



Nottingham

City Council

Constitution

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

Article Ten: Executive Arrangements

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

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

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

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

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

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

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

10.5 **The Election of the Leader**

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

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

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

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

The Scheme of Executive Delegation

10.14 Introduction

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

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

10.16 Amendment of this Scheme

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

10.17 Definitions of Financial Impact

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

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

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

10.18 Key Decisions

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

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

10.19 Key Decisions may only be taken by:

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

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

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

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

10.23 Delegations to Executive Committees

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

10.24 Delegations to Portfolio Holders

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

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

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

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

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

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

10.28 Executive Delegations to Officers

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

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

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

10.31 Summary of the Limits of Delegation

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

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

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

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

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

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

10.35 Records of Executive Decisions taken by Individuals

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

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

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

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

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

10.40 Exceptions to this Scheme

The only exceptions to the general delegations outlined above are:

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

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

10.41 Variation from Delegated Authority

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

10.42 Misattribution of functions

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

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

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

Executive Committee Terms of Reference

Executive Board

Terms of Reference

Description

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

Purpose

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

Objectives

The Executive Board has the authority to:

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

Membership and Chairing

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

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

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

The Lord Mayor or Sheriff are excluded from the membership.

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

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

Substitutes

No substitute members are permitted for the Board.

Quorum

The standard quorum for Council committees applies to Board.

Frequency of Meetings

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

Duration

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

Commissioning and Procurement Executive Committee

Terms of Reference

Description

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

Purpose

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

Objectives

The Commissioning and Procurement Executive Committee will:

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

Membership and Chairing

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

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

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

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

Substitutes

Substitute members are permitted for the Committee.

Quorum

The quorum for the Committee is 2 members.

Frequency of Meetings

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

Duration

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

Companies Governance Executive Committee

Terms of Reference

Description

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

Purpose

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

Objectives

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

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

The Committee is accountable to the Leader of the Council.

Membership and Chairing

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

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

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

Shareholder Executive officers and representatives of the group companies will be invited to meetings as appropriate dependent on the business on the agenda.

The Committee may invite any person it considers able to support its work to participate on a non-voting basis, either generally or in relation to specific strategies, projects and/or initiatives.

Substitutes

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

Quorum

The standard quorum applies to this Committee.

Frequency of Meetings

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

Duration

There is no limitation on the duration of the committee

Joint Executive Committee Terms of Reference

City of Nottingham and Nottinghamshire Economic Prosperity Committee

Terms of Reference

1. Purpose

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

2. Governance

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

3. Remit

3.1 The remit of the EPC will be:

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

4. Membership

- 4.1 One member from each constituent authority (such member to be the Leader/Elected Mayor or other executive member or committee chair from each constituent authority) and for the purposes of these terms of reference this member will be known as the principal member.
- 4.2 Each constituent authority to have a named substitute member who must be an executive member where the authority operates executive governance arrangements. In those constituent authorities where governance is by committee, that alternate member shall be as per that authority's rules of substitution. All constituent authorities must provide no less than twenty four hours' notice to either the Chair or the Secretary where a substitute member will be attending in place of the principal member. Regardless of any such notification, where both the principal member and the substitute member attends a meeting of the EPC the principal member shall be deemed as representing their authority by the Chair or Vice Chair.
- 4.3 In the event of any voting member of the EPC ceasing to be a member of the constituent authority which appointed him/her, the relevant constituent authority shall as soon as reasonably practicable appoint another voting member in their place.
- 4.4 Where a member of the EPC ceases to be a Leader / Elected Mayor of the constituent authority which appointed him/her or ceases to be a member of the Executive or Committee Chair of the constituent authority which appointed him/her, he/she shall also cease to be a member of the EPC and the relevant

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

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

5. Quorum

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

6. Chair and Vice Chair

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

7. Voting

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

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

8. Sub-Committees and Advisory Groups

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

9. Hosting and Administration

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

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

10. Meetings

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

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

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

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

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

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

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

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

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

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

11. Access to Information

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

12. Attendance at meetings

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

13. Procedure Rules

13.1 Attendance

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

13.2 Order of Business

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

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

13.3 Disclosable Pecuniary Interests

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

13.4 Minutes

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

13.5 Rules of Debate

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

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

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

13.6 Conduct of Members

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

14. Application to Sub-Committees

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

15. Scrutiny of decisions

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

16. Winding up of the EPC

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

17. Amendment of this Constitution

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

East Midlands Shared Services Joint Committee

Terms of Reference

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

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

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

Rules for Conduct of Meetings and Proceedings of the Joint Committee

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

1. Annual Meeting

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

2. Membership

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

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

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

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

4. Casual Vacancies

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

5. Calling of Meetings

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

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

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

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

6. Nominated Officers to Attend

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

7. Quorum

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

8. Standing Orders

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

9. Voting

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

10. Sub-Committees

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

** Nottingham City Council and Leicestershire County Council

Executive Remits

Portfolio Holder Remits and Contact Details

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

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

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

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

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

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

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

Executive Assistant Remits

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