

City Council – 22 May 2023

Report of the Lord Mayor/ Chair of Council

Corporate Director/ Director:

Malcolm Townroe, Director of Legal and Governance

Report Author and Contact Details:

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Title: Establishment of, and appointments to committees and joint bodies 2023/24

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

Yes No

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

No

Relevant Council Plan Key Outcome:

Green, Clean and Connected Communities	<input type="checkbox"/>
Keeping Nottingham Working	<input type="checkbox"/>
Carbon Neutral by 2028	<input type="checkbox"/>
Safer Nottingham	<input type="checkbox"/>
Child-Friendly Nottingham	<input type="checkbox"/>
Living Well in our Communities	<input type="checkbox"/>
Keeping Nottingham Moving	<input type="checkbox"/>
Improve the City Centre	<input type="checkbox"/>
Better Housing	<input type="checkbox"/>
Serving People Well	<input checked="" type="checkbox"/>

1. Summary

- 1.1 The report sets out the proposed terms of reference and first meeting dates of Council committees, along with proposed memberships, substitutes and chairing arrangements (where applicable). The report also sets out the terms of reference, first meeting dates and proposed City Council memberships of joint bodies.
- 1.2 Appendix 1 sets out the proposed terms of reference of Council committees and joint bodies for 2023/24.
- 1.3 Appendix 2 sets out the proposed first meeting dates of Council committees and joint bodies in 2023/24.
- 1.4 Appendix 3 sets out the proposed membership and, where applicable, substitutes of Council committees; and the proposed City Council membership and, where applicable, substitutes of joint bodies for 2022/23.

2. Recommendations

- 2.1 To agree the terms of reference for Council committees and joint bodies for 2023/24, as set out at Appendix 1.

- 2.2 To agree the first meeting dates for Council committees and joint bodies for 2023/24, as set out at Appendix 2.
- 2.3 To agree the membership and substitutes, where applicable, for Council committees and the City Council membership and substitutes, where applicable, for joint bodies for 2023/24, as set out at Appendix 3.
- 2.4 To appoint the committee chairs and vice chairs for 2023/24 for committees that Council is responsible for appointing, as set out in Appendix 3.
- 2.5 To amend Article 9 – Non-Executive Functions and Committees of the Constitution to reflect the agreed terms of reference of Council committees and joint bodies for 2023/24.
- 2.6 To amend Article 4 – Councillors and Article 11 – Overview and Scrutiny of the Constitution to reflect changes to the structure for the overview and scrutiny function arising from the approval of terms of reference for scrutiny committees in 2023/24 under 2.1.

3. Reasons for recommendations

- 3.1 To ensure that the terms of reference for, appointments to and first meeting dates of Council committees and joint bodies are agreed for municipal year 2023/24.

4. Other options considered in making recommendations

- 4.1 No other options have been considered. Council is responsible for agreeing the terms of reference and appointing the membership for Council committees.

5. Consideration of Risk

- 5.1 Not applicable

6. Best Value Considerations

- 6.1 Not applicable

7. Background (including outcomes of consultation)

- 7.1 Council establishes non-executive committees and agrees and amends their terms of reference, determines their composition and makes appointments to them. Council also appoints the chairs of the committees that it has established with the exception of those committees that are responsible for appointing their own chair.
- 7.2 After Council has established the committee structure and membership for the year, the Constitution enables the Director of Legal and Governance to approve in-year changes to committee memberships, either at the request of the relevant political group or because a member has resigned or ceases to be eligible for membership. Such changes are reported to the next meeting of Council.
- 7.3 **Scrutiny committees**
It is a statutory requirement to have an overview and scrutiny function in place where executive governance is operated, but it is for individual local authorities to determine how this is structured. The Council also has additional statutory duties relating to

health scrutiny. Overview and scrutiny plays a key role in supporting effective, transparent and accountable decision making as it enables non-executive councillors to hold executive councillors to account for their decisions and to support policy development work. It is a key part of the decision making process and by delivering effective challenge to decision makers can improve the robustness of decisions.

7.4 As part of the Council's governance improvement work, the Centre for Governance and Scrutiny was commissioned to undertake a review of the Council's overview and scrutiny function. This identified some limitations of the Council's arrangements. Findings of the review were accepted and significant work has taken place to address the issues. Through this work, issues relating to the structure of the function have been identified and consideration has also been given to the return of the housing management and maintenance function to the Council which has introduced a significant area of activity which could not have been effectively managed within the previous scrutiny structure. Therefore, in line with the Improvement and Assurance Board's Instruction to have an efficient and effective decision making process in place by 30 June 2023, a new structure for the overview and scrutiny function is proposed. This new structure has been developed following consideration of a variety of different options, including a review of approaches taken by other core cities. The number of committees will be increased to five and they will be aligned with Council directorates, with the existing committees that deal with children and young people and health and adult social care covering the People directorate. The previous Call-In Panel will not be re-established and each of the committees will be responsible for managing any call-ins within their remit. The number of councillors on each committee will be reduced to eight.

