

**CITY OF NOTTINGHAM AND NOTTINGHAMSHIRE ECONOMIC
PROSPERITY COMMITTEE – 16 MAY 2014**

Subject:	Economic Prosperity Committee – Scrutiny Arrangements		
Presenting authority / representative):	Glen O’Connell, Secretary to the Committee and Director, Legal and Democratic Services, Nottingham City Council		
Report author and contact details:	Kim Pocock, Constitutional Services Manager, Nottingham City Council, 0115 8764313 kim.pocock@nottinghamcity.gov.uk		
Key Decision	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Subject to call-in
			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Value of decision: Not applicable			<input type="checkbox"/> Revenue <input type="checkbox"/> Capital
Authorities affected: All	Date of consultation with relevant authorities: 24/03/2014		
Summary of issues (including benefits to citizens/constituent authorities):			
This report clarifies the Committee’s arrangements for carrying out scrutiny, including arrangements to call-in executive decision.			
Exempt information: None			
Recommendation(s):			
1 To note the procedure for Scrutiny Reviews and Call-in, as detailed in Appendix 1 to the report.			

1 REASONS FOR RECOMMENDATIONS

1.1 The Committee’s Constitution, (its terms of reference, membership and procedures), which has been approved by all the constituent authorities was presented at the first meeting of EPC for information only in February 2014. Amendments can be made to the Constitution other than by resolution of the constituent authorities however, this report identifies two aspects of the Committee’s constitutional arrangements which require clarification i.e. scrutiny reviews and call-in procedure.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

2.1 Key Decisions

2.2 The Constitution envisages the taking of key decisions by the Committee and in drafting the terms of reference, there was a presumption that the key decision levels which would apply would be those of Nottingham City Council both as host authority and as the largest authority exercising executive governance arrangements with key decision levels most applicable to the scale of the projects likely to be the subject of consideration by this Committee. In February 2014, Committee was asked to note, that a key decision would be one which would be likely:

a) to result in the Constituent authorities, either jointly or severally, incurring expenditure or making income or savings of £1,000,000 or more revenue, taking account of the overall impact of the decisions; or £1,000,000 or more capital; or

(b) to be significant in terms of its effects on communities living or working in an area consisting of two or more wards or electoral divisions that fall within the boundaries of any of the constituent authorities of the committee.

2.3 Scrutiny

2.4 The process detailed in Appendix 1 dictates that constituent authority members operating executive arrangements may use their own procedures for calling-in a decision of the EPC and enables that authority to require attendance from a member of the EPC who represents that authority. Recommendations arising from any review will be presented to the Executive of the authority carrying out the review who can then decide whether to present these recommendations to the EPC.

2.5 In the event that an executive decision of the Committee is called-in, the procedure detailed in Appendix 1 would be required to efficiently manage the call-in process, particularly ensuring that unnecessary duplication of scrutiny of decisions was avoided across constituent authorities.

3 **OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

None. For the efficient and transparent conduct of the Committee's business clarity is required about call-in and scrutiny reviews.

4 **FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY/VAT)**

None.

5 **RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS AND CRIME AND DISORDER ACT IMPLICATIONS)**

As a joint committee established in terms which make it capable of taking decisions involving expenditure and decisions having consequences for localities, it is potentially affected by the rules concerning Key Decisions and Call-in. The report clarifies call-in arrangements.

6 **SOCIAL VALUE CONSIDERATIONS**

Not applicable.

7 **EQUALITY IMPACT ASSESSMENT (EIA)**

Has the equality impact been assessed?

(a) not needed (report does not contain proposals for new or changing policies, services or functions, financial decisions or decisions about implementation of policies development outside the Council)



(b) No



(c) Yes – Equality Impact Assessment attached

Due regard should be given to the equality implications identified in any attached EIA.

8 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)

None

9 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT

Report to Nottingham City Council's Executive Board dated 21 January 2014 - Establishment of the City of Nottingham and Nottinghamshire Economic Prosperity Committee.

