which must include at least one councillor from the Council and one representative of the Clinical Commissioning Group.

### **Frequency of Meetings**

The Board will meet six times per year. The Chair of the Board, in consultation with the Vice Chair, may convene special meetings of the Board, as required.

Where a decision is required before the next Board meeting, the Chair may act on recommendations of officers, in consultation with the Vice Chair, through the following process:

- (i) circulation of details of the proposed decision to all Board members for consultation; and
- (ii) there being clear reasons why the decision is urgent and should not wait until the next full Board meeting.

Any such decisions will be recorded and reported, along with the reasons for urgency, to the next full Board meeting.

### **Duration**

There is no limit on the lifespan on the Nottingham City Health and Wellbeing Board.

# Nottingham City Health and Wellbeing Board Commissioning Sub-Committee

## Terms of Reference

### Description

The Nottingham City Health and Wellbeing Board Commissioning Sub-Committee (the Sub-committee) is a Sub-committee of the Nottingham City Health and Wellbeing Board. The Sub-committee is a Non-executive Committee, but does exercise certain executive functions, and is accountable to the Nottingham City Health and Wellbeing Board.

### Purpose

The purpose of the Nottingham City Health and Wellbeing Board Commissioning Sub-Committee is to support the Nottingham City Health and Wellbeing Board in bringing together key local leaders to improve the health and wellbeing of the population of Nottingham and reduce health inequalities. Given that some members of the Board represent service provider organisations, strategic funding decisions are delegated by the Board to the Sub-committee, which is a commissioner-only body.

### Objectives

The Nottingham City Health and Wellbeing Board Commissioning Sub-Committee will:

- (a) provide advice and guidance to the Board in relation to strategic priorities, joint commissioning and subsequent action plans, and commissioned spend and strategic direction
- (b) accept delegated actions from the Board and report back on progress and outcomes
- (c) performance-manage the Board's commissioning plan, and to agree changes to that plan based on monitoring and performance management considerations. This includes the ability to request detailed analysis to enable greater focus on specific areas
- (d) provide collective oversight, support and performance management to areas of work identified by the Sub-Committee as being of highest priority. Areas of focus will be jointly commissioned activity, or where there is significant system impact
- (e) carry out the following roles in line with the requirements of every Section 75 Agreement for which responsibility has been delegated by the Board to the Sub-Committee:
  - (i) to take funding decisions (including Key Decisions) on pooled budgets;
  - (ii) to take decisions on commissioning arrangements for jointly commissioned services; and
  - (iii) to have oversight to ensure that arrangements are properly managed with, as a minimum, annual reports from the relevant Agreement lead
- (f) have oversight of any other Council and Clinical Commissioning Group joint funding and joint commissioning arrangements, either in place now or in development for the future
- (g) establish one or more time-limited task and finish groups to carry out work on behalf of the Sub-Committee
- (h) delegate any of its functions to an officer

(i) carry out any other functions delegated to it by the Board.

The Sub-committee's executive decisions are subject to the Council's normal call-in procedure, in accordance with the Overview and Scrutiny Procedure Rules.

The Board will be informed of the Sub-committee's decisions by the inclusion on its agenda of the minutes of the Sub-committee's meetings.

## **Membership and Chairing**

### **Voting Members (5)**

- Nottingham City Council's Portfolio Holder with a remit covering Health
- Nottingham City Council's Portfolio Holder with a remit covering Adult Social Care
- Director of Procurement and Children's Commissioning, Nottingham City Council
- Head of Joint Commissioning, NHS Nottingham and Nottinghamshire Clinical Commissioning Group
- GP Lead, NHS Nottingham and Nottinghamshire Clinical Commissioning Group

### **Non-Voting Members (7)**

- Director of Public Health, Nottingham City Council
- Director of Adult Social Care, Nottingham City Council
- Head of Commissioning, Nottingham City Council
- Head of Commercial Finance, Nottingham City Council
- Director of Children's Integrated Services, Nottingham City Council
- Assistant Director of Commissioning (Mental Health, Children and Families), NHS Nottingham and Nottinghamshire Clinical Commissioning Group
- one representative of Healthwatch Nottingham and Nottinghamshire

The meeting will be chaired in rotation by the Director of Procurement and Children's Commissioning (Nottingham City Council) and the Head of Joint Commissioning (NHS Nottingham and Nottinghamshire Clinical Commissioning Group). In the absence of both of these members, the Chair will pass to the voting member present from the body due to chair the meeting.

The Council and the Clinical Commissioning Group have one vote each, shared between their voting members. The Chair does not have a casting vote. In the event that consensus cannot be reached on a decision to be taken by the Sub-Committee, the decision will be referred for resolution to a further meeting of the Sub-Committee that will be convened within the next ten working days by the Council's Director of Legal and Governance.

Members of the Sub-committee who are not an elected councillor are 'co-opted' members.

