



SUMMONS TO COUNCIL

date Thursday, 31 March 2022
commencing at 10:30

venue County Hall, West Bridgford,
Nottingham

You are hereby requested to attend the above Meeting to be held at the time/place and on the date mentioned above for the purpose of transacting the business on the Agenda as under.

Chief Executive

- | | | |
|---|----------------------------------------------------------------------|--------------|
| 1 | Minutes of the meeting 24 February 2022 | 5 - 34 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below) | |
| | (a) Disclosable Pecuniary Interests | |
| | (b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Chairman's Business | |
| | a) Presentation of Awards/Certificates (if any) | |
| 5 | Constituency Issues (see note 4) | |
| 6 | Presentation of Petitions (if any) (see note 5 below) | |
| 7 | Nottinghamshire County Council's Pay Policy Statement 2022/23 | 35 - 116 |
| 8 | Change to Council Governance Arrangements | 117 -
312 |

9 Questions

a) Questions to Nottinghamshire and City of Nottingham Fire Authority

b) Questions to Committee Chairmen

10 NOTICE OF MOTIONS

Motion One from 20th January 2022 meeting

This motion has been withdrawn

Motion Two from 20th January 2022 meeting

This motion has been withdrawn

Motion Three

This Council notes that residents across Nottinghamshire are going through an unprecedented cost of living crisis.

Disposable incomes across Nottinghamshire are at their lowest level for generations.

This Council further notes the rises in energy bills, water bills, broadband and mobile phone bills, food bills, Council Tax and now National Insurance.

We therefore ask the Leaders of the Conservatives, Independent Alliance and Labour Groups on Nottinghamshire County Council to write an urgent letter to the Chancellor of the Exchequer calling for the National Insurance rise to be scrapped to avoid making the cost-of-living crisis even worse than it already is.

Councillor Jason Zadrozny Councillor Francis Purdue-Horan

NOTES:-

(A) For Councillors

- (1) Members will be informed of the date and time of their Group meeting for Council by their Group Researcher.
- (2) Lunch will usually be taken at approximately 12.30pm.

- (3) (a) Persons making a declaration of interest should have regard to the Code of Conduct and the Procedure Rules for Meetings of the Full Council. Those declaring must indicate whether their interest is a disclosable pecuniary interest or a private interest and the reasons for the declaration.
- (b) Any member or officer who declares a disclosable pecuniary interest in an item must withdraw from the meeting during discussion and voting upon it, unless a dispensation has been granted. Members or officers requiring clarification on whether to make a declaration of interest are invited to contact the Monitoring Officer or Democratic Services prior to the meeting.
- (c) Declarations of interest will be recorded and included in the minutes of this meeting and it is therefore important that clear details are given by members and others in turn, to enable Democratic Services to record accurate information.
- (4) At any Full Council meeting except the budget meeting and an extraordinary meeting Members are given an opportunity to speak for up to three minutes on any issue which specifically relates to their division and is relevant to the services provided by the County Council. These speeches must relate specifically to the area the Member represents and should not be of a general nature. They are constituency speeches and therefore must relate to constituency issues only. This is an opportunity simply to air these issues in a Council meeting. It will not give rise to a debate on the issues or a question or answer session. There is a maximum time limit of 15 minutes for this item.
- (5) At any Full Council meeting except the budget meeting and an extraordinary meeting Members may present a petition to the Chairman of the County Council on any matter affecting the residents of their division, and in relation to which the County Council has powers or duties. The Member presenting the petition can introduce and speak about the petition for up to one minute. Members are reminded that there is a time limit of 15 minutes for the presentation of petitions, after which any petitions not yet presented will be received en bloc by the Chairman.
- (6) In relation to questions to the Nottinghamshire and City of Nottingham Fire Authority and Committee Chairmen; after receiving an answer to their question, the Councillor asking the original question may ask one supplementary question on the same matter. There will be no additional supplementary questions.
- (7) Members are reminded that these papers may be recycled. Appropriate containers are located in the respective secretariats.
- (8) Commonly used points of order
- 26 – Constituency issues must be about issues which specifically relate to the Member's division and is relevant to the services provided by the County Council

51 – Only 1 supplementary question per question is allowed from the Councillor who asked the original question and supplementary questions must be on the same matter

61 – The Mover or Seconder has spoken for more than 10 minutes when moving the motion

64 – The Member has spoken for more than 5 minutes

66 – The Member is not speaking to the subject under discussion

67 – The Member has already spoken on the motion

86 – Points of Order and Personal Explanations

96 – Disorderly conduct

(9) Time limit of speeches

Motions

64 – no longer than 5 minutes (subject to any exceptions set out in the Constitution)

Constituency Issues

26 – up to 3 minutes per speech allowed

29 – up to 15 minutes for this item allowed

Petitions

33 – up to one minute per petition allowed

37 – up to 15 minutes for this item allowed

Questions

45 – up to 60 minutes for this item allowed

(B) For Members of the Public

- (1) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:

Customer Services Centre 0300 500 80 80.

- (2) The papers enclosed with this agenda are available in large print if required. Copies can be requested by contacting the Customer Services Centre on 0300 500 80 80. Certain documents (for example appendices and plans to reports) may not be available electronically. Hard copies can be requested from the above contact.
- (3) This agenda and its associated reports are available to view online via an online calendar –
<http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>



Meeting COUNTY COUNCIL

Date Thursday, 24 February 2022 (10.30 am – 7.30 pm)

Membership

COUNCILLORS

Mike Quigley MBE (Chairman)
Roger Jackson (Vice-Chairman)

Reg Adair
Mike Adams
Pauline Allan
Sinead Anderson
Callum Bailey
Matt Barney
Chris Barnfather
Ben Bradley MP
Richard Butler
Anne Callaghan BEM
André Camilleri
Scott Carlton
Steve Carr
John Clarke MBE
Neil Clarke MBE
Robert Corden
John Cottee
Jim Creamer
Eddie Cubley
Debbie Darby
Sam Deakin - apologies
Dr John Doddy - apologies
Bethan Eddy
Boyd Elliott
Sybil Fielding
Kate Foale
Stephen Garner
Glynn Gilfoyle
Keith Girling
Penny Gowland
Errol Henry JP
Paul Henshaw

Tom Hollis
Mike Introna - apologies
Richard Jackson
Eric Kerry - apologies
Bruce Laughton
Johnno Lee
David Martin
John 'Maggie' McGrath
Andy Meakin
Nigel Moxon
John Ogle
Philip Owen
Michael Payne
Sheila Place - apologies
Mike Pringle
Francis Purdue-Horan
Mrs Sue Saddington
Dave Shaw
Helen-Ann Smith
Sam Smith
Tom Smith
Tracey Taylor
Nigel Turner
Roger Upton
Lee Waters
Michelle Welsh
Gordon Wheeler
Jonathan Wheeler
Daniel Williamson - apologies
Elizabeth Williamson
John Wilmott
Jason Zadrozny

HONORARY ALDERMEN

Terence Butler
John Carter
Mrs Kay Cutts MBE

OFFICERS IN ATTENDANCE

Anthony May	(Chief Executive)
Marjorie Toward	(Chief Executives)
Sara Allmond	(Chief Executives)
Peter Barker	(Chief Executives)
Carl Bilbey	(Chief Executives)
David Hennigan	(Chief Executives)
Michael Higginson	(Chief Executives)
James McDonnell	(Chief Executives)
Keith Palframan	(Chief Executives)
Phil Rostance	(Chief Executives)
Nigel Stevenson	(Chief Executives)
Sue Batty	(Adult Social Care and Public Health)
Jonathan Gribbin	(Adult Social Care and Public Health)
Colin Pettigrew	(Children and Families)
Adrian Smith	(Place)

OPENING PRAYER

Upon the Council, convening, prayers were led by the Chairman's Chaplain.

1. MINUTES

RESOLVED: 2022/007

That the minutes of the previous meeting held on 25 November 2021 be agreed as a true record and signed by the Chairman.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from:-

- Councillor Dr John Doddy (other reasons)
- Councillor Mike Introna (other reasons)
- Councillor Eric Kerry (medical/illness)
- Councillor Sheila Place (medical/illness)
- Councillor Daniel Williamson (medical/illness)

Councillors John Clarke MBE, Samantha Deakin, Nigel Turner and Elizabeth Williamson submitted apologies that they would arrive late to the meeting.

3. DECLARATIONS OF INTEREST

None.

4. CHAIRMAN'S BUSINESS

PRESENTATION OF AWARDS

None

5. COLLINGHAM BY-ELECTION RESULT AND MEMBERS OF GROUPS

Councillor Chris Barnfather introduced the addendum report and moved a motion in terms of resolution 2022/008 below.

The motion was seconded by Councillor Bruce Laughton.

Following a debate, the Chairman put the motion to the meeting and after a show of hands the Chairman declared it was carried and it was:-

RESOLVED: 2022/008

- 1) That the outcome of the by-election held in the Collingham Division be noted.
- 2) That it be noted that Councillor Debbie Darby has joined the Independent Alliance Group of the Council.

Councillor Nigel Turner arrived at 10.45am and Councillor Tracey Taylor arrived at 10.50am during consideration of this item.

6. MEMBERSHIP OF COMMITTEES

Councillor Chris Barnfather introduced the addendum report and moved a motion in terms of resolution 2022/009 below.

The motion was seconded by Councillor Bruce Laughton.

The Chairman put the motion to the meeting and after a show of hands the Chairman declared it was carried and it was:-

RESOLVED: 2022/009

That the revised allocation of committee seats set out in Appendix A of the report be confirmed.

Councillor Andy Meakin arrived at 10.55am during consideration of this item.

7. ANNUAL BUDGET 2022/23
ADULT SOCIAL CARE PRECEPT 2022/23
COUNCIL TAX 2022/23
MEDIUM TERM FINANCIAL STRATEGY 2022/23 TO 2025/26
CAPITAL PROGRAMME 2022/23 TO 2025/26
CAPITAL STRATEGY 2022/23

Councillor Richard Jackson introduced the report and moved a motion in terms of resolution 2021/010 below, which was jointly seconded by Councillor Ben Bradley MP and Councillor Bruce Laughton.

Councillor Jim Creamer moved the Labour Group's amendment which is set out in Appendix A to the minutes, which was seconded by Councillor Kate Foale.

Council Lee Waters moved the Independent Alliance Group's amendment which is set out in Appendix B to the minutes, which was seconded by Councillor Tom Hollis.

The Council adjourned from 12.25pm to 1.37pm to consider the amendments and break for lunch.

Councillors John Clarke MBE and Elizabeth Williamson joined the meeting when it reconvened after lunch.

STATEMENT FROM THE CHAIRMAN

Following the adjournment, the Chairman read out the following statement from Councillor Ben Bradley MP – Leader of the Conservative Group, Councillor Kate Foale – Leader of the Labour Group and Councillor Jason Zdrozny – Leader of the Independent Alliance on behalf of the Council:-

“On behalf of Nottinghamshire County Council, elected members unanimously condemn the actions of Vladimir Putin and the Russian Government and express our horror at the disregard for human life, national sovereignty, and the international rule of law.

This Council stands with the people of Ukraine and their friends and relatives living in Nottinghamshire. This is an unprovoked attack on a sovereign nation by a rogue state. The people that will suffer the most will be civilians on both sides.

We express our unity and support for the democratically elected Government and the people of Ukraine and call on the UK Government and its NATO allies to offer the maximum possible support, humanitarian aid and military support for the Ukrainian people.”

7. CONTINUED

Councillor Richard Jackson, the Mover of the Motion, confirmed that he would not accept the amendments. The Motion and amendments were then debated.

Councillor Samantha Meakin joined the meeting at 3.20pm.

Councillor Steve Carr submitted his apology that a personal matter had arisen and left the meeting at 4.10pm.

The following Members left the Chamber for more than 10 minutes during consideration of this item:-

Councillor Jason Zadrozny left the Chamber at 11.13am and returned at 12.02pm
Councillor Matt Barney left the Chamber at 11.50am and returned at 12.02pm
Councillor Pauline Allan left the Chamber at 2.08pm and returned at 2.21pm
Councillor Jason Zadrozny left the Chamber at 2.24pm and returned at 2.48pm
Councillor Michelle Welsh left the Chamber at 2.46pm and returned at 2.59pm
Councillor Stephen Garner left the Chamber at 2.47pm and returned at 3.49pm
Councillor Jason Zadrozny left the Chamber at 2.49pm and returned at 3.54pm
Councillor Jonathan Wheeler left the Chamber at 2.56pm and returned at 3.12pm
Councillor Johnno Lee left the Chamber at 2.57pm and returned at 3.08pm
Councillor John Ogle left the Chamber at 3.01pm and returned at 3.16pm
Councillor John Clark MBE left the Chamber at 3.11pm and returned at 3.31pm
Councillor Michael Payne left the Chamber at 3.20pm and returned at 4.03pm
Councillor Errol Henry left the Chamber at 3.23pm and returned at 3.40pm
Councillor Sue Saddington left the Chamber at 3.30pm and returned at 3.43pm
Councillor Dave Shaw left the Chamber at 3.30pm and returned at 3.43pm
Councillor Pauline Allan left the Chamber at 3.45pm and returned at 4.19pm
Councillor Michelle Welsh left the Chamber at 3.55pm and returned at 4.08pm
Councillor Kate Foale left the Chamber at 3.56pm and returned at 4.07pm
Councillor Jason Zadrozny left the Chamber at 3.57pm and returned at 5.41pm
Councillor Tom Hollis left the Chamber at 3.57pm and returned at 4.26pm
Councillor John Cottee left the Chamber at 4.07pm and returned at 4.18pm
Councillor Matt Barney left the Chamber at 4.19pm and returned at 4.55pm
Councillor Samantha Deakin left the Chamber at 4.26pm and returned at 4.40pm
Councillor Tom Hollis left the Chamber at 4.42pm and returned at 5.17pm
Councillor Samantha Deakin left the Chamber at 4.45pm and returned at 5.37pm
Councillor Debbie Darby left the Chamber at 4.45pm and returned at 5.37pm
Councillor Johnno Lee left the Chamber at 4.53pm and returned at 5.26pm
Councillor Tom Smith left the Chamber at 5.02pm and returned at 5.19pm
Councillor Scott Carlton left the Chamber at 5.02pm and returned at 5.16pm
Councillor Boyd Elliott left the Chamber at 5.03pm and returned at 5.16pm
Councillor Roger Upton left the Chamber at 5.05pm and returned at 5.19pm
Councillor Sue Saddington left the Chamber at 5.06pm and returned at 5.21pm
Councillor Jonathan Wheeler left the Chamber at 5.07pm and returned at 5.25pm
Councillor Dave Shaw left the Chamber at 5.09pm and returned at 5.35pm
Councillor John Clarke MBE left the Chamber at 5.10pm and returned at 5.35pm
Councillor Neil Clarke MBE left the Chamber at 5.25pm and returned at 5.50pm
Councillor Tracey Taylor left the Chamber at 5.25pm and returned at 5.37pm
Councillor Matt Barney left the Chamber at 5.36pm and returned at 5.50pm
Councillor Errol Henry left the Chamber at 5.36pm and returned at 5.48pm
Councillor Sinead Anderson left the Chamber at 5.39pm and returned at 5.55pm
Councillor Samantha Deakin left the Chamber at 6.06pm and returned at 6.38pm
Councillor Helen-Ann Smith left the Chamber at 6.06pm and returned at 6.38pm

Following the debate, the amendments and motion were put to the meeting. A recorded vote was legally required for the amendment and the motion.

A recorded vote was taken on the Labour Group's amendment and it was ascertained that the following 14 Members voted '**For**' the amendment:-

Pauline Allan	Penny Gowland
Anne Callaghan	Errol Henry
John Clarke MBE	Paul Henshaw
Jim Creamer	John "Maggie" McGrath
Sybil Fielding	Michael Payne
Kate Foale	Mike Pringle
Glynn Gilfoyle	Michelle Welsh

The following 34 Members voting '**Against**' the amendment:-

Reg Adair	Keith Girling
Mike Adams	Richard Jackson
Sinead Anderson	Roger Jackson
Callum Bailey	Bruce Laughton
Matt Barney	Johnno Lee
Chris Barnfather	Nigel Moxon
Ben Bradley MP	John Ogle
Richard Butler	Philip Owen
André Camilleri	Mike Quigley MBE
Scott Carlton	Sue Saddington
Neil Clarke MBE	Sam Smith
Robert Cordon	Tom Smith
John Cottee	Tracey Taylor
Eddie Cubley	Nigel Turner
Bethan Eddy	Roger Upton
Boyd Elliott	Gordon Wheeler
Stephen Garner	Jonathan Wheeler

The following 12 Members '**Abstained**':-

Debbie Darby	Dave Shaw
Samantha Deakin	Helen-Ann Smith
Tom Hollis	Lee Waters
David Martin	Elizabeth Williamson
Andy Meakin	John Wilmott
Francis Purdue-Horan	Jason Zadrozny

The Chairman declared that the Labour Group's amendment was lost.

