

City Council – 20 May 2024

Report of the Lord Mayor

Corporate Director/ Director:

Director of Legal and Governance

Report Author and Contact Details:

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Title: Establishment of, and appointments to Council committees and joint committees 2024/25

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

Yes No

Commissioner Consideration

Has this report been shared with the Commissioners' Office? Yes No

Any comments the Commissioners wish to provide are listed below.

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 for committees being established by Council to discharge non-executive functions for municipal year 2024/25, along with the proposed memberships, substitutes and chairing arrangements (where applicable) for those committees. The report also sets out the terms of reference and City Council membership of joint committees to which Council is delegating non-executive functions.

2. Recommendations

- 2.1 To establish the following Council committees and joint committees, with terms of reference as set in Appendix 1, for municipal year 2024/25:
- Appeals Committee
 - Appointments and Conditions of Service Committee
 - Audit Committee
 - Children and Young People Scrutiny Committee

- e. Communities and Environment Scrutiny Committee
- f. Corporate Scrutiny Committee
- g. Greater Nottingham Light Rapid Transit Advisory Committee
- h. Health and Adult Social Care Scrutiny Committee
- i. Health and Wellbeing Board
- j. Housing and City Development Scrutiny Committee
- k. Independent Panel
- l. Investigating and Disciplinary Committee
- m. Licensing Committee
- n. Planning Committee
- o. Regulatory and Appeals Committee
- p. Standards and Governance Committee
- q. Trusts and Charities Committee
- r. Joint Committee on Mineral and Waste Planning
- s. Police and Crime Panel
- t. Nottingham and Nottinghamshire Integrated Care Partnership

2.2 To set the first meeting dates for Council committees and joint committees in municipal year 2024/25 as detailed in Appendix 2.

2.3 To appoint the membership and substitutes, where applicable, for Council committees and the City Council membership and substitutes, where applicable, for joint committees for municipal year 2024/25, as set out in Appendix 3.

2.4 To appoint the committee chairs and vice chairs for municipal year 2024/25 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 Council committees and joint committees established for municipal year 2024/25 and their agreed terms of reference.

3. **Reasons for recommendations**

3.1 Council can establish a committee, including a joint committee, to discharge some of its non-executive functions. This report asks Council to approve the committees to be established for municipal year 2024/25 and the functions to be delegated to them as articulated in their terms of reference. Council is also asked to amend Article 9 of the Constitution to ensure clarity in the delegations that have been approved.

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

4.1 Council could choose to discharge non-executive functions itself rather than delegate some of those functions to committees. That option has been rejected because delegation to committees provides a more efficient and effective way of discharging those functions.

4.2 The discharge of functions by committees is regularly reviewed. As a result of such review, amendments are being made to the terms of reference for some committees. The reasons for these changes and not continuing with the same arrangements as previously is set out in section 7.4.

4.3 Council could choose to delegate more or less non-executive functions to officers. This option was rejected as, other than the changes referred to in paragraph 4.2, there has been no indication that the current arrangements for the discharge of non-

executive functions are not working efficiently or effectively and need a new approach.

5. **Consideration of Risk**

- 5.1 It is important that the nature and extent of delegations are well defined, and clearly articulated in the Council's Constitution to ensure clarity about the discharge of non-executive functions and roles and responsibilities within that framework.

6. **Best Value Considerations**

- 6.1 The report sets out proposals for the delegation of non-executive functions to Council committees and joint committees for the municipal year 2024/25 to ensure efficient and effective discharge of those functions. These arrangements are regularly reviewed and, where necessary, amendments are made. This report reflects outcomes of recent reviews and proposes the cessation of a committee that is no longer required, the establishment of a joint committee which enables the resource required to support the committee to be shared with another local authority, and the frequency of meetings of some committees to be reduced so that they only meet to conduct necessary business.
- 6.2 When discharging the functions delegated to them, committees are required to take into account best value considerations.