### **Substitutes**

Substitute voting members are permitted for the Sub-committee, provided that the Chair is notified of the substitution in advance of the meeting, and that the substitution is to a named substitute. Substitutes must be from the same organisation or sector as the Sub-committee member and be of sufficient seniority to



be empowered by the relevant organisation or sector to represent its views to the Sub-Committee, so that they may be in a position to contribute to decision-making.

### **Quorum**

The quorum for Sub-committee meetings is two voting members, one of whom must represent the Council and one of whom must represent the Clinical Commissioning Group.

### **Frequency of Meetings**

The Sub-committee will meet six times per municipal year. An extraordinary meeting of the Sub-committee may be called by the agreement of two voting members (one of whom must represent the Council and one of whom must represent the Clinical Commissioning Group), if a decision is required urgently.

If an urgent decision is required that cannot wait for an extraordinary meeting to be called, then the Director of Procurement and Children's Commissioning (Nottingham City Council) and the Head of Joint Commissioning (NHS Nottingham and Nottinghamshire Clinical Commissioning Group), as the two Sub-committee Chairs, can act through the following process:

- (iii) circulation of details of the proposed decision to all Sub-committee members for consultation; and
- (iv) there being clear reasons why the decision is urgent and should not wait until the next full Sub-committee meeting.

Any such decisions will be recorded and reported, along with the reasons for urgency, to the next full Sub-committee meeting.

### **Duration**

There is no limit on the lifespan of the Nottingham City Health and Wellbeing Board Commissioning Sub-Committee.

## **Independent Panel**

### **Terms of Reference**

#### **Description**

The Independent Panel (the Panel) is a Non-Executive Committee of Council, and is accountable to Council. It is not politically balanced as it is comprised of independent members. It is appointed under section 28(7) of the Localism Act 2011.

#### **Purpose**

The purpose of the Independent Panel is to:

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

#### **Membership and Chairing**

The Independent Panel comprises two independent persons.

Invitations for membership of the Panel will be issued in accordance with the following priority order:

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

#### **Substitutes**

Substitute members are not permitted for the Panel.

#### **Quorum**

The quorum for the Panel is 2.

#### **Frequency of Meetings**

The Independent Panel will meet as and when required.

#### **Duration**

There is no limit on the lifespan of the Independent Panel.

# **Investigating and Disciplinary Committee**

## **Terms of Reference**

### **Description**

The Investigating and Disciplinary Committee (the Committee) is a politically balanced Non-executive Committee of Council, and is accountable to Council.

### **Purpose**

The purpose of the Investigating and Disciplinary Committee is to:

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

### **Membership and Chairing**

The Investigating and Disciplinary Committee has 5 members, one of whom must be an Executive member.

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

### **Substitutes**

Substitute members are permitted for this committee.

### **Quorum**

The standard quorum for Council committees applies to this committee, but one member must be an Executive member.

### **Frequency of Meetings**

The Investigating and Disciplinary Committee will meet as and when required.

### **Duration**

There is no limit on the lifespan of the Investigating and Disciplinary Committee.

# **Licensing Committee**

## **Terms of Reference**

### **Description**

The Licensing Committee (the Committee) is a Non-Executive Committee of Council, and is not required to be politically balanced. The Committee is established to carry out the Licensing Authority functions of the Council. The Committee is accountable to Council.

### **Purpose**

The purpose of the Committee is to undertake those functions of the Licensing Authority allocated to it by legislation including the Licensing Act 2003, the Gambling Act 2005 (including the power to prescribe fees under section 212), late night levy requirements under Chapter 2 Part 2 of the Police Reform and Social Responsibility Act 2011 and any Regulations or Orders made under those Acts.

### **Objectives**

The Committee will be responsible for the Councils Licensing Authority Functions as required by law and will have a consultative role in the formulation of Policy where functions are reserved to Council. In relation to the Licensing Act 2003, the Committee will determine:

- (a) applications for a premises licence/club premises certificate where there is a representation relating to Cumulative Impact other than in a designated Cumulative Impact Zone
- (b) applications for a provisional statement where there is a representation relating to Cumulative Impact other than in a designated Cumulative Impact Zone
- (c) applications to vary premises licence/club premises certificate (other than an application for a Minor Variation) where there is a representation relating to Cumulative Impact other than in a designated Cumulative Impact Zone
- (d) film classification.

### **Sub-Committees**

The Licensing Committee establishes Licensing Panels, including a Special Licensing Panel, to discharge some of its functions.

### **Membership and Chairing**

The Licensing Committee has between 10 and 15 members.

The Chair of the Committee will be appointed by Full Council at its Annual General Meeting. If the Chair changes in year, the Committee will appoint a Chair for the remainder of the Municipal Year at its next available meeting.

### **Substitutes**

Substitute members are permitted for this committee.

### **Quorum**

The standard quorum for Council committees applies to this committee.

**Frequency of Meetings**

The Licensing Committee will meet as and when required.

**Duration**

There is no limit on the lifespan of the Licensing Committee.

## **Licensing Panels**

### **Terms of Reference**

#### **Description**

Licensing Panels are sub-committees established by the Licensing Committee, and are not politically balanced. They are accountable to the Licensing Committee.