A recorded vote was taken on the Independent Alliance Group's amendment and it was ascertained that the following 12 Members voted '**For**' the amendment:-

Debbie Darby	Tom Hollis
Samantha Deakin	David Martin

Andy Meakin
Francis Purdue-Horan
Dave Shaw
Helen-Ann Smith

Lee Waters
Elizabeth Williamson
John Wilmott
Jason Zadrozny

The following 34 Members voted '**Against**' the amendment:-

Reg Adair
Mike Adams
Sinead Anderson
Callum Bailey
Matt Barney
Chris Barnfather
Ben Bradley MP
Richard Butler
André Camilleri
Scott Carlton
Neil Clarke MBE
Robert Cordon
John Cottee
Eddie Cubley
Bethan Eddy
Boyd Elliott
Stephen Garner

Keith Girling
Richard Jackson
Roger Jackson
Bruce Laughton
Johnno Lee
Nigel Moxon
John Ogle
Philip Owen
Mike Quigley MBE
Sue Saddington
Sam Smith
Tom Smith
Tracey Taylor
Nigel Turner
Roger Upton
Gordon Wheeler
Jonathan Wheeler

The following 14 Members '**Abstained**':-

Pauline Allan
Anne Callaghan
John Clarke MBE
Jim Creamer
Sybil Fielding
Kate Foale
Glynn Gilfoyle

Penny Gowland
Errol Henry
Paul Henshaw
John "Maggie" McGrath
Michael Payne
Mike Pringle
Michelle Welsh

The Chairman declared that the Independent Alliance Group's amendment was lost.

A recorded vote was then taken on the original motion and it was ascertained that the following 34 Members voted '**For**' the motion:-

Reg Adair
Mike Adams
Sinead Anderson
Callum Bailey
Matt Barney
Chris Barnfather
Ben Bradley MP
Richard Butler
André Camilleri
Scott Carlton

Neil Clarke MBE
Robert Cordon
John Cottee
Eddie Cubley
Bethan Eddy
Boyd Elliott
Stephen Garner
Keith Girling
Richard Jackson
Roger Jackson

Bruce Laughton
Johnno Lee
Nigel Moxon
John Ogle
Philip Owen
Mike Quigley MBE
Sue Saddington

Sam Smith
Tom Smith
Tracey Taylor
Nigel Turner
Roger Upton
Gordon Wheeler
Jonathan Wheeler

The following 26 Members voted '**Against**' the amendment:-

Pauline Allan
Anne Callaghan
John Clarke MBE
Jim Creamer
Debbie Darby
Samantha Deakin
Sybil Fielding
Kate Foale
Glynn Gilfoyle
Penny Gowland
Errol Henry
Paul Henshaw
Tom Hollis

David Martin
John "Maggie" McGrath
Andy Meakin
Michael Payne
Mike Pringle
Francis Purdue-Horan
Dave Shaw
Helen-Ann Smith
Lee Waters
Michelle Welsh
Elizabeth Williamson
John Wilmott
Jason Zadrozny

No Members '**Abstained**'.

The Chairman declared the motion was carried and it was:-

RESOLVED: 2021/010

- 1) That the Annual Revenue Budget for Nottinghamshire County Council be set at £559.472 million for 2022/23 as set out in paragraph 17 of the report.
- 2) That the principles underlying the Medium Term Financial Strategy be approved as set out in table 9 in the report.
- 3) That establishment of a £15m earmarked reserve to fund costs associated with the highways review and the environment strategy as set out in paragraph 13 of the report.
- 4) That Finance Committee be authorised to make allocations from the General Contingency for 2022/23 as set out in paragraph 19 of the report.
- 5) That the 3.00% Adult Social Care Precept be levied in 2022/23 to part fund increasing adult social care costs as set out in paragraph 28 of the report.
- 6) That the County Council element of the Council Tax be increased by 1.00% in 2022/23. That the overall Band D tax rate be set at £1,644.09 with the various other bands of property as set out in paragraph 29 of the report.

- 7) That the County Precept for the year ending 31 March 2023 shall be £427,308,575 and shall be applicable to the whole of the District Council areas as General Expenses as set out in paragraph 32 of the report.
- 8) That the County Precept for 2022/23 shall be collected from the District and Borough councils in the proportions set out in table 7 of the report with the payment of equal instalments on the dates set out in table 8 of the report.
- 9) That the Capital Programme for 2022/23 to 2025/26 be approved at the total amounts below and be financed as set out in the report:

Year	Capital Programme
2022/23	£126.879m
2023/24	£56.692m
2024/25	£51.883m
2025/26	£43.513m

- 10) That the Capital Programme set out in paragraphs 51 – 637 of the report be approved.
- 11) That the Minimum Revenue Position policy for 2022/23 be approved as set out in appendix C of the report.
- 12) That the Capital Strategy including the 2022/23 Prudential Indicators and Treasury Management Strategy be approved as set out in appendix D of the report.
- 13) That the Service Director – Finance, Infrastructure and Improvement be authorised to raise loans in 2022/23 within the limits of total external borrowings as set out in paragraph 72 of the report.
- 14) That the Treasury Management Policy for 2022/23 be approved as set out in appendix E of the report.
- 15) That the Council delegates responsibility for the setting of Treasury Management Policies and Practices relating to Pension Fund cash to the Pension Fund Committee as set out in paragraph 71 of the report.
- 16) That the report be approved and adopted.

The Chairman declared the meeting closed at **XX.XX pm**.

CHAIRMAN

COUNTY COUNCIL MEETING – THURSDAY 24th FEBRUARY 2022

LABOUR GROUP AMENDMENT

ANNUAL BUDGET 2022/23

That the following amendments to the proposed budget be approved.

1. The County Council element of the Council Tax is not increased in 2022/23.
2. The Council utilises the £5m funding identified within the General Fund Reserve relating to Risks in the Social Care Market to support care operators in increasing hourly rates in advance of future increases in the national living wage. The Council will also work with Government and NHS providers to identify any options to increase hourly rates to at least £10 / hr at the earliest opportunity.
3. The Council provides funding of up to £1m to allow 1 fte Community Liaison Officer in each District to support individuals and families to mitigate the cost of living crisis over the next 2 years.
4. The £15m allocated to the highways review and the environment strategy is only spent once the proposals have been subject to review by all Members to ensure that value for money is achieved and that the money is spent in the best way possible.

Amendment 1

In the current economic climate, with citizens of Nottinghamshire facing increasing energy costs, increased national insurance contributions and general inflation well above wage rises, any increase in Council Tax and Social Care Precept should be kept as low as possible. Whilst accepting that, in the absence of sufficient Government funding, the crisis in social care makes it necessary to retain the Social Care Precept it is proposed that the County Council element of Council Tax should not be increased in 2022/23.

The proposal is that this reduction in income is offset by an increase in the use of reserves in 2022/23.

Amendment 2

The Council has recognised the significant issues facing adult social care providers by identifying £5m within the General Fund Reserve. This funding should be utilised now to increase wages in the sector and bring forward planned increases in the national living wage to 2022/23. It is estimated that the £5m will allow an increase in hourly pay rates of around £0.25/hr.

Further to this the Council should engage with Government, the ICS and the NHS to identify any funding available to support a further increase in wages to at least £10/hr to help reduce the significant workforce issues faced by the sector.

Amendment 3

As noted in Amendment 1, individuals and families are facing a cost-of-living crisis. Many do not have access to help and support to enable them to manage their finances. The amendment would set aside £1m over the next 2 years to fund 1fte Community Liaison Officer per District to help provide advice and support. The funding would be used in conjunction with partners to ensure the support is targeted at the most vulnerable and those that need it most.

Amendment 4

It is essential that additional funding for highways and the environment is used in the best possible way to deliver the best outcomes for the people of Nottinghamshire. Proposals for the use of this funding should be shared with all Members to confirm that this funding will provide value for money, ensure that proposed schemes meet expected standards of quality, that schemes will be delivered within an agreeable timeframe and allow members to approve schemes before any money is spent.

The proposals will result in changes to information set out in the Annual Budget Report as detailed below.

Table 1 - Proposed County Council Budget 2022/23

Committee Analysis	Net Budget 2021/22	Pressures	Savings	Pay, NI & Pensions increase	Budget Changes	Net Budget 2022/23
	£m	£m	£m	£m	£m	£m
Children & Young People	149.087	15.040	(0.357)	-	(2.216)	161.554
Adult Social Care & Public Health	219.272	20.692	(7.745)	-	4.735	236.954
Transport & Environment	111.447	3.003	-	-	0.080	114.530
Communities	18.417	0.148	-	-	(0.327)	18.238
Policy	3.186	-	-	-	1.798	4.984
Economic Development & Asset Management	21.246	0.566	-	-	3.326	25.138
Finance	15.097	-	-	-	0.282	15.379
Governance & Ethics	7.727	-	-	-	(0.090)	7.637
Personnel	18.034	-	-	-	(0.577)	17.457
Net Committee Requirements	563.513	39.449	(8.102)	-	7.011	601.871
Corporate Budgets	(31.863)	-	-	-	(1.273)	(33.136)
Use of Reserves	(1.333)	-	-	-	(12.040)	(13.373)
Budget Requirement	530.317	39.449	(8.102)	-	(6.302)	555.362

The **Use of Reserves** in the **Budget Changes** and the **Net Budget 2022/23** columns are increased by £4.1m, with the net **Budget Requirement** reduced by £4.1m. (Amendment 1).

The **Adult Social Care & Public Health** budget will be increased by £5.0m for care sector support (Amendment 2)

The **Adult Social Care & Public Health** budget will be increased by £0.5m for funding to support debt advisors (Amendment 3)

The **Use of Reserves** will increase by a further £5.5m (Amendment 2 and 3).

Table 2 - Proposed Budget 2022/23
Corporate Budgets and Reserves

	Net Budget 2021/22	Budget Changes	Net Budget 2022/23
	£m	£m	£m
Flood Defence Levies	0.294	0.015	0.309
Pension Enhancements (Centralised)	2.050	-	2.050
Trading Organisations	1.300	-	1.300
Contingency - General	7.664	(0.625)	7.039
Contingency - Pay	-	10.226	10.226
Capital Charges (Depreciation)	(44.070)	(1.290)	(45.360)
Interest & Borrowing	21.323	(0.100)	21.223
Minimum Revenue Provision (MRP)	11.867	0.815	12.682
New Homes Bonus Grant	(1.172)	(0.465)	(1.637)
Social Care Grant	(24.301)	(9.160)	(33.461)
Council Services Grant	-	(7.507)	(7.507)
Local Council Tax Support Grant	(6.818)	6.818	-
Subtotal Corporate Budgets	(31.863)	(1.273)	(33.136)
Net Transfer (From)/To Other Earmarked Reserves	(1.333)	(2.430)	(3.763)
Transfer (From)/To General Fund Balances	-	(9.610)	(9.610)
Subtotal Use of Reserves	(1.333)	(12.040)	(13.373)

The above table is amended to include a **Transfer from General Fund Balances** of £4.1m. (Amendment 1)

The above table is further amended to include a **Transfer from General Fund Balances** of £5.5m. (Amendment 2 and Amendment 3).

Table 3 – Local Tax Requirement Calculation

2022/23	Amount	%
	£m	Funding
Initial Budget Requirement	555.362	100.0
Less National Non-Domestic Rates	(120.767)	21.7
Less Revenue Support Grant	(7.336)	1.3
Net Budget Requirement	427.259	
Less Estimated Collection Fund Surplus	(4.060)	0.7
Council Tax Requirement	423.199	76.3

The above table is amended to reflect the reduced **Initial Budget Requirement** of £555.362m (was £559.472m), and a consequential reduction in **Council Tax Requirement** of the same amount. (Amendment 1)

Table 5 – Impact of 0% Increase on Local Tax Levels
(County Council Element) 2022/23

Band	Value as at 1.4.91	No. of Properties	% No. of Properties	Ratio	County Council 2021/22 £	County Council 2022/23 £	Change £
A	Up to £40,000	146,397	39.1%	6/9	954.14	954.14	0.00
B	£40,001 to £52,000	77,141	20.6%	7/9	1,113.16	1,113.16	0.00
C	£52,001 to £68,000	63,963	17.1%	8/9	1,272.19	1,272.19	0.00
D	£68,001 to £88,000	43,458	11.6%	1	1,431.21	1,431.21	0.00
E	£88,001 to £120,000	24,642	6.6%	11/9	1,749.26	1,749.26	0.00
F	£120,001 to £160,000	11,888	3.2%	13/9	2,067.30	2,067.30	0.00
G	£160,001 to £320,000	6,392	1.7%	15/9	2,385.35	2,385.35	0.00
H	Over £320,000	485	0.1%	18/9	2,862.42	2,862.42	0.00

The above table is amended to show no increase in the County Council element of Council Tax. (Amendment 1)

Table 6 - Recommended levels of Council Tax and Adult Social Care Precept 2022/23

Band	Value as at 1.4.91	No. of Properties	% No. of Properties	Ratio	County Council 2021/22 £	County Council 2022/23 £	Change £
A	Up to £40,000	146,397	39.1%	6/9	1,053.90	1,085.52	31.62
B	£40,001 to £52,000	77,141	20.6%	7/9	1,229.55	1,266.44	36.89
C	£52,001 to £68,000	63,963	17.1%	8/9	1,405.20	1,447.36	42.16
D	£68,001 to £88,000	43,458	11.6%	1	1,580.85	1,628.28	47.43
E	£88,001 to £120,000	24,642	6.6%	11/9	1,932.15	1,990.12	57.97
F	£120,001 to £160,000	11,888	3.2%	13/9	2,283.45	2,351.96	68.51
G	£160,001 to £320,000	6,392	1.7%	15/9	2,634.75	2,713.80	79.05
H	Over £320,000	485	0.1%	18/9	3,161.70	3,256.56	94.86

The above table details the impact of a 3% increase in Adult Social Care Precept and a 0% increase in Council Tax. The Band D charge falls from £63.24 to £47.43. (Amendment 1)

Table 7 – Amount of County Precept by District – 2022/23

District Council	Council Tax Base	County Precept
Ashfield	34,052.70	£55,447,330
Bassetlaw	36,396.81	£59,264,198
Broxtowe	34,530.00	£56,224,508
Gedling	37,776.42	£61,510,589
Mansfield	30,557.30	£49,755,840
Newark	41,205.00	£67,093,277
Rushcliffe	45,387.60	£73,903,721
Total	259,905.83	£423,199,463

The **County Precept** is reduced from £427,308,575 to £423,199,463, with the amended split per District shown in the table. (Amendment 1)

**Table 9 – Analysis of Changes to the Medium-Term Financial Strategy
2022/23 – 2025/26**

	2022/23 £m	2023/24 £m	2024/25 £m	2025/26 £m	Total £m
Year on Year Savings requirement (February 2021 Report)	17.6	14.6	15.5	-	47.7
Additional Pressures / Inflation	10.2	5.2	0.8	27.4	43.6
Increase in Contingency for Pressures Risk	4.2	-	-	-	4.2
Change in Pay / Pension Related Inflation	1.9	1.9	0.1	3.9	7.8
Approved Efficiencies & Base Budget Adjustments	(0.5)	(8.6)	(0.8)	0.1	(9.8)
Change in Grant Funding	(22.9)	(4.9)	(9.2)	(2.3)	(39.3)
Increase in Council Tax	4.1	(4.1)	(4.4)	(9.2)	(13.6)
Change in Council Tax Base assumptions	(3.2)	(0.1)	(0.1)	(5.5)	(8.9)
Change in Council Tax Surplus	(5.2)	5.2	-	-	-
Variation in use of Reserves	(8.6)	2.4	4.8	0.5	1.1
Other Corporate Adjustments	0.4	0.7	(0.3)	-	0.8
Revised Gap	(0.0)	12.3	6.4	14.9	33.6

The above table shows amendments in the **Increase in Council Tax** row, with £4.1m added in 2022/23. The **Revised Gap** across the MTFs increases from £29.1m to £33.6m.

The table is also amended to reflect additional funding in Adult Social Care & Public Health of £5.5m in 2022/23 and £0.5m in 2023/24, funded from reserves. This change is reflected in the **Variation in use of Reserves** row. (Amendment 2 and Amendment 3).

