

**CITY OF NOTTINGHAM AND NOTTINGHAMSHIRE ECONOMIC
PROSPERITY COMMITTEE – 25 JULY 2014**

Subject:	Economic Prosperity Committee – Scrutiny		
Presenting authority / representative):	Glen O’Connell, Secretary to the Committee and Director, Legal and Democratic Services, Nottingham City Council		
Report author and contact details:	Glen O’Connell, Director, Legal and Democratic Services, Nottingham City Council Glen.oconnell@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: 20/06/2014		
Summary of issues (including benefits to citizens/constituent authorities):			
This report clarifies the Committee’s protocol for the operation of Overview and Scrutiny arrangements for the work of the Committee.			
Exempt information: None			
Recommendation(s):			
1 To note the protocol for scrutiny arrangements, 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 an aspect of the Committee’s constitutional arrangements which require clarification i.e. scrutiny arrangements.

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 Rather than pursue unanimous agreement of all councils to changes to the constitution of the Committee, it is proposed to only apply call-in procedures in relation to decisions of the Committee if more than one Council decides to do so and to liaise appropriately in respect of their overview and scrutiny functions to facilitate this outcome.

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 arrangements.

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

None.

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

The protocol detailed in Appendix 1 is informal and is not intended to be legally binding but also recognises that, if it is not followed, formal changes to the constitution of the Committee may be required.

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

**THE CITY OF NOTTINGHAM AND NOTTINGHAMSHIRE
ECONOMIC PROSPERITY COMMITTEE (“THE COMMITTEE”)
PROTOCOL FOR THE OPERATION OF OVERVIEW AND SCRUTINY
ARRANGEMENTS FOR THE WORK OF THE COMMITTEE**

- 1 Nottingham City Council and all Councils in Nottinghamshire are members of the Committee.
- 2 As the Committee involves several member-Councils with executive governance arrangements, and is, itself, capable of taking executive decisions, it requires overview and scrutiny arrangements.
- 3 The formal constitutional arrangements for the Committee apply the overview and scrutiny arrangements of each Council (where they have them) to the work and decisions of the committee as they affect each Council’s area.
- 4 Concern has been expressed that these arrangements could have the effect of delaying the implementation of the Committee’s decisions.
- 5 To formally accommodate this concern would require unanimous agreement of all Councils to changes to the constitution of the Committee.
- 6 Rather than pursue this now, the Councils have agreed to only apply their call-in procedures in relation to decisions of the Committee if more than one Council decides to do so, and to liaise appropriately in respect of their overview and scrutiny functions to facilitate this outcome.
- 7 The Councils acknowledge that this protocol is informal and is not intended to be legally binding but also recognise that, if it is not followed, formal changes to the constitution of the Committee may be required.