#### **Purpose**

The purpose of Licensing Panels is to hear and determine contested applications and notifications, and to hear applications for licence reviews under the Licensing Act 2003 and Gambling Act 2005.

#### **Objectives**

In relation to the Licensing Act 2003, Licensing Panels will hold hearings to determine various contested application, notices and reviews including the following:

- (a) applications for a personal licence with unspent convictions or an immigration penalty in all cases where an objection of immigration objection notice is served
- (b) review of a personal licence where the holder has been convicted of a relevant offence, foreign offence, or been required to pay an immigration penalty
- (c) applications for a premises licence/club premises certificate where a representation has been made
- (d) applications for a provisional statement where a representation has been made
- (e) applications to vary a premises licence/club premises certificate (other than an application for a Minor Variation) where a representation has been made
- (f) applications to vary a designated premises supervisor where a Police representation has been made
- (g) applications for the transfer of a premises licence where a Police representation has been made
- (h) applications for interim authority where a Police representation has been made
- (i) all cases for applications to review a premises licence/club premises certificate (including summary reviews)
- (j) all cases on a decision to object where the Local Authority is a consultee and not the relevant authority considering the application
- (k) all cases in determination of a representation to a temporary event notice.

In relation to the Gambling Act 2005, Licensing Panels will determine:

- (l) applications for a premises licence, including applications for reinstatement under S195 of the Gambling Act where:
  - a representation is made and not withdrawn (S154 (4)(a)), and/or
  - where the Licensing Authority considers that a condition should be added to the licence under S169 (1)(a) or a default condition should be excluded under S169 (1)(b)
- (m) applications to vary a premises licence where:
  - a representation is made and not withdrawn (S154 (4)(b)), and/or
  - where the Licensing Authority considers that a condition should be added to the licence under S169 (1)(a) or a default condition should be excluded under S169 (1)(b)
- (n) applications for the transfer of a premises licence where a representation is made and not withdrawn (S154 (4)(c))

- (o) applications for a provisional statement where:
  - a representation is made and not withdrawn (S154 (4)(d)), and/or
  - where the Licensing Authority considers that a condition should be added to the licence under S169 (1)(a) or a default condition should be excluded under S169 (1)(b)
- (p) all cases for reviews of a premises licence
- (q) all cases for temporary use notices (including notices modified under section 223) where:
  - an objection notice has been received
  - a counter notice may be required
- (r) applications for club gaming/club machine permits, renewals and variations (including those leading to cancellation of a permit) under Schedule 12 paragraph 15 where:
  - an objection is made and not withdrawn (Schedule 12 paragraph 28(2))
  - refusal of a permit is proposed on the grounds listed in Schedule 12 paragraph 6(1)(a)-(d), or paragraph 10(3) as applicable
- (s) cancellation of club gaming/club machine permits under Schedule 12 paragraph 21 where a permit holder requests a hearing under paragraph 21(2) or makes representations
- (t) cancellation an variation of licensed premises gaming machine permits under Schedule 13 paragraph 16 where the permit holder requests a hearing under paragraph 16(2) or makes representations
- (u) [grant permits in respect of premises with amusement machines](#)
- (v) [register societies wishing to promote lotteries.](#)

### **Membership and Chairing**

Licensing Panels have 3 members derived from the membership of the Licensing Committee.

They are chaired by the Chair or Vice-Chair of the Licensing Committee.

### **Substitutes**

Substitute members are not permitted for Licensing Panels.

### **Quorum**

By law a Licensing Panel must consist of 3 members.

### **Frequency of Meetings**

Licensing Panels meet as and when required.

### **Duration**

There is no limit on the lifespan of the Licensing Panels.

## **Special Licensing Panel**

### **Terms of Reference**

#### **Description**

The Special Licensing Panel is a sub-committee of the Licensing Committee and is not politically balanced. It is accountable to the Licensing Committee.

#### **Purpose**

The purpose of the Special Licensing Panel is to determine complex or contentious licensing applications and to determine reviews of licences in accordance with the allocation procedure agreed by the Licensing Committee, and referred to it by the Licensing Officer/Manager following consultation with the Chair and Vice-Chair of the Licensing Committee.

#### **Membership and Chairing**

The Special Licensing Panel has 3 members – the Chair and Vice-Chair of the Licensing Committee, and one other member to be drawn from the membership of the Licensing Committee.

#### **Substitutes**

Substitute members are permitted for the Special Licensing Panel.

#### **Quorum**

By law a Licensing Panel must consist of 3 members.

#### **Frequency of Meetings**

The Special Licensing Panel meets as and when required.

#### **Duration**

There is no limit of the lifespan of the Special Licensing Panel.



# Overview and Scrutiny Committee

## Terms of Reference

### Description

The Overview and Scrutiny Committee (the Committee) is a politically balanced Non-Executive Committee of Council. While the Council operates an Executive form of governance the establishment of an Overview and Scrutiny Committee is a statutory requirement in order to discharge the functions conferred by the Localism Act 2011 and other relevant legislation. The Committee is accountable to Council and will report annually to Council on its activities during the previous year.