Table 10 – Medium Term Financial Strategy 2022/23 – 2025/26

	2022/23 £m	2023/24 £m	2024/25 £m	2025/26 £m
Net Budget Requirement	555.4	582.6	598.9	624.5
Financed by :				
Business Rates	120.8	123.0	125.3	127.7
Revenue Support Grant	7.3	7.4	7.4	7.4
Council Tax	373.8	387.4	401.6	416.3
Adult Social Care Precept	49.4	53.7	58.2	58.2
Collection Fund Surplus / (Deficit)	4.1	(1.2)	-	-
Total Funding	555.4	570.3	592.5	609.6
Funding Shortfall	-	12.3	6.4	14.9
Cumulative Funding Shortfall	-	12.3	18.7	33.6

The above table is amended to reduce the **Net Budget Requirement** from £559.5m to £555.4m in 2022/23, with a reduction in **Council Tax** across all years. The **Cumulative Funding Shortfall** increases from £8.2m to £12.3m in 2023/24, from £14.4m to £18.7m in 2023/24 and from £29.1m to £33.6m in 2025/26. (Amendment 1)

RECOMMENDATION

The Recommendations moved by the Chairman of the Finance Committee as shown on pages 22 and 23 of the report be deleted and replaced by the following: (changes highlighted in red and underlined)

Recommendations

It is recommended that:	<u>Reference</u>
1) The Annual Revenue Budget for Nottinghamshire County Council is set at <u>£555.362 million</u> for 2022/23.	Para. 17
2) The principles underlying the Medium-Term Financial Strategy are approved.	Table 9
3) The establishment of a £15m earmarked reserve to fund costs associated with the highways review and the environment strategy, <u>subject to review and approval of proposals by Members at Full Council.</u>	Para. 13
4) <u>The establishment of a £1m earmarked reserve to fund costs associated with the provision of 1fte Community Liaison Officer per District for the next 2 years.</u>	
5) <u>The use of £5m from the General Fund Reserve in 2022/23 to support care operators in bringing forward increases in hourly rates, subject to any relevant legal and/or contractual constraints being overcome</u>	
6) The Finance Committee be authorised to make allocations from the General Contingency for 2022/23.	Para. 19
7) That the 3.00% Adult Social Care Precept is levied in 2022/23 to part fund increasing adult social care costs.	Para. 28
8) The County Council element of the Council Tax is <u>not increased</u> in 2022/23. That the overall Band D tax rate is set at <u>£1,628.28</u> with the various other bands of property as set out in the report.	Para. 29
9) The County Precept for the year ending 31 March 2023 shall be <u>£423,199,463</u> and shall be applicable to the whole of the District Council areas as General Expenses.	Para. 32
10) The County Precept for 2022/23 shall be collected from the District and Borough councils in the proportions set out in Table 7 with the payment of equal instalments on the dates set out in Table 8.	Table 7 Table 8

11)The Capital Programme for 2022/23 to 2025/26 be approved at the total amounts below and be financed as set out in the report:

Table 11

Year	Capital Programme
2022/23	£126.879m
2023/24	£56.692m
2024/25	£51.883m
2025/26	£43.513m

- 12)The variations to the Capital Programme be approved. Para. 51-63
- 13)The Minimum Revenue Provision policy for 2022/23 be approved. Appx. C
- 14)The Capital Strategy including the 2022/23 Prudential Indicators and Treasury Management Strategy be approved. Appx. D
- 15)The Service Director – Finance, Infrastructure and Improvement be authorised to raise loans in 2022/23 within the limits of total external borrowings. Para. 72
- 16)The Treasury Management Policy for 2022/23 be approved. Appx. E
- 17)The Council delegates responsibility for the setting of Treasury Management Policies and Practices relating to Pension Fund cash to the Pension Fund Committee. Para. 71
- 18)The report be approved and adopted.

Cllr Jim Creamer
Labour Group

Cllr Kate Fowles
Leader, Labour Group

FINANCIAL AND CONSTITUTIONAL IMPLICATIONS OF THE LABOUR GROUP'S AMENDMENT - COMMENTS OF THE SERVICE DIRECTOR – FINANCE, INFRASTRUCTURE AND IMPROVEMENT AND THE SERVICE DIRECTOR – CUSTOMERS, GOVERNANCE AND EMPLOYEES

1 Purpose

- 1.1 The purpose of this report is to set out the financial and constitutional implications of the Labour Group's Budget Amendments and provide an opinion on whether it meets the funding requirements contained in the Local Government Finance Act 1992, the Local Government Act 2003, the CIPFA Prudential Code for Capital Finance, and is in accordance with the legal requirements and the Council's constitution.

2 Financial Implications

- 2.1 The impact of amendment 1 is to reduce the proposed Council Tax increase by 1% to zero for 2022/23. This reduces the funding available to pay for services and, since no offsetting savings are proposed, will increase the use of one-off reserves to fund this, and will increase the shortfall in the 4-year MTFS.
- 2.2 The impact of amendment 2 is to reduce the General Fund Reserve by £5m to fund increases in hourly rates in the care sector.
- 2.3 The impact of amendment 3 is to utilise up to £0.5m per year for the next 2 years from the General Fund Reserve to fund debt advisors to support individuals and families.
- 2.4 Amendment 4 has no financial impact.

3 Commentary on the Proposals

- 3.1 Any decision to forego a Council Tax increase means that potential increased income is lost forever. At a time of increasing demand on Council services and continued uncertainty around the medium and long term impact of the COVID19 pandemic this inevitably increases the risk that the Council may not be able to maintain its financial sustainability.
- 3.2 The impact of the proposal is seen in the updated tables included in the amendment, with the reduced income being funded from reserves in 2022/23 and the MTFS shortfall to 2025/26 increasing to £33.6m.

- 3.3 The 2022/23 budget can still be balanced, albeit with an increased use of one-off funding, and the revised overall MTFS position will be amended accordingly. Acceptance of the amendment means that the Council will have foregone a possible 2% increase in Council Tax, and it is felt that this is the maximum that could be lost without significantly impacting on the future financial sustainability of the Authority. It should be recognised that acceptance of this amendment increases the risks in the overall Council plan in the medium term.
- 3.4 It should be noted that the revised MTFS still assumes future Council Tax and Social Care Precept increases in line with current Government guidelines (2% CT, 1% SCP).
- 3.5 The proposal to utilise £5m from the General Fund Balance in 2022/23 to support care providers in increasing hourly rates will reduce the amounts held by the Authority to address one-off in year issues. Appendix B of the Budget Report sets out the many risks faced by the Authority and attempts to put a financial value on them. The amount set aside has been increased to specifically recognise risks in the social care market, and part of this is related to staff retention which this proposal seeks to address. Using the full balance as proposed will mean there is no amount set aside for other social care issues that might arise. If approved the additional cost of £5m will be funded from the General Fund Reserve in 2022/23. The additional funding will be passed to operators, and it will be their responsibility to increase rates.
- 3.6 The proposal to earmark up to £1m over the next 2 years to fund 1fte Community Liaison Officer per District will reduce the General Fund Reserve and increase the risk that the Authority has insufficient reserves to deal with one-off in year issues. If approved the earmarked reserve will be set up in 2022/23 and spent during 2022/23 and 2023/24.

4 Conclusion

- 4.1 In the opinion of the Service Director – Finance, Infrastructure and Improvement, these amendments meet the requirements of the Local Government Finance Act 1992, the Local Government Act 2003 and the CIPFA Prudential Code.
- 4.2 In the opinion of the Service Director – Customers, Governance and Employees, the proposals contained in the Labour Group's Amendments are in accordance with the law and the County Council's Constitution.

NIGEL STEVENSON

**SERVICE DIRECTOR – FINANCE, INFRASTRUCTURE AND
IMPROVEMENT**

MARJORIE TOWARD

**SERVICE DIRECTOR – CUSTOMERS, GOVERNANCE AND
EMPLOYEES**

COUNTY COUNCIL MEETING – THURSDAY 24th FEBRUARY 2022

INDEPENDENT ALLIANCE GROUP AMENDMENT

ANNUAL BUDGET 2022/23

That the following amendments to the proposed budget be approved.

1. The County Council element of the Council Tax is not increased in 2022/23.
2. The Investing in Nottinghamshire programme is amended so that the office development at Top Wighay Farm does not go ahead, and the Capital Programme is amended to add this funding to the Highways capital programme to address the significant backlog of highway maintenance.

Amendment 1

Citizens in Nottinghamshire and across the country are facing an unprecedented cost of living crisis with significantly increased fuel costs, increased National Insurance charges and inflation for all goods and services running well above any wage increases. As such it is proposed that the County Council element of Council Tax should not be increased in 2022/23.

The proposal is that this reduction in income is offset by an increase in the use of reserves in 2022/23.

The proposal will result in changes to information set out in the Annual Budget Report as detailed below.

Table 1 - Proposed County Council Budget 2022/23

Committee Analysis	Net Budget 2021/22	Pressures	Savings	Pay, NI & Pensions increase	Budget Changes	Net Budget 2022/23
	£m	£m	£m	£m	£m	£m
Children & Young People	149.087	15.040	(0.357)	-	(2.216)	161.554
Adult Social Care & Public Health	219.272	20.692	(7.745)	-	(0.765)	231.454
Transport & Environment	111.447	3.003	-	-	0.080	114.530
Communities	18.417	0.148	-	-	(0.327)	18.238
Policy	3.186	-	-	-	1.798	4.984
Economic Development & Asset Management	21.246	0.566	-	-	3.326	25.138
Finance	15.097	-	-	-	0.282	15.379
Governance & Ethics	7.727	-	-	-	(0.090)	7.637
Personnel	18.034	-	-	-	(0.577)	17.457
Net Committee Requirements	563.513	39.449	(8.102)	-	1.511	596.371
Corporate Budgets	(31.863)	-	-	-	(1.273)	(33.136)
Use of Reserves	(1.333)	-	-	-	(6.540)	(7.873)
Budget Requirement	530.317	39.449	(8.102)	-	(6.302)	555.362

The **Use of Reserves** in the **Budget Changes** and the **Net Budget 2022/23** columns are increased by £4.1m, with the net **Budget Requirement** reduced by £4.1m.

Table 2 - Proposed Budget 2022/23
Corporate Budgets and Reserves

	Net Budget 2021/22	Budget Changes	Net Budget 2022/23
	£m	£m	£m
Flood Defence Levies	0.294	0.015	0.309
Pension Enhancements (Centralised)	2.050	-	2.050
Trading Organisations	1.300	-	1.300
Contingency - General	7.664	(0.625)	7.039
Contingency - Pay	-	10.226	10.226
Capital Charges (Depreciation)	(44.070)	(1.290)	(45.360)
Interest & Borrowing	21.323	(0.100)	21.223
Minimum Revenue Provision (MRP)	11.867	0.815	12.682
New Homes Bonus Grant	(1.172)	(0.465)	(1.637)
Social Care Grant	(24.301)	(9.160)	(33.461)
Council Services Grant	-	(7.507)	(7.507)
Local Council Tax Support Grant	(6.818)	6.818	-
Subtotal Corporate Budgets	(31.863)	(1.273)	(33.136)
Net Transfer (From)/To Other Earmarked Reserves	(1.333)	(2.430)	(3.763)
Transfer (From)/To General Fund Balances	-	(4.110)	(4.110)
Subtotal Use of Reserves	(1.333)	(6.540)	(7.873)

The above table is amended to include a **Transfer from General Fund Balances** of £4.1m.

Table 3 – Local Tax Requirement Calculation

2022/23	Amount	%
	£m	Funding
Initial Budget Requirement	555.362	100.0
Less National Non-Domestic Rates	(120.767)	21.7
Less Revenue Support Grant	(7.336)	1.3
Net Budget Requirement	427.259	
Less Estimated Collection Fund Surplus	(4.060)	0.7
Council Tax Requirement	423.199	76.3

The above table is amended to reflect the reduced **Initial Budget Requirement** of £555.362m (was £559.472m), and a consequential reduction in **Council Tax Requirement** of the same amount.

**Table 5 – Impact of 0% Increase on Local Tax Levels
(County Council Element) 2022/23**

Band	Value as at 1.4.91	No. of Properties	% No. of Properties	Ratio	County Council 2021/22 £	County Council 2022/23 £	Change £
A	Up to £40,000	146,397	39.1%	6/9	954.14	954.14	0.00
B	£40,001 to £52,000	77,141	20.6%	7/9	1,113.16	1,113.16	0.00
C	£52,001 to £68,000	63,963	17.1%	8/9	1,272.19	1,272.19	0.00
D	£68,001 to £88,000	43,458	11.6%	1	1,431.21	1,431.21	0.00
E	£88,001 to £120,000	24,642	6.6%	11/9	1,749.26	1,749.26	0.00
F	£120,001 to £160,000	11,888	3.2%	13/9	2,067.30	2,067.30	0.00
G	£160,001 to £320,000	6,392	1.7%	15/9	2,385.35	2,385.35	0.00
H	Over £320,000	485	0.1%	18/9	2,862.42	2,862.42	0.00

The above table is amended to show no increase in the County Council element of Council Tax.

**Table 6 - Recommended levels of Council Tax and Adult Social Care
Precept 2022/23**

Band	Value as at 1.4.91	No. of Properties	% No. of Properties	Ratio	County Council 2021/22 £	County Council 2022/23 £	Change £
A	Up to £40,000	146,397	39.1%	6/9	1,053.90	1,085.52	31.62
B	£40,001 to £52,000	77,141	20.6%	7/9	1,229.55	1,266.44	36.89
C	£52,001 to £68,000	63,963	17.1%	8/9	1,405.20	1,447.36	42.16
D	£68,001 to £88,000	43,458	11.6%	1	1,580.85	1,628.28	47.43
E	£88,001 to £120,000	24,642	6.6%	11/9	1,932.15	1,990.12	57.97
F	£120,001 to £160,000	11,888	3.2%	13/9	2,283.45	2,351.96	68.51
G	£160,001 to £320,000	6,392	1.7%	15/9	2,634.75	2,713.80	79.05
H	Over £320,000	485	0.1%	18/9	3,161.70	3,256.56	94.86

The above table details the impact of a 3% increase in Adult Social Care Precept and a 0% increase in Council Tax. The Band D charge falls from £63.24 to £47.43.

Table 7 – Amount of County Precept by District – 2022/23

District Council	Council Tax Base	County Precept
Ashfield	34,052.70	£55,447,330
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Rushcliffe	45,387.60	£73,903,721
Total	259,905.83	£423,199,463

The **County Precept** is reduced from £427,308,575 to £423,199,463, with the amended split per District shown in the table.

**Table 9 – Analysis of Changes to the Medium-Term Financial Strategy
2022/23 – 2025/26**

	2022/23 £m	2023/24 £m	2024/25 £m	2025/26 £m	Total £m
Year on Year Savings requirement (February 2021 Report)	17.6	14.6	15.5	-	47.7
Additional Pressures / Inflation	10.2	5.2	0.8	27.4	43.6
Increase in Contingency for Pressures Risk	4.2	-	-	-	4.2
Change in Pay / Pension Related Inflation	1.9	1.9	0.1	3.9	7.8
Approved Efficiencies & Base Budget Adjustments	(6.0)	(3.6)	(0.3)	0.1	(9.8)
Change in Grant Funding	(22.9)	(4.9)	(9.2)	(2.3)	(39.3)
Increase in Council Tax	4.1	(4.1)	(4.4)	(9.2)	(13.6)
Change in Council Tax Base assumptions	(3.2)	(0.1)	(0.1)	(5.5)	(8.9)
Change in Council Tax Surplus	(5.2)	5.2	-	-	-
Variation in use of Reserves	(1.1)	(2.6)	4.3	0.5	1.1
Other Corporate Adjustments	0.4	0.7	(0.3)	-	0.8
Revised Gap	(0.0)	12.3	6.4	14.9	33.6

The above table shows amendments in the **Increase in Council Tax** row, with £4.1m added in 2022/23. The **Revised Gap** across the MTFs increases from £29.1m to £33.6m.

Table 10 – Medium Term Financial Strategy 2022/23 – 2025/26

	2022/23 £m	2023/24 £m	2024/25 £m	2025/26 £m
Net Budget Requirement	555.4	582.6	598.9	624.5
Financed by :				
Business Rates	120.8	123.0	125.3	127.7
Revenue Support Grant	7.3	7.4	7.4	7.4
Council Tax	373.8	387.4	401.6	416.3
Adult Social Care Precept	49.4	53.7	58.2	58.2
Collection Fund Surplus / (Deficit)	4.1	(1.2)	-	-
Total Funding	555.4	570.3	592.5	609.6
Funding Shortfall	-	12.3	6.4	14.9
Cumulative Funding Shortfall	-	12.3	18.7	33.6

The above table is amended to reduce the **Net Budget Requirement** from £559.5m to £555.4m in 2022/23, with a reduction in **Council Tax** across all years. The **Cumulative Funding Shortfall** increases from £8.2m to £12.3m in 2023/24, from £14.4m to £18.7m in 2023/24 and from £29.1m to £33.6m in 2025/26.

Amendment 2

The capital programme currently includes an allocation of £15m for the development of new offices at Top Wighay Farm within the Investing in Nottinghamshire allocation.

Given the changes in working practices as a result of the COVID19 Pandemic a significant proportion of the Councils workforce are unlikely to ever return to full time office working. As a result, this office is no longer required.

There is a significant backlog of highway maintenance within Nottinghamshire. It is therefore proposed that this funding is allocated to the highway maintenance programme instead and is allocated proportionately per District / Borough.

Table 11 – Summary Capital Programme

	Revised 2021/22 £m	2022/23 £m	2023/24 £m	2024/25 £m	2025/26 £m	TOTAL £m
Committee:						
Children & Young People*	19.844	43.193	12.139	11.301	6.500	92.977
Adult Social Care & Public Health	0.971	0.000	0.000	0.000	0.000	0.971
Transport & Environment	57.903	58.268	30.408	29.002	26.903	202.484
Communities	2.013	1.943	0.500	0.500	0.500	5.456
Economic Devt & Asset Mngt	20.438	11.806	3.900	2.835	2.400	41.379
Finance	10.083	7.069	5.145	3.645	2.610	28.552
Personnel	0.151	0.000	0.000	0.000	0.000	0.151
Contingency	0.000	4.600	4.600	4.600	4.600	18.400
Capital Expenditure	111.403	126.879	56.692	51.883	43.513	390.370
Financed By:						
Borrowing	39.751	56.420	17.660	14.595	13.660	142.086
Capital Grants	64.312	65.586	35.774	35.072	29.077	229.821
Revenue / Reserves	7.340	4.873	3.258	2.216	0.776	18.463
Total Funding	111.403	126.879	56.692	51.883	43.513	390.370

* These figures exclude Devolved Formula Capital allocations to schools.

The **Economic Devt & Asset Mngt** row in the above table has been reduced by £12m in 2022/26, £2.5m in 2023/24 and £0.5m in 2024/25, reflecting the expected phasing of expenditure on the scheme. The **Transport & Environment** row has been increased by the same amounts.