7.4 The new structure will be as follows:

- Corporate Scrutiny Committee – this will broadly align with the Finance and Resource Division but will be responsible for all corporate and cross cutting matters that affect each directorate, including delivery of the Council Plan, budget, improvement and transformation oversight and overview and scrutiny development. The Chair of the Corporate Overview and Scrutiny Committee will be responsible for determining requests for exemption from call in and notice requirements for key decisions.
- Communities and Environment Scrutiny Committee – this committee will align with the Communities, Environment and Resident Services Directorate.
- Housing and City Development Scrutiny Committee – this committee will align with the Growth and City Development directorate, which now also incorporates the housing management and maintenance function.
- People directorate – the two committees that are currently aligned to the people directorate will be maintained:
 - a. the Children and Young People Scrutiny Committee – this committee will continue to look at matters affecting children and young people.
 - b. the Health and Adult Social Care Committee – this committee will continue to scrutinise matters relating to adult social care and health, including the NHS, and public health.

7.5 Terms of Reference for the new scrutiny committees are included in Appendix 1. Administrative amendments will be required to Article 11 – Overview and Scrutiny to reflect these changes to the structure and to Article 4 – Councillors to reflect changes in the roles of overview and scrutiny committee chairs and vice chairs as a result.

7.6 To support the effective implementation of the new structure, it is proposed to carry out a programme of training and committee development, including work

programming activity, during the summer and to fully commence formal committee meetings from September. If an urgent issue arises that needs to be dealt with by a scrutiny committee prior to then, an earlier meeting can be scheduled to enable consideration of that matter.

7.7 **Licensing**

An administrative update has been made to the Licensing Committee Terms of Reference to remove reference to cumulative impact assessments as they are no longer in place. Going forward, all determinations of contested licensing applications and reviews of licences will be undertaken by the Licensing Panels, rather than having a separate Special Licensing Panel for dealing with complex or contentious matters, as was previously the case.

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

- 8.1 The report outlines changes and appointments to NCC committees and bodies with the overall impact of increasing the number of councillors able to claim Vice Chair Special Responsibility by 2.
- 8.2 The financial impact of the changes will increase expenditure within cost centre N-10021 by **£0.014m** per annum on special responsibility allowances as per Governance Framework Document C – Member’s Allowance Scheme. However, this could be further impacted by any increases in pay covered by the National Joint Council for Local Government Services for 23/24 onwards.
- 8.3 It is expected the additional pressure outlined in 8.2 is to be mitigated within the wider Legal and Governance service current resource allocation.

Tania Clayton Pérez – Senior Commercial Business Partner – May 2023

9. **Legal colleague comments**

- 9.1 Where a Council operates under Executive Arrangements in accordance with the Local Government Act 2000 there is a presumption that all local authority functions not specified in regulations made by the Secretary of State will be the responsibility of the Executive, rather than full Council. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI 2000/2853) sets out a list of functions which:
- Are not to be the responsibility of an executive of the authority.
 - May be (but need not be) the responsibility of an executive of the authority.
 - Shall not be the sole responsibility of an executive of the authority.
- 9.2 The arrangements for Non-Executive functions which includes the terms of reference and membership requirements are set out in Article 9 of the Council Constitution. Appointments to Committees that deal non-executive matters are made by full Council.
- 9.3 In addition to delegating functions to Committees Full Council can also delegate responsibility for Non-executive functions to individual officers. The current remits of the Chief Executive, Corporate Directors, Directors of Public Health and other senior officers are summarised in Article 5 of the Constitution and further detail can be found in Governance Framework Document G – Delegations to Officers.

Beth Brown, Head of Legal, 12 May 2023

10. **Other relevant comments**

10.1 None.

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

11.1 Not applicable

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

12.1 Not applicable

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

13.1 Not applicable

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

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

No



An EIA is not required because the proposals do not relate to a new or changing policy or service.

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

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

No



A DPIA is not required because the proposals do not have any data protection implications.

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

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

No



A CIA is not required because the proposals do not have any significant carbon impact.

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

17.1 None

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

18.1 Nottingham City Council Constitution – Article 9 Non Executive Functions and Committees

Lord Mayor/ Chair of Council