The Committee will offer constructive review, feedback and challenge to the Council's Executive and other relevant local decision makers on their decisions, actions, policy, strategy and performance.

### Purpose

The purpose of the Overview and Scrutiny Committee is to:

- (f) hold local decision-makers, including the Council's Executive and the Boards of the Council's group of companies, to account for their decisions, actions, performance and management of risk
- (g) review existing policies and strategies of the Council and other local decision-makers where they impact on Nottingham citizens
- (h) contribute to the development of new policies and strategies of the Council and other local decision-makers where they impact on Nottingham citizens
- (i) explore any matters affecting Nottingham and/ or its citizens
- (j) make reports and recommendations to relevant local agencies with respect to the delivery of their functions, including the Council and its Executive
- (k) review decisions made but not yet implemented by the Council's Executive in accordance with the Call-in Procedure.

### Objectives

The Overview and Scrutiny Committee will:

- (f) develop and manage a work programme to ensure all statutory and other roles and responsibilities are fulfilled for matters not within the remit of the other scrutiny committees to the required standard and which covers review and development of key strategic issues, policies and strategies relevant to Nottingham and its residents, and which adds value through the examination of issues of local importance and concern, in accordance with the scope and approach set out in Article 11 – Overview and Scrutiny.
- (g) to work with the other scrutiny committees to support effective delivery of a co-ordinated overview and scrutiny work programme
- (h) monitor the effectiveness of its work programme and the impact of outcomes from overview and scrutiny activity
- (i) regularly review the decisions, actions and performance of the Council's Executive and other relevant local decision makers, including the Council's group of companies, in order to fulfil its role in holding those decision makers to account. This role will be co-ordinated with those of the Audit Committee and the Companies Governance Executive Committee.

- (j) receive petitions in accordance with the Council's Petitions Scheme
- (k) consider any relevant matter referred to it by any of its members and consider any relevant local government matter referred to it by any Nottingham City Councillor.

The Overview and Scrutiny Committee has no decision making powers but has the power to:

- (d) require members of the Council's Executive, and certain other local decision makers, to: provide information to the Committee, to attend meetings, and answer questions posed by the Committee in relation to their Executive role
- (e) invite other persons to attend meetings of the Committee to provide information and/ or answer questions
- (f) make recommendations and provide reports to relevant decision makers, and in particular the Council's Executive, on matters within their remits. The Council's Executive and other relevant decision makers have a duty to respond in writing to such recommendations within two months of receipt.

The Overview and Scrutiny is required to consider Crime and Disorder matters at least once every Municipal Year:

Further detail on the rules and procedures relating to Overview and Scrutiny, including the Call-in Procedure, can be found in Article 11 – Overview and Scrutiny.

### **Sub-Committees**

An Overview and Scrutiny Call-in Sub-Committee will be established to review decisions taken but not yet implemented by the Council's Executive in accordance with the Call-in procedure outlined in Article 11 – Overview and Scrutiny.

Note: Separate committees are established by Council for the scrutiny of health and social care and the scrutiny of issues related to children and young people. These are not sub-committees this Committee.

### **Membership and Chairing**

The Overview and Scrutiny Committee has 12 members.

Members of the Executive are excluded from membership of the Committee

Executive Assistants responsible for assisting on a Portfolio within the remit of this Committee are excluded from membership of the Committee.

The Chair of the Committee will be appointed by Full Council at its Annual General Meeting. The Chair cannot be a Chair of the Board of any of the Council's Group of companies.

The role of Vice Chair will be held jointly by the Chair of the Health and Adult Social Care Scrutiny Committee and the Chair of the Children and Young People Scrutiny Committee.

The Overview and Scrutiny Committee may choose to appoint co-opted members to the Committee. Voting arrangements for co-optees will be in accordance with the

scheme of voting rights for co-opted member of overview and scrutiny committees set out in Article 11 – Overview and Scrutiny.

**Substitutes**

Substitute members are permitted for this committee.

**Quorum**

The standard quorum for Council committees applies to this committee.

**Frequency of Meetings**

The Overview and Scrutiny Committee will meet a minimum of three times per year. 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 Overview and Scrutiny Committee.

## **Overview and Scrutiny Call-in Sub-Committee**

### **Terms of Reference**

#### **Description**

The Call-in Sub-Committee (the Sub-Committee) is a politically balanced sub-committee of the Overview and Scrutiny Committee. The Sub-Committee is Non-Executive and is accountable to Council and will report annually to Council on its activities during the previous year.

#### **Purpose**

The purpose of the Sub-Committee is to review decisions taken but not yet implemented by the Council's Executive.