RECOMMENDATION

The Recommendations moved by the Chairman of the Finance Committee as shown on pages 22 and 23 of the report be deleted and replaced by the following: (changes highlighted in red and underlined)

Recommendations

It is recommended that:	<u>Reference</u>										
1) The Annual Revenue Budget for Nottinghamshire County Council is set at <u>£555.362 million</u> for 2022/23.	Para. 17										
2) The principles underlying the Medium-Term Financial Strategy are approved.	Table 9										
3) The establishment of a £15m earmarked reserve to fund costs associated with the highways review and the environment strategy.	Para. 13										
4) The Finance Committee be authorised to make allocations from the General Contingency for 2022/23.	Para. 19										
5) That the 3.00% Adult Social Care Precept is levied in 2022/23 to part fund increasing adult social care costs.	Para. 28										
6) The County Council element of the Council Tax is <u>not increased</u> in 2022/23. That the overall Band D tax rate is set at <u>£1,628.28</u> with the various other bands of property as set out in the report.	Para. 29										
7) The County Precept for the year ending 31 March 2023 shall be <u>£423,199,463</u> and shall be applicable to the whole of the District Council areas as General Expenses.	Para. 32										
8) The County Precept for 2022/23 shall be collected from the District and Borough councils in the proportions set out in Table 7 with the payment of equal instalments on the dates set out in Table 8.	Table 7 Table 8										
9) The Capital Programme for 2022/23 to 2025/26 be approved at the total amounts below and be financed as set out in the report:	Table 11										
<table border="1"> <thead> <tr> <th>Year</th> <th>Capital Programme</th> </tr> </thead> <tbody> <tr> <td>2022/23</td> <td>£126.879m</td> </tr> <tr> <td>2023/24</td> <td>£56.692m</td> </tr> <tr> <td>2024/25</td> <td>£51.883m</td> </tr> <tr> <td>2025/26</td> <td>£43.513m</td> </tr> </tbody> </table>		Year	Capital Programme	2022/23	£126.879m	2023/24	£56.692m	2024/25	£51.883m	2025/26	£43.513m
Year	Capital Programme										
2022/23	£126.879m										
2023/24	£56.692m										
2024/25	£51.883m										
2025/26	£43.513m										
10) The variations to the Capital Programme be approved.	Para. 51-63										

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 11)The Minimum Revenue Provision policy for 2022/23 be approved. | Appx. C |
| 12)The Capital Strategy including the 2022/23 Prudential Indicators and Treasury Management Strategy be approved. | Appx. D |
| 13)The Service Director – Finance, Infrastructure and Improvement be authorised to raise loans in 2022/23 within the limits of total external borrowings. | Para. 72 |
| 14)The Treasury Management Policy for 2022/23 be approved. | Appx. E |
| 15)The Council delegates responsibility for the setting of Treasury Management Policies and Practices relating to Pension Fund cash to the Pension Fund Committee. | Para. 71 |
| 16)The report be approved and adopted. | |

Cllr Lee Waters
Independent Alliance
Group

Cllr Tom Hollis
Independent Alliance
Group

FINANCIAL AND CONSTITUTIONAL IMPLICATIONS OF THE INDEPENDENT ALLIANCE GROUP'S AMENDMENT - COMMENTS OF THE SERVICE DIRECTOR – FINANCE, INFRASTRUCTURE AND IMPROVEMENT AND THE SERVICE DIRECTOR – CUSTOMERS, GOVERNANCE AND EMPLOYEES

1 Purpose

- 1.1 The purpose of this report is to set out the financial and constitutional implications of the Independent Alliance Group's Budget Amendments and provide an opinion on whether it meets the funding requirements contained in the Local Government Finance Act 1992, the Local Government Act 2003, the CIPFA Prudential Code for Capital Finance, and is in accordance with the legal requirements and the Council's constitution.

2 Financial Implications

- 2.1 The impact of amendment 1 is to reduce the proposed Council Tax increase by 1% to zero for 2022/23. This reduces the funding available to pay for services and, since no offsetting savings are proposed, will increase the use of one-off reserves to fund this, and will increase the shortfall in the 4-year MTFS.
- 2.2 The impact of amendment 2 is to amend the proposed capital programme by £15m across financial years 2022/23, 2023/24 and 2024/25. The proposal moves the funding from Investing in Nottinghamshire to highways maintenance.

3 Commentary on the Proposals

- 3.1 Any decision to forego a Council Tax increase means that potential increased income is lost forever. At a time of increasing demand on Council services and continued uncertainty around the medium and long term impact of the COVID19 pandemic this inevitably increases the risk that the Council may not be able to maintain its financial sustainability.
- 3.2 The impact of the proposal is seen in the updated tables included in the amendment, with the reduced income being funded from reserves in 2022/23 and the MTFS shortfall to 2025/26 increasing to £33.6m.
- 3.3 The 2022/23 budget can still be balanced, albeit with an increased use of one-off funding, and the revised overall MTFS position will be amended accordingly. Acceptance of the amendment means that the Council will have foregone a possible 2% increase in Council Tax, and it is felt that this is the maximum that could be lost without significantly impacting on the future

financial sustainability of the Authority. It should be recognised that acceptance of this amendment increases the risks in the overall Council plan in the medium term.

- 3.4 It should be noted that the revised MTFS still assumes future Council Tax and Social Care Precept increases in line with current Government guidelines (2% CT, 1% SCP).
- 3.5 The proposal to cease development at Top Wighay Farm and add the funding to the highway maintenance capital programme has no overall impact on the capital programme of the Authority or the borrowing requirement.
- 3.6 There will be one-off costs associated with any abortive costs incurred to date on the Top Wighay element of the Investing in Nottinghamshire programme which would not be able to be capitalised. These are estimated at £0.5m and would need to be funded from the revenue budget at the point when the decision is made.

4 Conclusion

- 4.1 In the opinion of the Service Director – Finance, Infrastructure and Improvement, these amendments meet the requirements of the Local Government Finance Act 1992, the Local Government Act 2003 and the CIPFA Prudential Code.
- 4.2 In the opinion of the Service Director – Customers, Governance and Employees, the proposals contained in the Independent Alliance Group's Amendments are in accordance with the law and the County Council's Constitution.

NIGEL STEVENSON

SERVICE DIRECTOR – FINANCE, INFRASTRUCTURE AND IMPROVEMENT

MARJORIE TOWARD

SERVICE DIRECTOR – CUSTOMERS, GOVERNANCE AND EMPLOYEES

REPORT OF THE LEADER OF THE COUNCIL

NOTTINGHAMSHIRE COUNTY COUNCIL'S PAY POLICY STATEMENT 2022/23

Purpose of the Report

1. To seek the approval of the County Council to the updating and publishing of the authority's Pay Policy Statement for the financial year 2022-2023, which reflects the known situation as at 1st February 2022.

Information

Background

2. Nottinghamshire County Council is committed to good governance and openness to public scrutiny and accountability. As part of this commitment the Council wishes to demonstrate that decisions on the pay and reward packages for its Chief Executive and senior officers have been made in an open, transparent and accountable manner. Revised governance arrangements due to be considered at Full Council on 31 March 2022 will be reflected in future Pay Policy Statements and covering reports.
3. Under the terms of the Accounts and Audit Regulations 2015 the Council publishes on its website, and regularly updates information about its most senior officer's pay, including information relating to the Chief Executive and Corporate Directors.
4. Legislation and supporting Government guidance, identifies the statutory contents of a Pay Policy Statement and how it should be presented.
5. Section 38 of the Localism Act 2011 Act sets out the requirement for all Local Authorities in England and Wales to publish annual Pay Policy Statements with effect from the financial year 2012-13 onward.
6. Additional requirements contained in the Localism Act (Section 40), were set out in further national guidance issued in February 2013. This included a requirement relating to the approval of severance packages for senior officers of, or above, £100,000 to be approved by Full Council. There were no applicable instances in this Council in the 12 months between 1st February 2021 and the end of January 2022.
7. The core requirements of the provisions of the Localism Act are that a Pay Policy Statement (PPS) must set out the Authority's policies relating to senior salaries, remuneration and pay multiples, including the:

- Remuneration of its lowest paid employees
 - Definition used for this group and the reason for adopting this definition
 - Relationship between Chief Officer remuneration and that of other staff
 - Pay multiple relationship between the highest earnings and the lowest earnings and between the median earnings figure for the whole authority workforce.
8. The Act defines Chief Officer remuneration as the level and elements of remuneration for each Chief Officer, including salary, any bonuses/performance related pay, and charges/fees/allowances, benefits in kind, enhancement to pension at termination.
 9. The definition of a Chief Officer adopted by the Act, as defined by the Local Government and Housing Act 1989, is any post that reports directly to the statutory Chief Officer or the Chief Executive. In the case of this Authority this currently applies to Corporate Directors and those who report to these posts - that is Service Directors and some other senior posts including Public Health consultants (see top level structure chart **appendix 1**).
 10. The Transparency Code, published by the Department for Communities and Local Government (DCLG), contains legal requirements to publish specific legal, organisational and salary information as follows:
 - The Pay Multiple and median earnings information must reflect a particular date in the year (in this case the Council's annual Pay Policy Statement update as at 1st February each year), and include all elements of remuneration, not just taxable earnings. This includes base salary; variable pay allowances and any bonuses or payments in kind but excluding pension
 - A list of the number of employees with remuneration above £50,000, presented within brackets of £5,000, with job title and the functions and the services for which they are responsible. This information is contained in the appendices to the Pay Policy Statement and updated annually. The information will alter now the 2021/22 national pay award will be applied at the end of March 2022.
 - Any employees earning in excess of £150,000 must be named. In this Council this currently still only applies to the post of Chief Executive as reflected in the Council's updated Pay Policy Statement for 2022-23
 - An organisation chart for the top 3 organisational tiers must be published. A chart reflecting the Council's current senior structure, indicating where posts are filled on a temporary rather than permanent basis and where these are vacant, is available on the public website and will be updated to reflect the recent structural changes.
 11. The Pay Policy Statement must by law be approved by Full Council in advance of the financial year to which it relates and must be published in the public domain on the Council's website by 1st April each year. This updated annual Statement reflects the situation as at 1st February 2022.

Pay Policy Statement

12. All mandatory requirements of the relevant legislation as set out in both the Act and the Code have been reflected in the Council's updated Pay Policy Statement. The statement does not cover employees directly engaged in a school. The information provided is in line with the

guidance published by the former Department for Communities and Local Government (previously the Ministry of Housing, Communities and Local Government and the Local Government Association and now Department of levelling up, housing and communities).

13. The focus of the legislation relates to the overall pay policy and not individual post holders. The guidance does however allow Local Authorities discretion over some additional areas of supporting content. As part of the County Council's commitment to transparency and public accountability, the Council's Pay Policy Statement extends beyond the basic statutory requirements and pulls together a wide and comprehensive range of information on pay and remuneration in one place and presents it in a simple, consistent format in order that the public can understand:
 - How the Council determines pay and terms and conditions for all staff
 - What the Council pays its employees
 - The context and rationale behind decisions
 - How senior officer remuneration relates to that of other employees.
14. The key principles underpinning the Pay Policy Statement are that the Council currently:
 - Has the right to determine senior officer pay locally
 - Has ensured that senior officer pay and terms and conditions are in line with those applicable to other employees
 - Needs sufficient flexibility to cope with a variety of changing circumstances such as market factor supplements
 - Is committed to openness, transparency and public accountability
 - Needs to reflect local circumstances such as shortages of particular key skills
 - Is committed to equity and fairness of treatment across the whole workforce.
15. A copy of Nottinghamshire County Council's updated annual Pay Policy Statement 2022-2023, which sets out the position as at 1st February 2022, is attached as the **Appendix** to this report.

Other Options Considered

16. The focus of the Pay Policy Statement is to ensure the Council complies with the requirement under the Localism Act to have a Pay Policy Statement; the content of which complies with all mandatory legal requirements and to publish this annually. In addition, the Council has sought to pull together all of the information on its policies relating to pay and remuneration and to publish this for public scrutiny.
17. This Statement can be amended during the financial year as necessary to reflect the prevailing legislation at the time or as emerging practice or clarification of guidance necessitate.

Reason for Recommendation

18. To ensure that Nottinghamshire County Council is legally compliant in terms of the publication of a Pay Policy Statement and accountable to the public of Nottinghamshire.

Statutory and Policy Implications

19. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Data Protection and Information Governance

20. There is a statutory requirement for the information contained in this annual Pay Policy Statement to be published on the Council's website prior to 1st April which overrides any individual's rights to confidentiality.

Financial Implications

21. There are no financial implications arising directly as a result of the requirement to publish an annual Pay Policy Statement.

Human Resources Implications

22. The HR implications are contained within the body of the report. The Pay Policy Statement pulls together existing policies in relation to pay and terms and conditions, which have previously been agreed by the recognised Trades Unions and Elected Members and publishes these for wider public scrutiny.

Public Sector Equality Duty implications

23. The Council's pay and grading structure is based on a "points to pay" relationship determined through Job Evaluation as a mechanism to ensure the consistent evaluation of the relative value of job roles across the Council. This in turn ensures a fair, open and transparent pay and reward structure that is affordable and supports the equal treatment of all employees in respect of their pay, terms and conditions; is compliant with Equal Pay legislation and Single Status requirements. The Council's policies on pay and terms and conditions apply equally to employees at all levels of seniority across the authority.

RECOMMENDATION

It is recommended that Full Council:

- 1) Approve the Pay Policy Statement, **as appended**, for publication on the Council's website in April 2022.

Councillor Ben Bradley MP
Leader of Nottinghamshire County Council

For any enquiries about this report please contact:

Gill Elder, Head of Human Resources on 0115 9773867 or gill.elder@nottscc.gov.uk

Human Resources Comments (GME 09/03/2022)

24. The Council is fulfilling its legal responsibilities in publishing a Pay Policy statement and associated policy documents. The recognised trades unions have been informed and have noted the information contained in the Pay Policy Statement. This statement includes some of the changes arising from the outstanding NJC National Pay Award applicable from 1 April 2021.
25. It should be noted that this Council pays the Living Wage Foundation living wage rate which rose to £9.90 effective from 1 November 2021.

Constitutional Comments (KK 21/03/2022)

26. The proposal in this report is within the remit of Full Council.

Financial Comments (GB 21/03/2022)

27. There are no specific financial implications arising directly from this report.

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972:

- Openness and Accountability in Local Pay: Guidance under Section 40 of the Localism Act – DCLG 17th February 2012
- Localism Act 2011- Chapter 8 “Pay Accountability” – 15th November 2011
- Code of Recommended Practice for Local Authorities on Data Transparency (DCLG) – September 2011
- The Hutton Report on Fair Pay in the Public Sector – 2011
- Equality Impact Assessment
- Transparency Code 2014 – DCLG 1st May 2014
- Local Government Transparency Code and Guidance 2015 – DCLG February 2015. 27 February 2015

Electoral Division(s) and Member(s) Affected

- All



**Nottinghamshire
County Council**

Pay Policy Statement

2022 – 2023

1st February 2022

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CONTENTS:

- 1. Background**
- 2. Purpose and Scope**
- 3. Organisational context**
- 4. Determination of pay and terms and conditions**
- 5. Relationship between highest and lowest paid employees**
- 6. Level and elements of remuneration of Chief Officers**
- 7. Employees with a Total Remuneration of £50,000 or more**
- 8. Appendices:**

Appendix A- Nottinghamshire County Council's Organisational and Salary Information

- (1) Nottinghamshire County Council Top Level Structure Chart February 2022
- (2) Chief Officer Pay at Nottinghamshire County Council February 2022 (3)
List of NCC Employees with Total Remuneration of £50,000 or more.

Appendix B - Nottinghamshire County Council's Pay Related Employment Policies as at February 2022

(Please note some of the following are currently under review)

- (1) Local Government Salary Scales 2021/2022
- (2) Grading Policy
- (3) Process for Assessment and Approval of Market Factor Supplements
- (4) Honoraria Payments
- (5) Redundancy and Early Retirement
- (6) Redundancy Payment Calculator
- (7) Flexible Retirement
- (8) Re-employment or Re-engagement of Former Employees
- (9) Travelling Allowances
- (10) Subsistence Allowances
- (11) Pay Protection
- (12) Car Leasing
- (13) Nottinghamshire County Council's Constitution - Employment Procedure Rules

1. BACKGROUND:

- 1.1 Section 38 (1) of the Localism Act 2011 continues to require all local authorities in England and Wales to produce and publish a Pay Policy Statement for each financial year before 1 April each year.
- 1.2 The Department for Communities and Local Government (DCLG) Transparency Code 2015 replaced all previous Codes, adding to, but not replacing the requirements of the Localism Act.
- 1.3 The requirements of the Act and the Code do not extend to schools and the scope of the Council's Pay Policy Statement does not therefore extend to school-based employees.
- 1.4 This updated Pay Policy Statement will be published on the Council's website as soon as possible following consideration by Full Council.
- 1.5 This Statement will be reviewed annually and amended as necessary to reflect the prevailing legislation at the time; with Full Council approval as required.
- 1.6 The information and data in this Statement is current as at 1st February 2022.