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

- 7.1 Council can establish committees to discharge some of its non-executive functions. Details of the committees it establishes and the functions delegated to each committee can be found in Article 9 Non-Executive Functions and Committees of the Constitution. Council can also delegate functions to joint committees and details of the functions delegated to those joint committees can also be found in Article 9.
- 7.2 In establishing non-executive committees, Council needs to determine the powers they may exercise and their terms of reference; their composition and make appointments to them; and appoint the chairs of those committees (unless otherwise specified in an individual committee's terms of reference).
- 7.3 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 ceases to be eligible for membership. Such changes are reported to the next meeting of Council.
- 7.4 The proposed committees and joint committees to which non-executive functions are delegated and their terms of reference for municipal year 2024/25 are set out in Appendix 1. This includes some changes from arrangements in 2023/24, as outlined below:

7.4.1 **Health and Adult Social Care Scrutiny Committee**

The terms of reference for the Health and Adult Social Care Scrutiny Committee are being amended to reflect new measures that came into effect from 31 January 2024 giving the Secretary of State a broad, proactive power of intervention in relation to proposals for the reconfiguration of local health services – where, previously, the Secretary of State would only have become involved if the proposals were referred to

them by the relevant health scrutiny committee in the event of a dispute that it was not possible to resolve at the local level. Going forward, anyone (including a health scrutiny committee) may ask the Secretary of State to 'call in' proposals for health service reconfiguration if they have concerns about them. However, the relevant health scrutiny committee (alongside Healthwatch) has the right to be formally consulted by the Secretary of State on how their powers of 'call in' might be implemented, if the Secretary of State is minded to use them. Where a proposal is formally called in, the Secretary of State will also consult with the wider stakeholders in considering what action to take. All other aspects of the health scrutiny process remain unchanged by the Secretary of State's new powers, including the Committee's status as a statutory consultee on the proposed reconfiguration of local health services. NHS commissioners have a new duty to notify the Department for Health and Social Care when a significant reconfiguration of local health services is proposed and, in doing so, must provide evidence that they have consulted with the Committee and sought its views. The Health and Adult Social Care Scrutiny Committee considered the impact of changes at its meeting on 30 January 2024 and the changes have been included in the terms of reference included in Appendix 1.

7.4.2 Health and Wellbeing Board

The membership of the Health and Wellbeing Board is being amended to replace two of the current four representatives of the Nottingham and Nottinghamshire Integrated Care Board (ICB) with two members of the Nottingham Place-Based Partnership (PBP). The change is being made at the request of the ICB to clarify which organisations are represented on the Board and by whom. Following on from this change, it is proposed to amend the arrangements for Vice Chair of the Board so that the Vice Chair is one of the representatives of either the ICB or the PBP, rather than just the ICB as currently. These changes have been included in the terms of reference included in Appendix 1. The Health and Wellbeing Board has established a sub-committee that oversees, and takes decisions in relation to, the Better Care Fund. The role of this sub-committee has been reviewed and proposals to cease operation of the sub-committee and arrangements for future decision making in relation to the Better Care Fund will be considered by the Health and Wellbeing Board at its meeting in May.

7.4.3 Joint Committee on Strategic Planning and Transport

The new East Midlands Combined County Authority will be the Local Transport Authority and exercise functions in relation to how transport is planned, delivered and operated across the combined county authority area. As a result of this transfer of functions, some areas of responsibility of the Joint Committee are no longer relevant and therefore its function and operation has been reviewed. At its meeting on 12 April 2024, the Committee supported the cessation of the Committee and the establishment of a new committee focused on the residual aspects of its terms of reference, which relate to mineral and waste planning.

7.4.4 Joint Committee on Mineral and Waste Planning

It is proposed to establish a new joint committee with Nottinghamshire County Council in relation to mineral and waste planning. Each authority's statutory activity on mineral and waste planning requires close co-ordination and joint working across the City and County areas, and that will be facilitated by discussion by this Committee. Consideration of matters relating to mineral and waste planning previously took place at meetings of the Joint Committee on Strategic Planning and Transport (JCSPT), but due to its broader remit, much of which will now fall to the East Midlands Combined County Authority, this Committee is to cease. The new joint committee will enable a greater focus on these issues. It is proposed that the

joint committee has four members from each local authority, including the Portfolio Holder with responsibility for planning, and that meetings are scheduled around the timetable for plan preparation. There will be no additional resource requirements as a result of the establishment of this Committee because the resource previously used to support the JCSPT, which no longer exists, will be used to support this Committee. The terms of reference for this new committee are included in Appendix 1.