#### **Objectives**

Following receipt of a request to call in an Executive decision, the Sub-Committee will:

- (a) determine the validity of a request to call-in an Executive decision; and for valid requests:
- (b) consider the decision and the issues raised in the call in request form
- (c) determine whether
  - a. the decision should be referred back to the decision maker or, in certain cases to Council, and make recommendation(s) as to what should be taken into consideration; or
  - b. the decision can be now implemented.

#### **Membership and Chairing**

The Sub-Committee has 9 members, drawn from the membership of the scrutiny committees.

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

#### **Substitutes**

Substitute members are permitted for the Sub-Committee.

#### **Quorum**

The standard quorum for Council committees applies to the Sub-Committee.

#### **Frequency of Meetings**

The Call-in Sub-Committee will meet as and when required.

#### **Duration**

There is no limit on the lifespan of the Overview and Scrutiny Call-in Sub-Committee.

## **Planning Committee**

### **Terms of Reference**

#### **Description**

The Planning Committee (the Committee) is a politically balanced Non-Executive Committee of Council, which discharges all non-executive functions of the Council as a Local Planning Authority and Highway Authority. The Committee is accountable to Council.

#### **Purpose**

The purpose of the Planning Committee is to discharge all Non-Executive functions of the Council as a Local Planning and Highway Authority, except for matters reserved to, or solely within the remit of full Council or Executive Board. Some functions are delegated to officers.

#### **Objectives**

The Planning Committee will:

- (a) exercise the Council's functions in respect of town and country planning and development control set out in Part A of Schedule 1 of the Functions Regulations and the powers relating to the protection of hedgerows and preservation of trees in Part I
- (b) exercise the functions of the Council relating to the regulation of the use of highways, street works and rights of way as set out in Parts B and I of Schedule 1 of the Functions Regulations (including all powers of enforcement)
- (c) be consulted, and provide comments to Executive Board, on draft Local Development Documents
- (d) exercise the Council's functions in relation to the registration of town and village greens and common land set out in Parts B and I of Schedule 1 of the Functions Regulations
- (e) determine all applications where the decisions would:
  - (i) result in the granting of planning permission that would be a significant departure from the adopted Development Plan; or
  - (ii) result in the approval of an application for a similar scheme, on the same site, that has been previously refused by the Committee; or
  - (iii) directly conflict with the recommendation of any external statutory consultee unless those concerns will be overcome by condition or planning obligation
- (f) determine any application which gives rise to complex or sensitive issues, such as:
  - an application that has generated significant public interest that is contrary to the officer recommendation
  - a major application on a prominent site, where there are important land-use, design or heritage considerations
  - an application for the conversion of family housing to a house in multiple occupation (HMO) in an area where there is already a high concentration of HMOs, and where the recommendation would conflict with adopted planning policies

- an application in relation to which a Nottingham City Councillor has submitted a written request (giving valid planning reasons), within the statutory consultation period, for the application to be determined by Committee
- where an application has been submitted by a Nottingham City Councillor or on behalf of a Nottingham City Councillor
- an application that is recommended for approval, but where any planning obligations are proposed to be waived, or are substantially less than typically required by adopted planning policies.

### **Membership and Chairing**

The Planning Committee has 16 members.

The Chair of the Committee will be appointed by Full Council at its Annual General Meeting. If the Chair changes in year, the Committee will appoint a Chair for the remainder of the Municipal Year at its next available meeting.

### **Ward Councillor Speaking Rights**

Subject to prior arrangement with the Chair of the Committee, Ward Councillors may address the Committee on Planning Applications which are within their ward and being considered by the Committee. Ward Councillors will not however be permitted to take part in any debate or vote on that application.

Where the Ward Councillor concerned is a member of the Planning Committee, they shall withdraw from the meeting room immediately after speaking and prior to any debate on the application. The Councillor will not take part in any consideration of that application at either that or any other meeting of the Planning Committee.

Ward councillors can address the committee for no more than 5 minutes per Ward Councillor. Subject to the approval of the Chair more than one Ward Councillor may address the Committee on the same application.

### **Substitutes**

Substitute members are permitted for this committee.

### **Quorum**

The standard quorum for Council committees applies to this committee.

### **Frequency of Meetings**

The usual frequency of meetings will be once a month.

### **Duration**

There is no limit on the lifespan of the Planning Committee.

# **Regulatory and Appeals Committee**

## **Terms of Reference**

### **Description**

The Regulatory and Appeals Committee is a politically balanced Non-Executive Committee of Council, and discharges various Council functions contained in Schedule 1 of the Functions Regulations, the Nottinghamshire County Council Act 1985, and the Nottingham City Council Acts 2003 and 2013. The Committee is accountable to Council.

### **Purpose**

The purpose of the Regulatory and Appeals Committee is primarily to deal with applications for local licences and registrations, (excluding matters which are statutorily the responsibility of the Licensing Committee and other functions which are within the remit of the Planning Committee), to determine plans and strategy relating the Committees licensing and registration functions (unless specifically catered for elsewhere), to administer the Council's non-executive functions in relation to Health and Safety at Work and Smoke-free premises, and to hear appeals.