2. PURPOSE AND SCOPE:

- 2.1 The purpose of a Pay Policy Statement is to provide accountability in relation to payments made to senior employees in the public sector, in particular those in local authorities, by enabling public scrutiny.
- 2.2 The requirements of the Localism Act in respect of transparency about senior pay, build on the Accounts and Audit (England) Regulations 2011 with which the County Council is also compliant. Published details of the remuneration of its Chief Executive and Corporate Directors can be found on the Council's public website.
- 2.3 The Localism Act requires that a Pay Policy Statement (PPS) must articulate the Council's own policies towards a range of issues relating to the pay of its workforce, in particular its Chief Officers, as defined by the Local Government and Housing Act 1989 and to its lowest paid employees.
- 2.4 The core requirements of the provisions of the Localism Act are that a Pay Policy Statement must set out the Authority's policies relating to senior salaries, remuneration and pay multiples, specifically:
 - The remuneration of its lowest paid employees
 - The definition used for this group and the reason for adopting this definition
 - The relationship between Chief Officer Remuneration and that of other staff

- The Pay Multiple relationship between the highest and lowest earnings and between the highest earnings and the median earnings figure for the whole authority workforce.

2.5 The Act defines Chief Officer remuneration as the level and elements of remuneration for each Chief Officer (including salary, any bonuses/performance related pay, charges/fees/allowances, benefits in kind, enhancement to pension at termination).

2.6 The Transparency Code carries specific legal requirements to publish some organisation and salary information which include the following:

- The Pay Multiple to reflect a particular date in the year (in this case the Council's annual Pay Policy Statement update is on 1st February each year), and include all elements of remuneration including earnings, that is, base salary, variable pay allowances and any bonuses or payments in kind, but excluding pension
- Clarification that median remuneration should be used in Pay Multiple information
- A list of the number of employees with remuneration above £50,000 grouped within brackets of £5,000, with job title and the functions and services for which they are responsible
- Any employees earning in excess of £150,000 must be named. In this Council this applies only to the post of Chief Executive
- An up-to-date mandated structure chart for the top 3 organisational tiers which is published on the Council's Public website.

2.7 Nottinghamshire County Council's current Pay Policy Statement meets the mandatory requirements of both the Act and the Code and provides information on Nottinghamshire County Council's Pay and Conditions of Service for its Chief Officers in comparison to the majority of the workforce employed on Local Government terms and conditions. Specifically, it covers the Council's policy on the following points:

- The level and elements of remuneration for each Chief Officer
- The remuneration of the Council's "lowest paid employees"
- The relationship between the remuneration of Chief Officers and other officers
- Other aspects of Chief Officers' remuneration including remuneration on recruitment, increases and additions to remuneration, use of performance related pay and bonuses, termination payments.

2.8 This Pay Policy Statement includes all direct employees covered by the National Joint Council (NJC) for Local Government Services national agreement on pay and conditions of service and those covered by the Joint Negotiating Committee (JNC) conditions of service for Chief Executives and Chief Officers.

2.9 Appendix A (1) contains a structure chart of all Senior Employees (as defined by the Act) as at 1st February 2022, that is:

- Chief Executive
- Corporate Directors
- Service Directors
- Any Group Managers and other senior posts reporting direct to a Corporate Director
- Director of Public Health.

All these senior employees are directly employed by the Council.

2.10 Nottinghamshire County Council's Pay Policy Statement reflects the wide definition of "remuneration" within the relevant legislation. This includes not just pay but also pay awards, increments, additional contractual payments and allowances and enhancements but excludes pensions. The Council does not pay bonuses or benefits in kind to any of its employees.

3 ORGANISATIONAL CONTEXT:

3.1 As a major employer in Nottinghamshire, the County Council's ambition is to contribute to building a more prosperous local community by modelling good employment practice, including ensuring fairness in the way that it pays and rewards its existing and future employees.

3.2 The Council also wishes to be an attractive source of potential employment to job seekers across its community and is committed to using its resources to create meaningful and fairly remunerated employment opportunities for local people.

3.3 In light of the budget challenges facing the Council a vacancy management process, the 'Vacancy Control Process' has been effective from 3rd June 2013. Consideration is given to holding posts vacant for deletion as savings. Those posts released to be filled will initially be offered to existing employees at risk of redundancy to support efforts to protect their employment and avoid the costs associated with redundancy by retraining or redeploying them into appropriate vacancies.

3.4 The following information outlines the Council's operating basis and general position in respect of employment, pay and conditions of service and is pertinent to the current statutory requirements of the Localism Act and the Transparency Code.

3.5 Nottinghamshire is the 11th largest local authority in England, with an estimated population of around 828,200 (source: ONS mid 2019 population estimates).

3.6 The Council remains amongst the largest employers in the county with a headcount of **7317** directly employed permanent and temporary staff, as

of 1st February 2022 (excluding those in schools), a significant proportion of whom directly provide more than 400 statutory and discretionary services to the people of Nottinghamshire.

- 3.7 The Council's Chief Executive works within the national conditions of service covered by the JNC for Chief Executives. The three posts of Corporate Director are covered by the JNC for Chief Officers.
- 3.8 Employees defined by the Localism Act as Chief Officers, including Service Directors, work within the national conditions of service covered by the JNC for Chief Officers. All other employees, other than a small number covered by national terms and conditions for Soulbury staff or the JNC for Youth and Community Workers (whose pay is also determined through national bargaining), work within the national conditions of service covered by the NJC for Local Government Employees.

4 DETERMINATION OF PAY AND TERMS AND CONDITIONS:

- 4.1 Nottinghamshire County Council subscribes to the national pay bargaining framework through the National Joint Council (NJC) on which the local government employers are represented by the Local Government Association (LGA).
- 4.2 The Council fully implemented "Single Status" in 2008. This term was designed by the National Employers and Trade Unions to describe the equal treatment of all employees in respect of their pay, terms and conditions. Arising from this the Council has an established pay and grading structure which is based on a "points to pay" relationship determined through a Job Evaluation process.
- 4.3 Job Evaluation:
 - 4.3.1 The consistent evaluation of the relative value of job roles across the Council ensures a fair, open, and transparent pay and reward structure that is affordable and compliant with Equal Pay legislation and Single Status requirements.
 - 4.3.2 The County Council continues to use two job evaluation schemes to evaluate the work of its employees using trained in-house Job Analysts for all posts other than posts at Service Director level which are subject to an independent analysis by an external provider. The work of the internal analysts has been validated by the external provider, Korn Ferry Hay who have confirmed that the Hay scheme is being correctly applied.
- 4.4 The "Hay" scheme:
 - 4.4.1 This method of job evaluation was selected by the Council for more senior posts as it has been used extensively across the public sector and particularly in local government. It provides a coherent model to compare

dissimilar jobs and the characteristics of different levels of work. There are specific criteria for determining if the post should be evaluated using this scheme as outlined in Appendix B (2).

4.5 National Job Evaluation (NJE) scheme

4.5.1 The evaluated job score equates to a pay band on the Council's Salary Scale which is attached as Appendix B (1). This has been updated to reflect the pay award and new pay spine from April 2019 onwards. It is correct as of 1 February 2022.

4.5.2 The Hay Group and NJE Job Evaluation Schemes will continue to be used to establish pay grades for all jobs covered by the NJC, including Service Directors.

4.5.3 A copy of the Council's Grading Policy is attached as Appendix B (2). The principles outlined in the policy and the schemes used have not changed.

4.5.4 The Council has a Competency Framework which provides a standard set of behaviours applicable to all employees against key role descriptors at a range of levels, including Chief Officers. This assessment informs individuals' learning plans and supports effective service delivery but is not related to pay.

4.6 Pay awards and increases:

4.6.1 Nottinghamshire County Council adheres to national pay bargaining in respect of the national pay spine and any annual cost of living increase negotiated on the pay spine.

4.6.2 As part of the implementation of Job Evaluation NCC 's current pay grades were attached to the nationally determined pay scale from 1st April 2008. Employees progress through the pay bands within their evaluated grade by incremental annual progression.

4.6.3 The national pay award for Chief Executives agreed for the period 2021-2022 equates to a 1.5% increase. An equivalent 1.5% national pay award for 2021-2022 has also been recently agreed for Chief Officers.

4.6.4 The national pay award for NJC employees has been agreed for the period 2021-2022, this equates to a 1.75% increase.

4.6.5 As part of its overall ambition to model good employment practice, Nottinghamshire County Council formally adopted the "Living Wage" rate determined by the Living Wage Foundation for the U.K (outside London) from 1st April 2014. The current nationally set Living Wage Foundation Living Wage rate is £9.90 per hour. This applies to all of the Council's direct employees on spinal column point 3 on its current pay scale. The Living Wage rate is paid as an allowance on top of existing pay rates, as

the minimum basic rate of pay paid on the Council's pay spine, applied to all hours worked, including enhancements and overtime payments. The new rate applied from 1 November 2021.

4.6.6 In addition, as part of its commitment to fair pay and stimulating local economic growth from 1st April 2014, the Council ensures that all Apprentices are paid the evaluated rate for the job. For those in supernumerary placements within the authority, they are paid the current age related national Minimum Wage rate for their age.

4.7 Incremental Salary Progression:

4.7.1 The Chief Executive and Corporate Directors are on fixed salaries, which means that no incremental progression applies.

4.7.2 The LGA recommend that local authorities continue to pay contractual annual increments within their agreed pay bands. Nottinghamshire County Council has complied with this and all other employees continue to receive contractual annual increments up to the maximum spinal column point of the evaluated salary band for their post.

4.8 Pensions:

4.8.1 The directly employed staff who are the subject of this Pay Policy Statement, including Chief Officers, are covered by the Local Government Pension Scheme. Employees who are members of the Local Government Pension Scheme (LGPS) pay contributions from their salary dependent on their actual earnings on a 9-band basis as set out in the LGPS Regulations in the table below:

Local Government Pension Scheme Member Contributions - Standard pay band table 2021/2022 (applies as at 1st February 2021)

Band	Actual pensionable pay for an employment	Contribution rate for that employment	
		Main section	50/50 section
1	Up to £14,600	5.5%	2.75%
2	£14,601 to £22,800	5.8%	2.9%
3	£22,801 to £37,100	6.5%	3.25%
4	£37,101, to £46,900	6.8%	3.4%
5	£46,901 to £65,600	8.5%	4.25%
6	£65,601 to £93,000	9.9%	4.95%
7	£93,001 to £109,500	10.5%	5.25%
8	£109,501 to £164,200	11.4%	5.7%
9	£154,201 or more	12.5%	6.25%

4.8.2 The pay band ranges are periodically reviewed.

4.8.3 Under current LGPS Regulations, from 1st April 2014, the standard employee contribution rate is assessed on actual pensionable pay, including non-contractual overtime. Those employees who have taken the 50/50 option allowable under the revised LGPS regulations will pay half of the contribution rate shown in return for a proportionate reduction on benefits. These provisions apply equally to Chief Officers whose salaries place them in the top 4 of the band ranges.

4.8.4 By law, workplace pension provisions are required to include an employer contribution. The Council's employer's contribution rate is determined locally by the Actuary for the Nottinghamshire Pension Fund following a 3-yearly valuation. Taking deficit into account, the Council's employer contribution to the pension of all employees at all levels is increased to 22.2% with effect from 1st April 2017.

4.8.5 Currently NJC terms and conditions apply to the Public Health employees who transferred into the County Council on 1st April 2013. However, under the provisions of a national Directions Order, certain categories of employees working in Public Health have been able to remain in the NHS pension scheme. This is currently a 7-tier contributory pension scheme under which employees currently contribute between 5 % and 14.5 % of their salary dependent on seniority as set out in the table below:

4.8.6 NHS Pension Scheme Member Contributions April 2016 – March 2022

Contribution Rates before tax relief (gross) Tier	Full-time pensionable pay/earnings used to determine contribution rate	Contribution rate (before tax relief) (gross) 1 April 2015 to 31 March 2020
1	Up to £15,431.99	5%
2	£15,432.00 to £21,477.99	5.6%
3	£21, 478.00 to £26,823.99	7.1%
4	£26,824.00 to £47,845.99	9.3%
5	£47,846.00 to £70,630.99	12.5%
6	£70,631.00 to £111,376.99	13.5%
7	£111,377.00 and over	14.5%

4.9 Professional fees:

4.9.1 The professional fees of qualified Solicitors and Legal Executives employed by the Council are paid annually by the Council to enable them to continue to practice.

4.9.2 Payment of fees to cover the cost of registration with their professional body (Social Work England, formerly Health Care Professionals Council) for Social Workers and Occupational Therapists are a matter of personal responsibility.

4.9.3 No professional fees are paid for any other employee groups, including Chief Officers.

4.10 Acting-up Allowances and Honoraria:

4.10.1 Nottinghamshire County Council's current policy on the payment of Acting-up Allowances and Honoraria is set out in **Appendix B (4)**. Such payments are only made on an exception basis on the submission of a full business case, at the discretion of the appropriate Chief Officer.

4.11 Overtime and other additional payments:

4.11.1 In line with the NJC national agreement on pay and conditions of service, employees on spinal column point 23 (£28,226) and below are entitled to additional payments when required to work:

- on Saturday or Sunday
- on public holidays
- at night
- sleeping in duty
- split shifts
- beyond the full-time equivalent hours for the week in question.

4.11.2 Members of the Corporate Leadership team are expected to be on call at all times as part of their duties and responsibilities and receive none of the additional payments available to other employees.

4.12 Car Leasing Scheme:

4.12.1 The Council's scheme (Appendix B (12)) applies to all employees including Chief Officers. At present no Chief Officers are using vehicles leased under the provisions of the scheme as indicated in Appendix A (2). The scheme is currently the subject of a review and will be reflected in next year's Pay Policy Statement.

4.13 Payment of expenses:

4.13.1 Where claimed, expenses incurred by staff, including Chief Officers, in the course of carrying out their duties are paid in line with the Council's Travel and Accommodation Policy. This is part of the nationally agreed terms and conditions of service supplemented by the Council's local conditions as laid down in its policies on Travelling Allowances (Appendix B (9)), and Subsistence Allowance (Appendix B (12)). All expenses claimed by the Chief Executive and Corporate Directors are published on the County Council's website.

4.14 Pay Protection:

4.14.1 The Council's current Pay Protection Policy as at February 2022 is attached as Appendix B (11). This policy is used in circumstances where the duties of a post change and following re-evaluation the grade for the post goes down and may also be applied in some circumstances where, to protect their ongoing employment, individuals are redeployed to a lower graded post.

4.14.2 All employees currently receive salary protection for a period of one year, with salary being frozen at the point at which pay protection starts, i.e., employees will not receive any subsequent incremental increases, or any annual cost of living pay awards. At the end of the protection period the employee reverts to the maximum spinal column point or spot point of the substantive grade of their post.

4.14.3 Any changes to the rates of pay included in this policy are subject to national negotiations and any changes will be reflected in next year's pay policy statement.

4.15 Redundancy compensation payments:

4.15.1 Contractual notice and redundancy pay in relation to a redundancy is as set out in the Council's policy on Redundancy and Early Retirement which currently applies to all employees of the Council, including Chief Officers Appendix B (5).

4.15.2 Local Authorities can grant, at their discretion, benefits in excess of the statutory provisions for payments to employees who cease their employment prematurely on the grounds of redundancy. Under the Equality Act 2010, Local Authorities are required to develop and publish their own policy on the award of any discretionary redundancy payments for loss of employment.

4.15.3 Nottinghamshire County Council has exercised this discretion to apply to all employees a multiplier of 1.65 on the statutory redundancy formula based on age and local government service, capped at 30 years reckonable service. A copy of Nottinghamshire County Council's current redundancy payment calculator is contained in Appendix B (6).

4.15.4 Contractual redundancy payments are therefore calculated using the discretionary formula which already includes the statutory element. This allows up to 40 weeks actual salary (dependent on age and length of service) regardless of whether the individual is under or over 55 years of age or whether the individual concerned is in the LGPS pension scheme.

4.15.5 No other additional payments or enhancements are payable.

4.15.6 This policy currently applies to all direct employees, including Chief Officers. It is also the subject of negotiations with the recognised trades unions. Any changes agreed will be reflected in the Pay Policy Statement for 2023/24.

4.16 Payment on retirement:

4.16.1 Employees may also leave the employment of the Council under the following types of termination:

Efficiency of the Service - As set out in the Council's policy on Redundancy and Early Retirement this provision would only be used in very exceptional circumstances.

Flexible Retirement - As set out in the Council's policy on Flexible Retirement **(Appendix B (7))** employees may apply for employer permission to access their pension from age 55 but remain working at the Council either on reduced pay or reduced hours. Due to the associated Pension Strain costs this provision has not been applied to Chief Officers.

4.16.2 Under the terms of the LGPS Regulations employees may also retire on the basis of age:

Age Retirement - Under Pension Regulations employees, including Chief Officers, may automatically access their pension benefits, currently from age 55 on an actuary reduced basis, when they leave employment. As permitted under the Employment Equality (Age) Regulations 2006, the Council does not operate a default retirement age whereby employees are dismissed at age 65.

Early Retirement - As set out in the Council's policy on Redundancy and Early Retirement, under LGPS regulations, employees can request access to their pension from age 55 with the Council's consent. An actuarial reduction will normally apply unless the Council chooses to waive this.

Re-engagement of former employees:

4.16.3 Nottinghamshire County Council's policy on the Re-employment and Re-engagement of Former Employees is set out in full in Appendix B (8) and currently applies to all employees, including Chief Officers. Where the former employee has previously received a voluntary or compulsory redundancy payment, part or all of the compensatory element of the redundancy payment may be recovered and abatement of pension could apply.