7.4.5 Nottingham and Nottinghamshire Integrated Care Partnership

Section 116ZA of the Local Government and Public Involvement in Health Act 2007 (as amended by the Health and Care Act 2022), requires upper tier local authorities and Integrated Care Boards (ICBs) to establish Integrated Care Partnerships (ICPs) as equal partners. In July 2022, the Nottingham and Nottinghamshire ICP was established as a joint committee of Nottingham City Council, Nottinghamshire County Council and NHS Nottingham and Nottinghamshire ICB, with updated terms of reference subsequently confirmed in November 2022. Since this date, the ICP has met five times in its role as 'guiding mind' of the Integrated Care System; developing and publishing an Integrated Care Strategy for Nottingham and Nottinghamshire and reviewing its early impact. On 22 March 2024, the ICP met and considered its terms of reference in light of its initial period of operating, to ensure their ongoing fitness for purpose. As a result, no material amendments are proposed, with the ICP's purpose, principles of working, membership, chair and vice-chair arrangements, and meeting frequency all felt to be appropriate and working well. A small number of minor changes were proposed: these relate to providing greater clarity on the difference between the ICP and the Health and Wellbeing Boards and the removal of references that are specific to the ICP's first period of operation. These changes have been included in the terms of reference included in Appendix 1.

7.4.6 Committee Meeting Frequency

The terms of reference for the Appointments and Conditions of Service Committee, Greater Nottingham Light Rapid Transit Advisory Committee and the Health and Wellbeing Board have been amended to reflect changes to the frequency of meetings held by those committees.

- 7.5 Appendix 2 sets out the proposed dates for first meetings of Council committees and joint committees in municipal year 2024/25.
- 7.6 The proposed membership, and substitutes where applicable, for Council committees and the City Council membership, and substitutes where applicable, for joint committees in municipal year 2024/25 is set out in Appendix 3. This also indicates nominations for the positions of chairs and vice-chairs for committees that are appointed by Council.

8. Commissioner comments

- 8.1 The report sets out the proposed terms of reference for committees being established by Council to discharge non-executive functions for municipal year 2024/25, along with the proposed memberships, substitutes and chairing arrangements (where applicable) for those committees. The report also sets out the terms of reference and City Council membership of joint committees to which Council is delegating non-executive functions. The Commissioners note the content of the report and have no additional comments to add.

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

- 9.1 The recommendation in this report relates to the establishment of, and appointments to council committees and joint committees in 2024/25.
- 9.2 A Special Responsibility Allowance (indexed with effect from 1 April 2021, in line with increases in pay of employees covered by the National Joint Council for Local Government Services) will be paid to the chairing positions listed below:
- Chair of Corporate Scrutiny Committee (Band D)
 - Chair of Overview and Scrutiny Committee x4 (Band F)
 - Chair of Planning Committee (Band F)
 - Chair of Licensing Committee (Band F)
 - Chair of Audit Committee (Band F)
 - Chair of Appointments and Conditions of Service Committee (Band G)
 - Vice Chair of Licensing Committee (Band G)
- 9.3 These positions are funded by the allocated budgets within the Medium-Term Financial Plan for Councillor Services in 2024-25. The service has provided assurance that good monitoring is in place to ensure that the service does not exceed their budget envelope regarding payment of allowances. There will also be regular review by Finance throughout the year.
- 9.4 There are no additional financial implications resulting from this recommendation.

Alfred Ansong, Strategic Finance Business Partner. 23.04.24

10. **Legal colleague comments**

- 10.1 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.
- 10.2 The arrangements for non-executive functions which includes the terms of reference and membership requirements are set out in Article 9 of the Constitution. Appointments to committees that deal with non-executive matters are made by full Council.
- 10.3 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, Director of Legal and Governance, 1 May 2024

11. **Other relevant comments**

- 11.1 None

12. Crime and Disorder Implications (If Applicable)

12.1 Not applicable

13. Social value considerations (If Applicable)

13.1 Not applicable

14. Regard to the NHS Constitution (If Applicable)

14.1 Not applicable

15. Equality Impact Assessment (EIA)

15.1 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, service or function.

16. Data Protection Impact Assessment (DPIA)

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

No



A DPIA is not required because the proposals do not involve use of personal or sensitive data.

17. Carbon Impact Assessment (CIA)

17.1 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.

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

18.1 None

19. Published documents referred to in this report

19.1 Article 9 Non-Executive Functions and Committees of the Council's Constitution

19.2 Minutes of the meeting of the Joint Committee on Strategic Planning and Transport held on 12 April 2024

19.3 Minutes of the meeting of the Nottingham and Nottinghamshire Integrated Care Partnership held on 22 March 2024

19.4 Minutes of the meeting of the Health and Adult Social Care Scrutiny Committee held on 30 January 2024

Lord Mayor