### **Objectives**

The Regulatory and Appeals Committee will administer the Council's functions in relation to:

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

- (e) unless specifically catered for elsewhere, the adoption or approval of any plan or strategy relating to the Licensing and Regulatory functions listed in Part B of Schedule 1 of the Functions Regulations 2000
- (f) imposing any conditions, limitation or other restriction on any approval, consent, licence, permission or registration granted in the exercise of any of the above functions and determining any other terms to which any such approval, consent, licence, permission or registration is subject
- (g) determining whether, and in what manner, to enforce:
  - (a) any contravention or failure to comply with an approval, consent, licence, permission or registration granted as mentioned above; or
  - (b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject.
- (h) amending, modifying or varying any such approval, consent, licence, permissions or registration as is mentioned above, or any conditions, limitation or term to which it is subject
- (i) revoking any such approval, consent, licence, permission or registration
- (j) determining:
  - (a) whether a charge should be made for any approval, consent, licence, permit or registration as is mentioned above; and
  - (b) where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge
- (k) the power to enforce byelaws.

### **Membership and Chairing**

The Regulatory and Appeals Committee has 14 members.

The Chair of the Committee will be appointed by Full Council at its Annual General Meeting. If the Chair changes in year, the Committee will appoint a Chair for the remainder of the Municipal Year at its next available meeting.

### **Substitutes**

Substitute members are permitted for this committee.

### **Quorum**

The standard quorum for Council committees applies to this committee.

### **Frequency of Meetings**

The Regulatory and Appeals Committee will meet as and when required.

### **Duration**

There is no limit on the lifespan of the Regulatory and Appeals Committee.



# Standards and Governance Committee

## Terms of Reference

July 2021

### Description

The Standards and Governance Committee is a politically balanced, non-executive, ordinary committee of Council. It is accountable to Council and is responsible for promoting high standards of conduct amongst councillors and co-opted members and high standards of governance across the Council. It will report to Council when necessary, particularly when recommending non-Executive amendments to the Constitution.

### Purpose

The purpose of the Committee is to:

- ensure the Council's governance arrangements, in particular its Constitution and Governance Framework documents, are fit for purpose and support the council in effective, well-informed and accountable decision making
- make recommendations to Council on non-executive amendments to the Constitution
- promote high standards of conduct amongst Councillors and co-opted members through maintaining an appropriate Code of Conduct and complaints management process
- monitor the effectiveness of governance and standards arrangements through regular monitoring reports.

### Objectives

The Standards and Governance Committee will:

- a) oversee proposed and actual changes to the Council's policies and procedures pertaining to standards of conduct and governance, including making recommendations to Council on non-executive amendments to the Constitution, including the Councillor and Co-opted Member Code of Conduct
- b) receive regular monitoring reports on standards of conduct and constitutional arrangements including the following:
  - i. Complaints received about Councillors and co-opted members under the Code of Conduct, the Confidential Reporting Code and any other matters relating to conduct and propriety
  - ii. Exemptions from standard decision-making processes including call-in and Executive notices

Making recommendations to Council and/ or the Leader if the Committee considers constitutional or procedural changes are required based upon the monitoring information provided.

- c) agree the local arrangements for the investigation of allegations that the Code of Conduct has been breached, and arrangements under which decisions on allegations can be made
- d) advise on training and advice arrangements for Councillors and co-opted members on matters relating to the Council's Code of Conduct, and related probity issues

- e) consider reports and recommendations from the External Auditor relevant to the Code of Conduct and related probity issues
- f) hear cases under the Council's procedure for dealing with complaints about Councillors' and co-opted members' conduct
- g) grant dispensations to Councillors and co-opted members in relation to the Code of Conduct, as permitted by legislation
- h) review the operation of the Council's Confidential Reporting Code and make recommendations for any changes to it
- i) respond to consultation exercises carried out by government and other agencies on issues related to the work of the Committee
- j) consider any other matters referred to it by the Monitoring Officer
- k) grant and supervise exemptions from political restriction.

### **Membership and Chairing**

The Standards and Governance Committee has 8 Councillor members.

In addition to the 8 Councillor members, one Independent Person will be appointed by Full Council to support the Committee with Standards matters. The Independent Person will not be a member of the committee but has a standing invitation to attend and speak at committee meetings, including during exempt discussions.

The Chair of the Committee will be appointed by Full Council at its Annual General Meeting. If the Chair changes in year, the Committee will appoint a Chair for the remainder of the Municipal Year at its next available meeting.

### **Substitutes**

Substitute members are permitted for this committee.

### **Quorum**

The standard quorum for Council committees applies to this committee.

### **Frequency of Meetings**

The Committee will meet at least once every six months.

### **Duration**

There is no limit on the lifespan of the Standards and Governance Committee.

## **Standards Hearings Sub-Committee**

### **Terms of Reference**

#### **Description**

The Standards Hearings Sub-Committee (the Sub-Committee) is a non-executive politically balanced sub-committee of the Standards Committee. It is accountable to the Standards Committee.