5 RELATIONSHIP BETWEEN HIGHEST AND LOWEST PAID EMPLOYEES:

5.1. Highest and lowest paid employees:

5.1.1 The Council's highest paid employee is its Chief Executive, Anthony May, who, following the application of the national pay award for Chief Officers from April 2021 earns a fixed annual salary of **£188,167**.

5.1.2 For the purpose of this Pay Policy Statement, the definition of "Lowest Paid Employee" at Nottinghamshire County Council are employees on Grade 1 spinal column point 1. On the national pay spine this equates to £18,333, annual basic pay (£9.50 per hour) which exceeds the age related statutory National Living Wage, currently set at a maximum of £8.72 per hour for employees aged 25 years or over. The Council's current Living Wage allowance reflects the Living Wage Foundation Living Wage Rate and brings its minimum pay rate up to £9.90 an hour for all employees.

5.1.3 As previously stated, the Council has paid a Living Wage Allowance from 1st April 2014, based on the Living Wage Foundation rate. This benefitted just over 2,200 of its lowest paid direct employees living in some of the most deprived parts of the County. The subsequent implementation of nationally determined annual increases in this rate have bought the current lowest rate of pay offered for a substantive

post at the Council to **£9.90 per hour**. This is paid to all substantive employees on point 2 and below on the current pay spine, bringing their annual pay to **£19,099**.

5.2. Relationship between the Pay of the Highest and Lowest Earner:

5.2.1 When expressed as a multiplier of pay, the Chief Executive's salary as at 1st February 2022 is **9.80:1 times** greater than that of the Council's lowest earner when the Living Wage Allowance is included.

5.3. Median Pay of Workforce:

5.3.1 For the purpose of this Pay Policy Statement, Nottinghamshire County Council has updated this calculation to ensure it is compliant with the definition set out in the Local Government Transparency Code 2014 which includes all elements of taxable earnings inclusive of variable pay and allowances.

5.3.2 The Council does not pay bonuses or offer any benefits in kind.

5.3.3 From 1st February 2022 the Council's Full Time Equivalent **Median Pay**, that is the mid-point on the range of pay points, was: **£23,066** per annum (approximately spinal column point 13 on the Council's pay scale).

5.4. Pay Multiple:

5.4.1 From 1st February 2022, the relationship between the Chief Executive's pay and that of the Council's median (mid-point), earner (£23,066), was a ratio of **8.15:1**.

6 LEVEL AND ELEMENTS OF REMUNERATION OF CHIEF OFFICERS:

6.1. The definition of a Chief Officer adopted by the Act is, as defined by the Local Government and Housing Act 1989, any post that reports directly to the statutory Chief Officer, the Chief Executive. In the case of this Authority this currently applies to Corporate Directors, and those who report to them (Service Directors).

6.2. The pay of Chief Officers at Nottinghamshire County Council is determined by its democratically elected representatives through its Personnel Committee which, under current constitutional arrangements, has delegated authority from the County Council to make decisions on behalf of the Council relating to pay, terms and conditions (**see Appendix B (13)**)

6.3. Under current Constitutional arrangements, Chief Officer appointments are made by elected members on the Senior Staffing

Sub Committee which is a sub-committee of Personnel Committee. These Committees refer appointments in respect of the Chief Executive, Monitoring Officer and Section 151 Officer to Full Council as such appointments are subject to this ratification.

- 6.4. The comparative level of remuneration of each Corporate Director is decided on the basis of their particular accountabilities and responsibilities (including any statutory responsibilities) and the size of the job, taking into account the range of services provided the number of employees and the size of the population within their remit. This is supported by information from Korn Ferry on median pay rates for comparative roles of a similar size in a range of public sector organisations across the country. Further work on pay benchmarking is being progressed.
- 6.5. The table at **Appendix A (2)** sets out a comprehensive breakdown of all pay related terms and conditions offered to the County Council's senior employees, including Chief Officers, which are in line with those which apply to other members of staff.
- 6.6. In compliance with the Accounts and Audit (England) Regulations 2011 the detail of the remuneration of all members of the Chief Officers Leadership Team is also set out in the individual profiles on the Council's public website under "Council and Democratic - Council Structure - About Senior Officers and Pay Policy Statement".
- 6.7. In compliance with the Transparency Code 2015 the appendix to this Statement also now contains an up to date, as at 1st February 2022, senior structure chart with an associated pay table in bands of £5,000.
- 6.8. Statutory guidance to the Localism Act (section 40), requires that any severance packages for senior officers on, or above, £100,000 are approved by Full Council. For the period February 2021 to January 2022 no such payments have been made.
- 6.9. Remuneration of Chief Officers on recruitment:
 - 6.9.1 The starting salary of the Council's Service Directors falls within the pay band for their job, as set out in **Appendix A (2) and Appendix B (1)** and is subject to annual incremental progression to the top point of the pay band.
 - 6.9.2 The starting salary offered will not be more than the maximum of the pay band for the evaluated grade of the job unless another policy, such as Market Factor Supplements **Appendix B (3)**, is applicable.

6.9.3 On appointment, a Chief Executive or Corporate Director will be appointed to the agreed fixed spot salary for their post.

6.10. Returning / Counting Officer's Fee:

6.10.1 In Nottinghamshire, the County Council's Chief Executive is the Chief Officer nominated as Returning Officer in charge of the running of Local, European, Parliamentary Elections and National Referenda. The Council does not govern the fee payable for these elections as it is funded by central government and is therefore not related to Nottinghamshire County Council's terms and conditions. The Chief Executive receives no additional remuneration for Returning Officer duties.

6.11. Deputy Chief Executive:

6.11.1 The Council makes an additional payment of £416.67 per month that is £5,000 per annum (gross), to the Corporate Director appointed to undertake the additional duties involved in formally deputising for the Chief Executive. Currently this is the Corporate Director for Place.

6.12. Monitoring Officer's Fee:

6.12.1 The Council's Service Director – Customers, Governance and Employees currently fulfils the statutory obligations of the Monitoring Officer to ensure Nottinghamshire County Council, its officers, and its elected Councillors maintain the highest standards in all they do. The Monitoring Officer's legal basis is found in Section 5 of the Local Government and Housing Act 1989; as amended by the Local Government Act 2000. This duty was taken into consideration in the evaluation of the salary of this Service Director post under the Hay Job Evaluation scheme. The post holder also undertakes the Monitoring Officer role to the Police and Crime Panel but receives no additional remuneration for this work. The Deputy Monitoring Officer is currently the Group Manager – Legal, Complaints and Democratic Services.

6.13. Section 151 Officer:

6.13.1 In Nottinghamshire County Council this responsibility under the local Government Act 1972 is undertaken by the Service Director Finance, Infrastructure and Improvement. This duty was taken into consideration in the evaluation of the salary of the Service Director Finance, Infrastructure and Improvement under the Hay Group Job Evaluation scheme. No separate payment is made for undertaking this function.

6.14. Payments to Chief Officers on ceasing to hold office or be employed by Nottinghamshire County Council:

6.14.1 To ensure accountability is maintained Under Part 6c of the Council's current Constitution Appendix B (13), under delegated powers from Full Council, the Senior Staffing Committee is responsible for the appointment and dismissal of and the taking of disciplinary action against senior employees that is the Chief Executive, Corporate Directors and Service Directors.

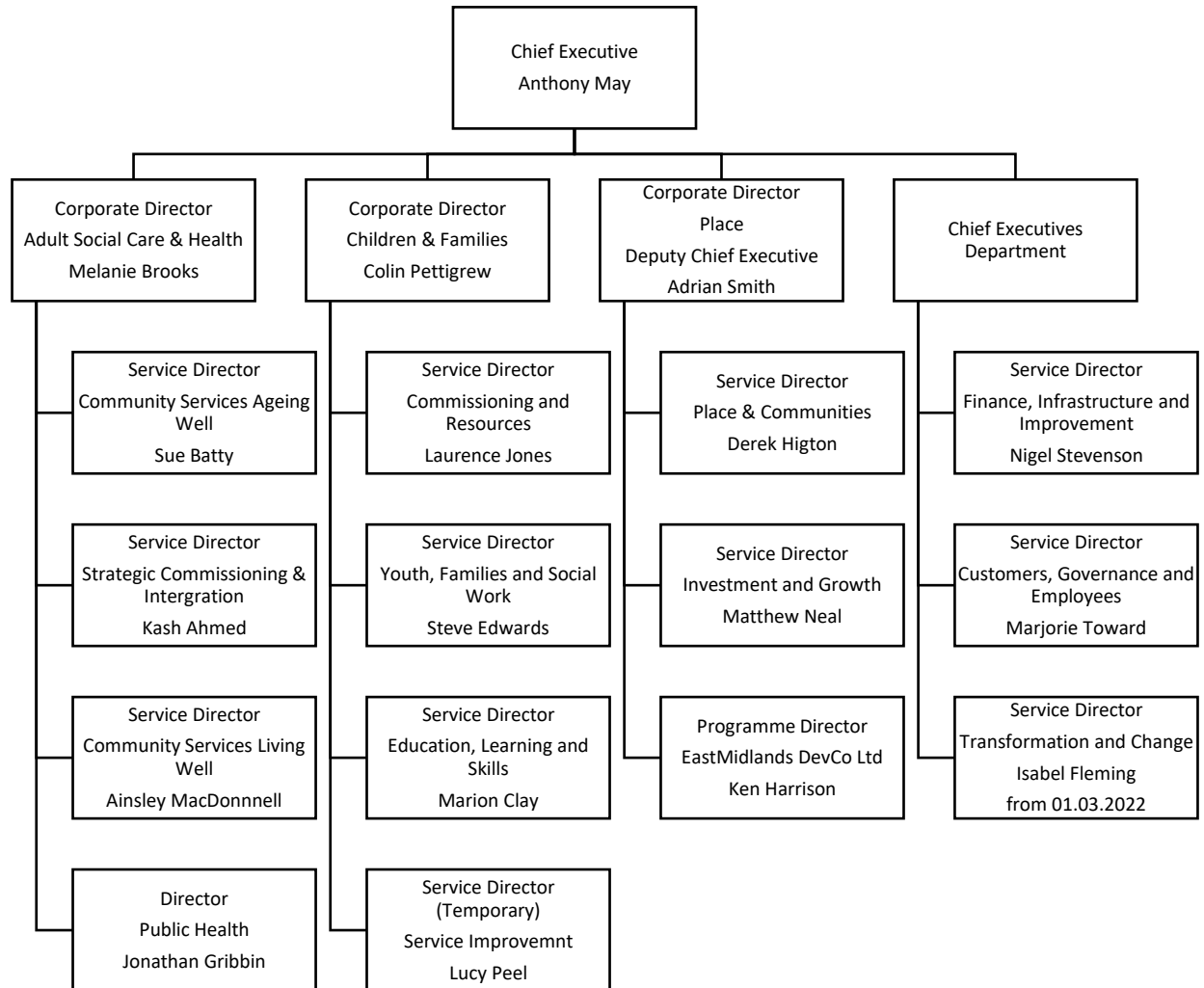
6.14.2 The Council's payment to Chief Officers leaving the Council is made under the same types of termination and same rules as for other employees as set out in **section 4 above** and the relevant policies apply. Any such terminations are reported to Personnel Committee and published in the annual Statement of Accounts.

6.14.3 In compliance with the supplementary statutory guidance to the Localism Act (section 40), any severance packages for senior officers of £100,000 or more will be subject to approval by Full Council.

7 EMPLOYEES WHOSE REMUNERATION IS £50,000 OR ABOVE:

7.1. In compliance with the requirements of the Transparency Code 2014, a list of the number of employees with a total remuneration, including salary and allowances above £50,000, along with the job title and area of responsibility, is set out in **Appendix A (3) b**. At 1st February 2022 the total number of employees in scope was **135**. Remuneration is expressed in brackets of £5,000, with job title and the functions and services for which they are responsible.

Appendix A (1) Nottinghamshire County Council's Top-Level Structure Chart



Appendix A (2): Chief Officer pay at Nottinghamshire County Council 1st February 2022

Chief Officer post (See structure chart at appendix 1)	Current annual basic pay	Salary scale (see appendix 3)	Increase and additions including any Honoraria or MFS	Bonuses	Benefits in kind	Increase / enhancements to pension	Amount payable of cessation of employment	Car lease (Y/N)
Chief Executive – Head of Paid Service	£188,167	CE	Nil	Not applicable under single status agreement	Not applicable – not paid	Not applicable – LGPS provision apply to all NCC staff (see section 4 of PPS)	As agreed, redundancy compensation provisions applicable to all NCC staff (see appendix 8)	
Corporate Director Children and Families	£149,325	CO	Nil					
Corporate Director Place	£134,341	CO	£5000 additional allowance per year for Deputy Chief Executive duties					
Corporate Director Adult Social Care and Health	£134,341	CO	Nil					
Service Director – Finance Infrastructure & Improvement	£104,519	Band J	Nil					
Service Director – Customers Governance & Employees	£104,519	Band J	Nil					
Service Director Community Services - Ageing Well - Adult Social Care and Health	£98,268	Band I	Nil					
Service Director Community Services - Living Well - Adult Social Care and Health	£98,268	Band I	Nil					
Director – Public Health	£100,917	Band J	Nil					
East Midlands DevCo Ltd Programme Director	£104,519	Band J	Nil					

Service Director – Place and Communities	£98,268	Band I	Nil					
Service Director – Investment and Growth	£98,268	Band I	Nil					
Service Director – Youth, Families and Social Work	£98,268	Band I	Nil					
Service Director – Education, Learning and Skills	£98,268	Band I	Nil					
Service Director – Commissioning and Resources	£96,183	Band I	Nil					
Service Director (Temp) – Service Improvement	£73,474	Band H	Nil					
Consultant in Public Health	£80,378	Band H	Nil			NHS pensions provisions under TUPE transfer	As per agreed redundancy compensation provisions	
Consultant in Public Health	£76,859	Band H	Nil			NHS pensions provisions under TUPE transfer	As per agreed redundancy compensation provisions	
Consultant in Public Health	£80,378 pro rata	Band H	Nil					
Consultant in Public Health	£80,378 pro rata	Band H	Nil			NHS pensions provisions under TUPE transfer	As per agreed redundancy compensation provisions	

Appendix A (3)

NCC Employees with a total remuneration of £50,000 p.a. or greater as at 01/02/2022 (named as indicated where this exceeds £150,000 p.a)

Job Title and area of responsibility	FTE Salary in band of £5000	Number of employees
Chief Executive - Anthony May	£185,000 - £189,999	1
Corporate Director - Children & Families	£145,000 - £149,999	1
Corporate Director - Place	£130,000 - £134,999	1
Corporate Director - Adult Social Care and Health	£130,000 - £134,999	1
Service Director Finance Infrastructure & Improvement - Chief Executive's	£100,000 - £104,999	1
Service Director Governance & Employees - Chief Executive's	£100,000 - £104,999	1
Programme Director - Place	£100,000 - £104,999	1
Director of Public Health - Adult Social Care and Health	£100,000 - £104,999	1
Service Director Children's Social Care - Children & Families	£95,000 - £99,999	1
Director Education, Learning & Skills - Children & Families	£95,000 - £99,999	1
Service Director Place & Communities - Place	£95,000 - £99,999	1
Service Director Community Services Ageing Well - Adult Social Care and Health	£95,000 - £99,999	1
Service Director Community Services Living Well - Adult Social Care and Health	£95,000 - £99,999	1
Service Director Investment & Growth - Place	£95,000 - £99,999	1
Service Director Commission, Resources & Culture - Children & Families	£90,000 - £94,999	1
Service Dir Strat Comms & Integration - Adult Social Care and Health	£85,000 - £89,999	1
Group Manager Legal Democratic Information Governance - Chief Executive's	£80,000 - £84,999	1
Consultant in Public Health - Adult Social Care and Health	£75,000 - £79,999	4
Group Manager Fieldwork Social Work Team South - Children & Families	£70,000 - £74,999	1
Group Manager District Child Protection - Children & Families	£70,000 - £74,999	1
Group Manager Finance Strategy & Compliance - Chief Executive's	£70,000 - £74,999	1
Group Manager Place Commissioning - Place	£70,000 - £74,999	1
Group Manager Highways & Transport - Place	£70,000 - £74,999	1
Group Manager Planning - Place	£70,000 - £74,999	1
Group Manager Early Childhood Services - Children & Families	£70,000 - £74,999	1
Group Manager Assessment - Children & Families	£70,000 - £74,999	1
Group Manager Adoption - Children & Families	£70,000 - £74,999	1
Group Manager Catering & Facilities Management - Place	£70,000 - £74,999	1
Group Manager - Property Asset Management - Place	£70,000 - £74,999	1
Head of Technology & Digital - Chief Executive's	£70,000 - £74,999	1