Report to Economic Prosperity Committee dated 21 February 2014 - Constitution (Terms of Reference, Membership and Procedures).

10 OTHER COLLEAGUES WHO HAVE PROVIDED INPUT

None

Nottingham and Nottinghamshire Economic Prosperity Committee Call-in Procedure

Councils operating executive arrangements are required to operate overview and scrutiny procedures. The Constitution of the Nottingham and Nottinghamshire Economic Prosperity Committee (EPC) states that *“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”* (paragraph 15). The proposed procedures for carrying out scrutiny in relation to the EPC are detailed below. Any changes to these procedures must be agreed by all of the constituent authorities.

1. Scrutiny Reviews

- (a) Any of the constituent authorities with executive arrangements can choose to carry out a scrutiny review of the work of the EPC.
- (b) If an authority does decide to carry out a scrutiny review the officer responsible for scrutiny in that authority will notify Nottingham City Council (the host authority) by contacting the clerk to the EPC. The clerk will then inform all EPC members of the focus and timescales of the review to ensure that scrutiny review activity is not duplicated.
- (c) The authority which carries out a scrutiny review only has the power to require attendance from the member of the EPC who represents that authority but can invite other members of the EPC to attend.
- (d) Any recommendations arising from a scrutiny review will be presented to the Executive of the authority which has carried out the review and that Executive will decide whether to present these recommendations to the EPC.
- (e) The EPC will consider any recommendations it receives and provide a response to be recorded in the minutes of the relevant meeting.

2. Call-in

Overview and Scrutiny has the right to call-in executive decisions, ie to ask the decision-maker to reconsider its decision. Each constituent authority will have its own agreed procedure for call-in which establishes the criteria for call-in, the process for validation of the call-in and arrangements for hearing the call-in. Those member authorities of the EPC operating executive arrangements may use their own procedures for calling-in a decision of the EPC bearing in mind the following:

- (a) Call-in can only be applied to executive decisions that have been delegated to the EPC by the partner authorities. Any decisions made in relation to functions delegated to the EPC by the Local Enterprise Partnership (LEP) cannot be subject to call-in.
- (b) The call-in period for relevant decisions will be equal to the longest call-in period of the constituent authorities with executive arrangements
- (c) When a decision has been called-in it cannot be implemented until the call-in has been heard and any resulting recommendations considered

by the relevant constituent authority and the EPC (if recommendations are referred to it).

- (d) If an authority calls-in a decision the officer responsible for scrutiny in that authority will notify the clerk to the EPC. The clerk will then inform all members of the EPC so that they are aware that the decision cannot be implemented.
- (e) Any authority which calls-in a decision only has the power to require attendance from the member of the EPC who represents that authority but can invite other members of the EPC to attend.
- (f) If there are no recommendations arising from the call-in the authority which has carried out the call-in will notify the clerk of the EPC who will inform the all EPC members that the decision can be implemented immediately.
- (g) Any recommendations arising from a scrutiny review will be presented to the Executive of the authority which has carried out the call-in and that Executive will decide whether to present these recommendations to the EPC. If the Executive of the authority agrees that the recommendations will not be forwarded to the EPC then the officer responsible for scrutiny in that authority will notify the clerk to the EPC who will inform EPC members that the decision can be implemented immediately.
- (h) If the relevant authority Executive agrees to forward recommendations arising from the call-in then the EPC will consider any recommendations it receives and provide a response to be recorded in the minutes of the meeting, and take action accordingly, eg amend the decision before implementation, implement the decision, abandon the decision.
- (i) In the event that more than one authority calls-in the same decision the decision cannot be implemented until the final call-in has been heard, the Executive of the relevant authority has received any recommendations and has decided whether to refer them to the EPC and the EPC has considered and responded to any recommendations as outlined in (g) and (h) above.