#### **Purpose**

The purpose of the Standards Hearings Sub-Committee is to:

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

#### **Hearings**

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

#### **Membership and Chairing**

The Standards Hearings Sub-Committee has 5 members, who must be members of the Standards Committee.

#### **Substitutes**

Substitute members are permitted for the Sub-Committee.

#### **Quorum**

The standard quorum for Council committees applies to the Sub-Committee.

#### **Frequency of Meetings**

The Standards Hearings Sub-Committee will meet as and when required.

#### **Duration**

There is no limit on the lifespan of the Standards Hearings Sub-Committee.

## Trusts and Charities Committee

### Terms of Reference

#### Description

The Trusts and Charities Committee (the Committee) is a politically balanced Non-Executive Committee of Council. The Committee is accountable to Council as the sole Trustee of the Trusts and Charities it serves.

The Committee must act all times in the best interests of the Council in its capacity as sole Trustee in delivering its core objectives.

#### Purpose

The Committee is responsible for carrying out the Council's administrative powers and duties in relation to the Trusts and Charities for which the Council is the sole Trustee. The three main Trusts are:

- (a) the **Bridge Estate** Trust (Charity No. 220716), which provides for the maintenance and repair of Trent Bridge; providing a new bridge as may be necessary or desirable and applying the residue of its income to the Council as it think best for the improvement of the City of Nottingham;
- (b) the **Harvey Hadden Stadium** Trust (Charity No. 522271), which provides for the provision of public sport and recreation for the people of Nottingham forever;
- (c) the **Highfields Leisure Park** Trust (Charity No.1006603), which provides public recreation and pleasure grounds for the people of Nottingham forever.

The Committee also oversees several other small charities.

#### Objectives and Obligations

The Trusts and Charities Committee must act at all times in the best interests of the Council in its capacity as sole trustee in furthering the objectives of the Trusts. Decisions and actions will be taken in line with the Committee's agreed Scheme of Delegation (Governance Framework Document H – Trust and Charities Scheme of delegation) and with Articles 17 – Financial Regulations and Article 18 – Contract Procedure Rules.

The Committee will:

- (a) exercise the administrative powers of the "Council as Trustee" in accordance with the relevant governing documents of each trust and Charity Commission Scheme(s)
- (b) upon receipt from officers, administer and approve annual reports and accounts;
- (c) approve Charity Commission returns and all other regulatory documents;
- (d) respond to enquiries from Auditors or Independent Examiners as required;
- (e) inquire of and respond to the Charity Commission and any other regulatory bodies as required;
- (f) manage the Trusts and Charities that fall within the remit of the Committee and be authorised to take all necessary administrative decisions, with

assistance from the Corporate Director for Finance and Resources, Director for Legal and Governance and/or Director for Economic Property and Development and/or other relevant colleagues, as appropriate;

- (g) take any other action deemed appropriate or necessary to ensure the proper management and administration of all Trusts and Charities.

### **Urgent Decisions**

Wherever possible, and not formally delegated elsewhere, the functions of the Committee will be discharged by the Committee. However, the Corporate Director of Growth and City Development (or in his/her absence his/her nominated deputy) has the authority to discharge any function of the Committee which he/she considers is urgent and cannot be delayed until the next meeting of the Committee. These decisions can only be taken after, wherever possible, consultation with the Chair or Vice-Chair and with the main minority party spokesperson has taken place. These decisions must be recorded in accordance with current corporate requirements and open to public inspection unless the decision falls within the rules relating to exempt and confidential information as set out in Article 13 – Access to Information procedure Rules.

A report on any urgent decisions taken in accordance with this procedure, together with a summary of the consultations and the reasons for urgency, will be submitted to the next meeting of the Committee.

### **Membership and Chairing**

The Trusts and Charities Committee has 9 members.

Councillors are appointed as members of the Committee to manage its business but are not individually Trustees.

The Chair of the Committee will be appointed by Full Council at its Annual General Meeting. If the Chair changes in year, the Committee will appoint a Chair for the remainder of the Municipal Year at its next available meeting.

### **Substitutes**

Substitute members are permitted for this Committee.

### **Quorum**

The standard quorum for Council committees applies to this Committee.

### **Frequency of Meetings**

The Trusts and Charities Committee usually meets 4 times per year.

### **Duration**

There is no limit on the lifespan of the Trusts and Charities Committee.

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

### **Terms of Reference**

1. Nottinghamshire County Council and Nottingham City Council established a Joint Committee between the two Authorities to advise on strategic planning and transport matters in Greater Nottingham in April 1998.
2. This protocol agreed between the two Authorities on the establishment and operation of the Joint Committee requires a two yearly review, to ensure it remains relevant to the needs of the Joint Committee.