Group Manager Growth Infrastructure Development - Place	£70,000 - £74,999	1
Team Manager Psychology Services - Children & Families	£65,000 - £69,999	1
YPS Service Manager - Children & Families	£65,000 - £69,999	1
Group Manager Youth & Families - Children & Families	£65,000 - £69,999	1
Group Manager South Notts Ageing Well - Adult Social Care and Health	£65,000 - £69,999	1
Group Manager - Place	£65,000 - £69,999	1
Group Manager Assurance - Chief Executive's	£65,000 - £69,999	1
Group Manager HR and WOD - Chief Executive's	£65,000 - £69,999	1
Group Manager Mid Notts Living Well - Adult Social Care and Health	£65,000 - £69,999	1
Group Manager Support to Schools Service - Children & Families	£65,000 - £69,999	1
Group Manager Procurement & Contract Management - Chief Executive's	£65,000 - £69,999	1
Team Manager Education Improvement - Children & Families	£65,000 - £69,999	1
Group Manager Mid Notts Ageing Well - Adult Social Care and Health	£65,000 - £69,999	2
Group Manager South Notts (Hosp) Ageing Well - Adult Social Care and Health	£65,000 - £69,999	1
Group Manager LAC & Regulated Services - Children & Families	£65,000 - £69,999	1
Group Manager Maximising Independence Service - Adult Social Care and Health	£65,000 - £69,999	1
Group Manager South Notts Living Well - Adult Social Care and Health	£65,000 - £69,999	1
Group Manager North Notts Living Well - Adult Social Care and Health	£65,000 - £69,999	1
Group Manager Communications - Chief Executive's	£65,000 - £69,999	1
Education Adviser - Children & Families	£60,000 - £64,999	1
Group Manager Provider Services - Adult Social Care and Health	£60,000 - £64,999	2
EIA/Area Effectiveness/L&M Lead - Children & Families	£60,000 - £64,999	1
EIA/NQT/T&L - Children & Families	£60,000 - £64,999	1
Group Manager Customers - Chief Executive's	£60,000 - £64,999	1
Group Manager Partnership, Governance and Prov - Children & Families	£60,000 - £64,999	1
Group Manager North Notts Living Well - Adult Social Care and Health	£60,000 - £64,999	1
EIA/EY - Children & Families	£60,000 - £64,999	1
EIA/Closing the Gaps - Children & Families	£60,000 - £64,999	1
Education Improvement Advisor SEND - Children & Families	£60,000 - £64,999	1
Group Manager Commissioning & Placements - Children & Families	£55,000 - £59,999	1
Group Manager - Integrated Disability Service - Children & Families	£55,000 - £59,999	1
Transport & Travel Services Manager - Place	£55,000 - £59,999	1
Group Manager Business Support Centre - Chief Executive's	£55,000 - £59,999	1
Team Manager Principal Solicitor Litigation - Chief Executive's	£55,000 - £59,999	1
Group Manager Emergency Planning & Registration - Place	£55,000 - £59,999	1
Group Manager Safeguarding, Assurance and Improvement - Children & Families	£55,000 - £59,999	2

Senior Accountant - Chief Executive's	£55,000 - £59,999	1
Team Manager Principal Solicitor C & E Law - Chief Executive's	£55,000 - £59,999	1
Group Manager Business Support - Chief Executive's	£55,000 - £59,999	1
Group Manager Trading Standards - Place	£55,000 - £59,999	1
Manager Development & Partnerships - Place	£55,000 - £59,999	1
Senior Public Health & Commissioning Manager - Adult Social Care and Health	£55,000 - £59,999	10
Group Manager Historical Abuse (Temp) - Children & Families	£55,000 - £59,999	1
EIA/Area Effectiveness/Small Schools - Children & Families	£55,000 - £59,999	1
Tm Manager Schools & Family Specialist Services - Children & Families	£55,000 - £59,999	1
Senior Educational Psychologist - Children & Families	£55,000 - £59,999	6
Team Manager - Children & Families	£55,000 - £59,999	1
Group Manager Service Improvement - Children & Families	£55,000 - £59,999	1
Tm Manager Learning & Skills - Place	£55,000 - £59,999	1
Deputy Programme Director - Adult Social Care and Health	£55,000 - £59,999	1
Educational Psychologist - Children & Families	£55,000 - £59,999	1
Specialist Educational Psychologist - Children & Families	£55,000 - £59,999	1
Group Manager Service Improvement - Adult Social Care and Health	£55,000 - £59,999	1
Group Manager Strategic Commissioning - Adult Social Care and Health	£55,000 - £59,999	1
Group Manager QA & Citizen Safety - Adult Social Care and Health	£55,000 - £59,999	1
Head of Trading Standards - Place	£55,000 - £59,999	1
Educational Psychologist - Children & Families	£50,000 - £54,999	21
Assistant Head - Children & Families	£50,000 - £54,999	1
Senior PH & Commissioning Manager - Adult Social Care and Health	£50,000 - £54,999	1
RR Teacher Leader - Children & Families	£50,000 - £54,999	2
Service Manager - Children & Families	£50,000 - £54,999	2
Virtual School Coordinator - Children & Families	£50,000 - £54,999	1
HRET Co-ordinators - Children & Families	£50,000 - £54,999	1
	Total	135

Notes

Employees whose remuneration exceeds £150,000 are named

NCC Senior managers do not receive any bonuses or 'benefits in kind'

Pension contributions are as per the LGPS standard pay band are set out in the Pay Policy Statement 2022/2023

NCC policies relating to expense, allowances and loss of office are set out in the Pay Policy Statement 2022/2023

Local Government Salary Scales 2021/2022:

		Annual	Monthly	Hourly 37
NJE Grade 1	1	£18,333	1,527.75	9.50
	2	£18,516	1,543.00	9.60
NJE Grade 2	2	£18,516	1,543.00	9.60
	3	£18,887	1,573.92	9.79
	4	£19,264	1,605.34	9.99
NJE Grade 3	5	£19,650	1,637.50	10.19
	6	£20,043	1,670.25	10.39
	7	£20,444	1,703.67	10.60
NJE Grade 4	8	£20,852	1,737.67	10.81
	9	£21,269	1,772.42	11.02
	10	£21,695	1,807.92	11.25
	11	£22,129	1,844.09	11.47
	12	£22,571	1,880.92	11.70
	13	£23,023	1,918.59	11.93
	14	£23,484	1,957.00	12.17
NJE Grade 5	15	£23,953	1,996.09	12.42
	16	£24,432	2,036.00	12.66
	17	£24,920	2,076.67	12.92
	18	£25,419	2,118.25	13.18
	19	£25,927	2,160.59	13.44
	20	£26,446	2,203.84	13.71
	21	£26,975	2,247.92	13.98
	22	£27,514	2,292.84	14.26
Hay Band A	23	£28,226	2,352.17	14.63
	24	£29,174	2,431.17	15.12
	25	£30,095	2,507.92	15.60
	26	£30,984	2,582.00	16.06
	27	£31,895	2,657.92	16.53
	28	£32,798	2,733.17	17.00
Hay Band B	28	£32,798	2,733.17	17.00
	29	£33,486	2,790.50	17.36
	30	£34,373	2,864.42	17.82
	31	£35,336	2,944.67	18.32
	32	£36,371	3,030.92	18.85
	33	£37,568	3,130.67	19.47
Hay Band C	33	£37,568	3,130.67	19.47
	34	£38,553	3,212.75	19.98
	35	£39,571	3,297.59	20.51
	36	£40,578	3,381.50	21.03
	37	£41,591	3,465.92	21.56
	38	£42,614	3,551.17	22.09
Hay Band D	36	£40,578	3,381.50	21.03
	37	£41,591	3,465.92	21.56
	38	£42,614	3,551.17	22.09
	39	£43,570	3,630.84	22.58
	40	£44,624	3,718.67	23.13
	41	£45,648	3,804.00	23.66

		Annual	Monthly	Hourly 37
Hay Band E	41	£45,648	3,804.00	23.66
	42	£46,662	3,888.50	24.19
	43	£47,665	3,972.09	24.71
	44	£48,644	4,053.67	25.21
	45	£49,660	4,138.34	25.74
	46	£50,712	4,226.00	26.29
	47*	£51,724	4,310.34	26.81
	48*	£52,792	4,399.34	27.36
	49*	£53,858	4,488.17	27.92
Hay Band F	50	£54,926	4,577.17	28.47
	51	£56,010	4,667.50	29.03
	52	£56,698	4,724.84	29.39
	53	£58,110	4,842.50	30.12
	54	£59,522	4,960.17	30.85
	55	£60,932	5,077.67	31.58
	56*	£62,338	5,194.84	32.31
Hay Band G	57	£63,887	5,323.92	33.11
	58	£65,442	5,453.50	33.92
	59	£66,989	5,582.42	34.72
	60	£68,540	5,711.67	35.53
	61	£70,096	5,841.34	36.33
	62	£71,781	5,981.75	37.21
Hay Band H	63	£73,474	6,122.84	38.08
	64	£75,163	6,263.59	38.96
	65	£76,859	6,404.92	39.84
	66	£78,549	6,545.75	40.71
	67	£80,378	6,698.17	41.66
	68	£82,210	6,850.84	42.61
	69*	£84,047	7,003.92	43.56
	70*	£85,879	7,156.59	44.51
	71*	£87,712	7,309.34	45.46
Hay Band I	72	£88,403	7,366.92	45.82
	73	£90,349	7,529.09	46.83
	74	£92,291	7,690.92	47.84
	75	£94,235	7,852.92	48.84
	76	£96,183	8,015.25	49.85
	77	£98,268	8,189.00	50.93
Hay Band J	75	£94,235	£7,852.92	£48.84
	76	£96,183	£8,015.25	£49.85
	77	£98,268	£8,189.00	£50.93
	78	£100,352	£8,362.67	£52.02
	79	£102,431	£8,535.92	£53.09
	80	£104,519	£8,709.92	£54.17

ALL EMPLOYMENT POLICIES AND PROCEDURES LISTED BELOW WILL REQUIRE REVIEW AND POTENTIALLY AMENDMENT TO REFLECT THE REVISED GOVERNANCE ARRANGEMENTS CURRENTLY UNDER CONSIDERATION

Appendix B (2):

Nottinghamshire County Council' s Grading Policy

1. Introduction

This policy explains how posts within the County Council are graded. It covers all staff employed on the National Joint Council for Local Government Services (Green Book) conditions, excluding Corporate Directors.

2. Principles

2.1 The County Council is committed to ensuring that the grading of posts is undertaken to ensure consistency, fairness, openness and equality of treatment. In pursuit of this the following principles will be upheld:

2.1.1 All posts will be evaluated and graded using either the National Joint Council Job Evaluation Scheme or the Hay Job Evaluation Scheme according to the criteria set out in 3.1, and no other method.

2.1.2 Performance related pay will not be a feature.

2.1.3 The grade will relate to the post and not the employee.

2.1.4 There will be equal pay for work of equal value.

2.1.5 All considerations which may discriminate unfairly will be eliminated.

2.1.6 Grades need to accurately reflect the duties and responsibilities of the post, so where these have changed sufficient to be reflected in their evaluation then either managers or employees can request a re-evaluation.

3. Determining the Correct Evaluation Scheme

3.1 The following criteria will be applied to determine the most appropriate job evaluation scheme under which to evaluate a job. Jobs will be evaluated first under the Hay job evaluation scheme if:

3.1.1 The job requires a full professional qualification or an equivalent level of organisational policy and procedural knowledge (i.e. would score level 6 or higher for Knowledge in the NJC scheme or level E for Technical Know-how in the Hay scheme),
OR

3.1.2 The post holder manages a discrete function or activity, OR

3.1.3. The post holder is the Authority's corporate expert on a specialised technical subject.

3.2 If the job scores less than 175 points (Band A) under the Hay scheme, the job will then be evaluated under the NJC scheme and that score will determine the grade.

3.3 All other jobs will be evaluated first under the NJC scheme. If the job scores in excess of 600 points, it will be evaluated under the Hay scheme and that score will determine the grade.

3.4 Disputes regarding the correct scheme to use will be resolved by the Moderating Panel.

4. Process

4.1 The evaluation process will be the same regardless of the job evaluation scheme used.

4.2 Posts will need to be evaluated:

- When they are established
- Where there have been changes in the duties and responsibilities
- At the request of the manager or employee (where they can demonstrate that there has been a significant change to the role) • Following a restructuring where changes will impact on the post.

4.3 Where employees wish to have their posts re-evaluated, they must first discuss their concerns with their line manager. If the job holder and the line manager disagree about the need for a re-evaluation this should be resolved using normal Council procedures.

4.4 Where managers wish to put the post through a new evaluation, they must first inform the affected employees of their intention.

4.5 Having established the posts to be evaluated the manager will then contact the Job Evaluation Team to request the evaluation. However, it is important to note that where duties have been reallocated all affected posts must be re-evaluated.

4.6 The JE Team will issue a Job Description Questionnaire; the questionnaire will be the same regardless of the evaluation scheme to be applied.

4.7 Where the post is vacant then the manager must fill in the Job Description Questionnaire.

4.8 Where there is a single job-holder the job-holder should fill in the Job Description Questionnaire with the manager. Where the job-holder is a member of a trade union they can have the support of a steward.

4.9 Where the evaluation is for a small group of staff the manager should convene the whole group and complete the form together. Where there is a large group or where it is not possible for all staff to fill in the Job Description Questionnaire then the group must elect a representative to fill in the Job Description Questionnaire on their behalf. The completed Job Description Questionnaire should be shared with the whole group before being submitted for evaluation.

4.10 Completed job description questionnaires will be subject to an initial assessment by a Job Analyst. If any of the information in the form is unclear, incomplete or not relevant

the analyst will contact the line manager and/or the job holder to seek clarification. Any additional information gained will be shared with the job holder.

4.11 The Job Analyst will then evaluate the job using the appropriate job evaluation scheme.

4.12 The evaluation will then be moderated by a joint panel comprising an equal number of management and trade union representatives. The managers and employees will be notified of the evaluation of the post within 10 days of the moderating panel meeting.

4.13 The effective date of the evaluation shall be:

4.13.1 The date of the change / restructuring that triggered the evaluation, although this date cannot be more than 6 months before the request to be evaluated.

4.13.2 Where there are no identifiable points of change the effective date shall be the day the evaluation was requested.

5. Appeals

5.1 Introduction

5.1.1 Where employees are dissatisfied with the evaluation of their post, they have the right to appeal. Employees should normally appeal within 10 working days of written receipt of the outcome of the evaluation, although this may be extended if circumstances warrant it. Where employees appeal the evaluated grade will not be implemented until the outcome of the appeal is known.

5.1.2 The appeals process is the same regardless of the evaluation scheme used.

5.1.3 Appeals can result in job scores going up, staying the same or going down. Any change of grade that arises from the appeals process will be implemented with effect from the date of the changes that triggered the re-evaluation or 6 months, whichever is the less. Whenever the grade of a post is reduced as a result of an appeal, the Council's agreed pay protection scheme will apply.

5.1.4 The outcome of the appeal process will be final. There will be no further right of appeal, either within or outside the County Council.

5.2 Appeals Process

5.2.1 The grounds for appeal are that:

- The wrong job evaluation scheme has been applied; or
- The applicable scheme has been wrongly applied; or
- There is new or better information available to support the evaluation.

5.2.2 Appeals must be registered by the job holder using the published form. Appeals in respect of vacant posts may be registered by the line manager.

5.2.3 Following receipt of the completed registration form, the job evaluation team will request the completion of a job description questionnaire in respect of the relevant factors.

The job description questionnaire must be completed by the job holder and counter-signed by their line manager. If in exceptional circumstances the job holder and the line manager disagree about the accuracy of any of the information the job holder has provided, this should be resolved prior to submission of the form. The job holder may be assisted by their trade union representative, at their own discretion, and may seek advice from the job evaluation team.

5.2.4 Where there is more than one job holder in a particular job, a workplace meeting of the whole group of job holders will be convened. That meeting will decide whether or not an appeal should be pursued in respect of the job, on the basis of a simple majority of those present. If the meeting decides to pursue an appeal, members of the group will nominate a representative to complete the job description questionnaire on their behalf, but all members of the group will be given the opportunity to comment on the completed form.

5.2.5 Individuals or sub-groups who are able to demonstrate that their job is different from the rest of the group may be considered for a separate evaluation.

5.2.6 Completed job description questionnaires will be subject to an initial assessment by a Job Analyst. If any of the information in the form is unclear, incomplete or not relevant the analyst will contact the line manager and/or the job holder to seek clarification. Any additional information gained will be shared with the job holder.

5.2.7 Appeals will then be considered by a joint review panel. The joint review panel will comprise three members, two of whom have had no previous involvement in the job evaluation process for the post, with one member being from the joint moderating panel, to support consistent application of the scheme.

5.2.8 The panel will consider the evidence that has been submitted against all relevant factors. Where the panel considers that the evidence submitted impacts on factors other than those identified in the appeal, these will be taken into account by the panel and the appellant will be notified accordingly.

5.2.9 Where the evidence submitted clearly supports the appellant's case, the panel will uphold the appeal. The job evaluation team will notify the job holder and their line manager of the outcome of the panel's deliberations within 10 working days of the panel's meeting.

5.2.10 Where the evidence submitted is less clear cut, the meeting shall be adjourned, and the job evaluation team will write to the job holder setting out the panel's concerns.

5.2.11 The panel will subsequently be reconvened and the line manager, job holder and their representative, where requested, will be invited to attend. Where the appeal is on behalf of a group of job holders, the group's nominated representative(s) will be invited to attend.

5.2.12 This will provide the opportunity to highlight the areas of concern and for the panel to ask questions of the job holder and line manager to clarify areas of difference, following which all parties will be asked to withdraw.

5.2.13 The panel will then determine the outcome of the appeal taking account of any representations made. The outcome of the panel's decision will be notified within 10 working days.

5.2.14 Following completion of the above procedure there will be no further right of appeal.

Note - Where managers are concerned about their ability to recruit or retain staff on the evaluated grade then they may be able to make a case for a Market Factor Supplement (**see Appendix B3**).