### **Role**

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

### **Responsibilities**

4. The Joint Committee will be responsible for providing advice on strategic planning and transport matters, including advice in relation to the following:
  - (a) The preparation of coordinated and aligned Local Plans to provide a coherent and consistent planning framework across Greater Nottingham, including consideration of significant evidence base studies, such as Strategic Housing Market Assessments and Economic/Employment Land reports;
  - (b) Local Plans/Development Plan Documents and Strategies prepared by other Local Planning Authorities;
  - (c) The approach to, and use of, planning contributions arising from development in Greater Nottingham where this is of strategic importance;
  - (d) Liaison with statutory bodies;
  - (e) Liaison with the D2N2 Local Enterprise Partnership and Local Nature Partnership;
  - (f) Co-ordination of policies and management for minerals and waste matters, including the Local Aggregates Assessment and the joint Replacement Waste Local Plan ;
  - (g) The provision of infrastructure, including transport, social and green infrastructure, to support future growth, particularly where this has cross boundary implications;
  - (h) Nottinghamshire Local Transport Plan (2011 – 2026);
  - (i) Nottingham Local Transport Plan (2011 – 2016);
  - (j) Strategic issues arising from the management of the Traffic Control Centre;
  - (k) Strategic issues arising from public transport operations, including rail services and High Speed 2, Bus Quality Partnerships and the development of the Nottingham Express Transit;
  - (l) Strategic issues arising from air quality reviews and assessments within or impacting on Greater Nottingham.

5. To assist the Joint Committee in carrying out the responsibilities in paragraph 4 above, they shall be entitled to receive information and to comment where they deem appropriate on other relevant matters including:
  - (a) Planning applications within and adjacent to Greater Nottingham subject to the statutory timetable;
  - (b) Major development proposals in areas within and surrounding Greater Nottingham;
  - (c) Significant developments in the highway and transport networks;
  - (d) Major strategic initiatives of either Authority in Greater Nottingham e.g. tackling climate change.
  - (e) Economic strategies for Greater Nottingham;
  - (f) Government legislation, regulations, guidance and initiatives affecting strategic planning and transport matters.
6. The Joint Committee will have regard to the views and resolutions of the Greater Nottingham Joint Planning Advisory Board.

### **Area of Responsibility**

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

### **Relationship to Parent Authorities**

8. The views of the Joint Committee will be communicated to the appropriate Executive or other body or bodies of the County and City Councils as soon as possible following a resolution by the Joint Committee. Where the Joint Committee has expressed a view on particular matters that is the subject of a report to any of the parent executive bodies, the recommendation of the Joint Committee will be included in the report.

### **Membership**

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

### **Chair and Vice Chair**

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

### **Frequency of Meetings**

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

### **Organisation and Conduct of Meetings**

14. Notice of meetings, circulation of papers, conduct of business at meetings and voting arrangements will follow the Standing Orders of the Authority which holds the Chair, or such Standing Orders which may be approved by the parent Authorities. Meetings will be open to members of the public.

### **Officer Support**

15. The secretariat of the Joint Committee will alternate every two years between the two Authorities with the Chair. The costs of operating the Joint Committee will be met by the Council providing the secretariat services. The work of the Joint Committee will be serviced by a Joint Officer Steering Group which will assist the Chair and Vice Chair in setting agendas and brief them prior to meetings. They will also be responsible for communicating the views of the Joint Committee.

### **Disagreement Between the two Authorities**

16. Where the members of the Joint Committee cannot arrive at a view on a particular issue which enjoys the support of the majority of members, that issue should be referred back to the relevant executive bodies of the two Councils.
17. Participation in the Joint Committee will not deter either Authority from expressing a dissenting opinion on any specific issue. The right to make representations at any consultation stage in the development plan making process or at an Examination in Public will not in any way be curtailed by membership of the Joint Committee.

### **Review**

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



## **Police and Crime Panel**

### **Terms of Reference**

The terms of reference of the Panel are as follows:

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

### **Operating Arrangements**

12. The Panel is a joint committee of the county, city, borough and district councils in Nottinghamshire;

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

### **Financial Arrangements**

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

### **Membership – Appointed Members**

22. Appointment of elected members to the Panel will be made by each local authority at its annual meeting or as soon as possible afterwards, in accordance with its procedures. Appointments will be made with a view to ensuring that the “balanced appointment objective” is met so far as is reasonably practicable, i.e. to:
  - a. represent all parts of the police area;
  - b. represent the political make-up of the relevant authorities and the Police Force area overall;
  - c. have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively;

23. the Panel's membership will be one Councillor appointed by each authority plus one additional Councillor appointed by Nottingham City Council;
24. it is for each council to decide whether to appoint executive or non-executive members (if applicable), however where there is an executive mayor they must be nominated as an authority's representative (although they are not under a duty to accept the nomination);
25. the Panel will review at its annual meeting whether or not the balanced appointment objective is being met and if it concludes that it is not, the Panel will determine what action is needed to meet the objective.

### **Membership – Co-opted Members**

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

### **Conduct of Panel Members**

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

### **Vacancies**

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

### **Resignation of Members**

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

### **Removal of Appointed Members**

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

### **Removal of Independent Members**

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

### **Amendments to Panel Arrangements**

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

### **Promotion of the Panel**

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