Appendix B (3):

Nottinghamshire County Council's Process for Assessment and Approval of Market Factor Supplements (MFS)

1. Evidence required.

- 1.1 Where a Chief Officer believes that there may be a case for the payment of a market factor supplement in relation to a particular job, they will submit evidence to the Pay Board for consideration.
- 1.2 The Service Director responsible for the job in question or their delegated Group Manager will produce a report setting out the business case for the Board's consideration and may be required to attend a meeting of the Board to present the detail.
- 1.3 Evidence provided in the report should show that pay is a key factor in relation to the Authority's ability to recruit/retain employees in the job role concerned.
- 1.4 The evidence submitted will be based on the following criteria and should be shown in a number of these areas in order to give a rounded picture.
 - Information from external salary surveys showing that NCC pay is below the market rate for the job;
 - Press articles about particular national skills shortages in the related occupational area;
 - Information about similar jobs elsewhere that offer greater remuneration packages. These should not be taken simply at face value but should consider:
 - The comparability of the job description and person specification requirements
 - The geographical location of the job(s) and the relative cost of living
 - How typical the job(s) and package are – a review of other external recently advertised, similar jobs should take place to get a balanced view.
 - Evidence that employees/potential employees within a particular employment group or geographical area are being attracted to alternative jobs within that employment group, area or other organisation and that pay is the main driving factor in this.
 - Evidence of recruitment difficulties. The reasons for such difficulties need to be examined to establish whether or not pay is the key issue. Closer examination should involve:
 - Advertising response rates and the media used.

- Surveys of individuals who have shown an interest (requested job details) but not returned an application to establish their reasons.
- Other supporting evidence may include:
 - Evidence of job offers to individuals
 - Turnover rates within the team/section – there would need to be evidence from exit interviews that pay is the cause of high turnover and not some other factor.

2. **Process for approval.**

- 2.1 If Pay Board is not satisfied that sufficient evidence exists to show the need to pay a market factor supplement it may either reject the request, giving reasons to the Chief Officer concerned, or ask that more evidence is provided in order that further consideration may be given before it makes its final recommendation. In the case of partnership posts the Chief Officer of the partners concerned will make the final decision. The grounds for such decisions will be recorded, to help ensure a consistent approach to such cases.
- 2.2 If the Pay Board is satisfied that sufficient evidence exists (in accordance with the criteria set out above) details of the post and the evidence provided may be forwarded for independent validation. Pay Board may also ask Senior HR Business Partners, or where appropriate external agencies to:
- Advise the Pay Board where, in their experience, this type of job requiring the appropriate skills, experience etc. would attract higher pay than the original evaluation supports, and
 - Advise the Pay Board of the appropriate pay band to be awarded as a market factor supplement that they would recommend in relation to this job.
- 2.3 The Pay Board will consider the advice received from the independent agency, plus any other data (e.g. from the Local Government Information Unit) that may be relevant to that particular job, when drawing up its final recommendation.
- 2.4 Pay Board will make a recommendation on an appropriate indicative level of payment for the Market Factor Supplement, normally prior to the selection process for the post. Where this results in recruitment difficulties Pay Board may be asked to reconsider the recommended level of payment in the light of additional information arising from the recruitment process.
- 2.5 The recognised trade unions will be informed of all decisions to pay Market Factor Supplement.

- 2.6 The payment of any Market Factor Supplement will be time limited for up to a maximum of three years and subject to annual review. The outcome of the review will normally be applied according to the circumstances of the case. (In the case of a fixed term contract, the Market Factor Supplement will be set for the duration of the contract, subject to a maximum of three years.) Re-assessment of market factor supplement payments will take place through the collection of evidence and process set out in this document.
- 2.7 Where a base grade changes after appeal, any market factor supplements will be assimilated into the pay adjustment for the substantive grade. Appendix B (4):

Nottinghamshire County Council's Policy on Acting Up and Honoraria Payments

Criteria for Awarding Acting-up and Honoraria Payments

1. Principles

- 1.1 The policy and payment criteria for both acting up and honoraria payments will apply to all posts, regardless of the amount of payment involved.
- 1.2 Payment of any acting up or honorarium will only apply to situations of more than four weeks in duration.
- 1.3 Payment of any acting up or honorarium will usually be for a maximum of 12 months.
- 1.4 If an honorarium or acting up arrangement is to continue beyond six months, it should be reviewed at six months and in any event, in normal circumstances, should not exceed 12 months.
- 1.5 Where the change to the job role is permanent, it should be re-evaluated under current job evaluation arrangements to take the new duties into account.
- 1.6 Senior officers are expected to work flexibly, and honoraria provisions will not normally apply to officers on Hay Band F and above, other than in very exceptional circumstances agreed by the Chief Executive.
- 1.7 Project work, including cross cutting corporate project work and project work involving external partners is a requirement of all senior officers on Hay Band F and above and will not, normally, merit an honorarium payment.
- 1.8 Departments will ensure that this requirement is reflected in job descriptions for all posts at third tier level in the new departmental structures, subject to collective agreement.
- 1.9 Opportunities for discrete and time limited project work, which may be promotional, should **normally** be advertised in accordance with agreed recruitment and selection guidelines and will be appointed to at the evaluated rate for the project duties and responsibilities concerned.
- 1.10 Honoraria will not usually be paid where additional work is undertaken which is of a like nature to the individual's existing job description i.e. of the same type at the same level.
- 1.11 A fully documented business case should be made by the department to support all proposals for acting up and honoraria payments.
- 1.12 The business case will include evidence to illustrate the following:
 - 1.12.1 The reason for the proposed payment, for example to cover a long-term absence or undertake a specific piece of work
 - 1.12.2 Posts affected and grades of the substantive and higher level / alternative duties involved

1.12.3 The extent of different and /or additional duties involved i.e. - full or partial, if partial quote percentage

1.12.4 The duration, specifying dates from and to

1.12.5 Alternatives considered. In many situations the need for extra work of the same type to be undertaken on a temporary basis can be accommodated without the need for additional payment

1.12.6 Cost. The calculation of the amount of payment should be made in accordance with the guidance set out under the criteria for calculating payments.

1.13 These rules should normally be applied in each case, however, where this can be demonstrated by the business case; in very exceptional cases it may be more appropriate to adopt a token payment approach.

2. Process

2.1 The circumstances potentially justifying an honorarium, and where possible the likely period involved, shall be identified at the outset and agreed with the employee.

2.2 The manager should submit their written business case, listing all the elements set out in 1 above, to their departmental management team.

2.3 The advice of the HR team should be sought as necessary and the proposal copied to the Service Head (HR).

2.4 Corporate Directors will apply the criteria at 1 above and decide whether honoraria or acting up proposals should be implemented, seeking the advice of the Service Director Corporate Services (HR) as necessary.

2.5 The Corporate Director's decision on honoraria will be subject to scrutiny through Delegated Decision.

2.6 Decision reports on honoraria should be constructed in such a way as to avoid the need for exemption.

3. Definition

3.1 Acting up

3.11 An “acting up” situation is defined as one where an employee(s), for any reason other than annual leave, is called upon to undertake the full duties and responsibilities of a higher graded post for a continuous period of at least four weeks.

3.12 Acting up may be shared between two parties on a pro- rata basis. To qualify as “acting up”, the employee(s) concerned must undertake **the full duties and responsibilities** of the higher-level post, as set out in the agreed job description, for the duration of the period concerned i.e. 100 percent of the duties for a specified percentage of the time.

3.13 Consideration should be given to advertising more widely in longer term situations such as maternity cover.

3.14 After four weeks, an approved acting up payment commensurate with the evaluated grading of the post temporarily occupied will be made, backdated to the first day of acting up, period, as set out in the delegated decision report.

3.2 Honoraria

3.21 An honorarium payment may be granted in circumstances where employees temporarily undertake a proportion of a higher level of duties and responsibilities outside the scope of their normal post, where these are significant and over an extended period, but short of undertaking the full duties and responsibilities of the higher graded post.

3.22 Such circumstances may include:

3.2.2.1 Shared responsibility with more than one employee undertaking a specific and or separate part of a wider role which has been evaluated as having higher level duties.

3.2.2.2 A substantial addition of some higher-level duties to the employee's job for a specific period and where a permanent re-evaluation as a changed job is deemed inappropriate.

3.2.3 The proposed payment shall be paid in the normal pay cycle and shall have regard to:

3.2.3.1 The evaluated level of the higher graded job. This may necessitate a reference to the Job Evaluation team if the higher-level work has changed significantly.

3.2.3.2 Any additional hours over and above the employees existing contractual hours worked over the applicable period. These will be remunerated at plain time rates, subject to the discounting of four hours each week or any extra working associated with the employee's substantive job, whichever is greater.

3.2.3.3 Pro rata principles where applicable e.g. two or more employees sharing a higher graded post by undertaking separate and distinct duties within it.

Criteria for the Calculation of Acting Up and Honoraria Payments

1. Acting up payments

1.1 Where an individual undertakes the full duties and responsibilities of a more highly graded job, subject to satisfying the criteria for awarding payments, they should receive the salary appropriate to the bottom point of the evaluated grade of the higher graded job.

1.2 Where there is an overlap between the individual's current spinal column point on their substantive grade and the bottom point of the pay band of the higher graded job, they should be awarded one additional increment.

1.3 Where individuals are in receipt of an agreed salary protection and there is a difference between their protected grade and that of the substantively higher graded job, the acting up payment should be calculated based on the difference between their protected salary and the grade of the higher job for the duration of their ongoing protection period.

1.4 If the protected grade is higher than the grade of the "acting up" in relation to the individuals' substantive post, the higher-level protection will continue to apply for the duration of the remaining protection period, reverting to an acting up situation as and when the protection ends.

1.5 All payments will be back-dated to the start of the arrangement, subject to any annual incremental progression but excluding accelerated incremental pay.

2. Honoraria Payments - Higher Graded Posts

2.1 Where an individual undertakes a proportion, but not all, of the duties of a more highly graded job (i.e., partial acting up), an honorarium payment may be made, subject to satisfying the criteria for awarding payments.

2.2 The total amount payable will be calculated by assessing the proportion, expressed as a percentage, of the higher graded role that is being undertaken, and multiplying this by the difference in pay between the current and higher graded role for the period of partial acting up.

2.3 The honorarium should be paid in monthly instalments (back-dated to the start of the arrangement), particularly where there is uncertainty about the likely duration of the partial acting up.

2.4 The rate used should be the spinal column point that the individual would receive if they were appointed to the higher graded job. This would normally be the minimum of the grade but may be higher (i.e. the next available increment above the individual's own current pay) in the case of overlapping pay bands.

2.5 Where individuals are in receipt of an agreed salary protection, the honoraria payment should be calculated based on the difference between their protected salary and the grade of the higher job for the duration of the ongoing protection period.

3. Undertaking Additional Duties

3.1 An honorarium may also be appropriate where an individual at band E or below undertakes work from a different job type in addition to their own role, with no additional staffing resource, and that work is evaluated on the same pay band.

3.2 Such honorarium payments will normally be based on five percent of the individual's substantive pay (including any ongoing salary protection) for the period of undertaking additional duties.

Appendix B (5):

Nottinghamshire County Council's Policy on Redundancy and Early Retirement

1. Definition

- 1.1 A "redundancy" occurs where the County Council needs to reduce its workforce, for example where an establishment is closing down, or because fewer employees are needed for work of a particular kind. Normally the job will have disappeared.
- 1.2 Non-school based employees affected by redundancy, will be considered under the provisions of the Redeployment Policy.
- 1.3 Agreed process for selection for redundancy of employees on teacher's terms and conditions and support staff based in schools is separate and any changes will be discussed through the School and Soulbury JCNP. Consultation with trade unions on any proposed redundancies will be in accordance with the specific procedure and guidance covering these employees which is in place at the time.

2. Redundancy Situations

- 2.1 Compulsory redundancy will only be instigated when all other reasonable available means of managing business needs have been considered and exhausted.
- 2.2 Details of proposed large-scale redundancies including the full financial implications will be subject to departmental or corporate Delegated Decision Reports as appropriate to the service(s) concerned.
- 2.3 Corporate Directors should identify and quantify possible redundancies and make every effort to identify posts and therefore individuals who are at risk of redundancy.
- 2.4 The County Council will endeavor to ensure that all reasonable means are utilised to effectively manage employee redundancies arising out of redundancy situations.
- 2.5 To reduce the possibility of compulsory redundancy, the following measures may be considered where appropriate:
 - the possibility of releasing a "not at risk" employee to avoid an "at risk" employee being made compulsorily redundant (this is known as "substitution" or "bumping"), dependent upon available posts, transferability of skills experience, timescale and budget
 - voluntary reduction in hours or "job sharing": may be appropriate where a redundancy situation could be avoided by a number of employees reducing their hours
 - voluntary redeployment: dependent upon available posts, transferability of skills experience, timescale and budget

- voluntary redundancy/early retirement: seeking expressions of interest from employees who are willing to volunteer for redundancy (see 2.6 below).
- 2.6** Corporate Directors have delegated authority to agree individual cases of voluntary redundancy, with or without early retirement, taking account of the financial implications.
- 2.7** There is no guarantee that every request for voluntary redundancy will be agreed and employees expressing an interest are not bound to accept the severance package offered, neither will they be able to appeal a refusal of their application.
- 2.8** The basic principles as regards voluntary redundancy are:
- there is a need to reduce staff numbers in the volunteers' service area
 - releasing the volunteer will allow another employee at risk to secure continued employment
 - the remaining staff have the skills, qualifications and experience to fill the remaining posts and ensure continued excellent service delivery
- 2.9** In the event that there are more volunteers than reductions required, selection will be made using a skills audit to ensure service delivery can be maintained and account will be taken of the cost to the Council of agreeing the redundancy in each case.
- 2.10** Individuals taking early retirement should be encouraged to attend a pre- retirement course, organised through the County Council, details are available on the Learning and Development System (LDS).

3. Consultation

- 3.1** There are statutory requirements in relation to consultation which the Council are required by law to comply with where it is proposed to dismiss 20 or more employees (Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULR (C) A) 19), however, it is normal County Council policy to also apply the 30 day consultation period in circumstances involving less than 20 people wherever possible.
- 3.2** The purpose of consultation is to provide as early an opportunity as practicable for all concerned to share the problems and explore options. The County Council will keep the trade unions informed as fully as possible.
- 3.3** Consultation will begin:
- at least 30 days prior to the first notice of dismissal being issued when the County Council proposes to dismiss as redundant up to 100 employees at any one establishment in a 30-day period
 - at least 45 days prior to the first notice of dismissal being issued when the County Council proposes to dismiss as redundant 100 or more employees at any one establishment in a 45-day period.

- 3.4** In general, consultation should begin as soon as the possibility of redundancy arises to agree a protocol in relation to the information on which employees and trade union representatives will be consulted and a commitment to consider alternative proposals.
- 3.5** The consultation process should precede any public announcement of specific redundancies.
- 3.6** The statutory rules require the authority to consult on the following:
- the reason for the redundancies
 - the number of and type of employees affected as against the overall number of employees of that type
 - the method of selecting for redundancy
 - the method of carrying out the dismissals and the time period after which the dismissals will happen
 - the method of calculating the redundancy payment.
- 3.7** No notices of dismissal will be issued until consultation is completed. Consultation will be through the trade unions or other employee representatives and will be undertaken at the earliest opportunity to also seek ways to mitigate and avoid redundancies wherever possible.
- 3.8** The only possible exception to this may be where applications for voluntary redundancy have been approved, the employee has accepted the severance package on offer and the authority can issue formal notice of dismissal and the employees trade union or if a non-union member their representatives agrees to their early release prior to completion of the consultation.

4. Selection for redundancy

- 4.1** Posts at risk will be identified before any selection of individuals for redundancy has been carried out.
- 4.2** Individual employees at risk will be identified following an enabling or redundancy selection process designed to determine which of the employees working in a prospective redundancy situation are at risk of redundancy and from what date.
- 4.3** There are occasions when the employees at risk are identified automatically by the very nature of the duties undertaken and the area of redundancy.
- 4.4** Once the employee has been informed that they have been identified, they should be invited to a formal, individual meeting with the manager who is responsible for making the final decision in relation to redundancy (or another designated officer). The employee is entitled to be represented by their trade union representative, colleague or other identified support person at these meetings. Formal notice of dismissal may be issued following this meeting. See [Managing the Consultation Process](#) for checklists and further guidance.

5. Appeals

- 5.1 Statutory dismissal and redundancy procedures are revoked under the Employment Act 2008, including redundancy situations.
- 5.2 Employees selected for redundancy will have a right of appeal against dismissal to a Corporate Director not previously involved in the case.
- 5.3 The process for the appeal will be in accordance with the Appeal Hearing Procedure except that management reserve the right to present cases collectively where the business case is the same.
- 5.4 An appeal should be lodged with the Corporate Director within 10 working days of receipt of such confirmation of dismissal by reason of redundancy. The full process and supporting pro-forma are available from [HR Teams](#).
- 5.5 Any appeal in relation to compulsory redundancy is limited to the application of the redundancy process on the grounds that the selection for redundancy was unfair. The appeal process cannot be used to complain about the fact of the business decision to reduce or cease work in a particular area.
- 5.6 There will be no right of appeal in respect of non- selection for voluntary redundancy or refusal to agree an application for voluntary redundancy.

6. Training and Retraining

- 6.1 The Employment Rights Act 1996 gives employees with 1 year or more continuous employment who are to be made redundant a right to reasonable time off work with pay to arrange training or to look for new employment.
- 6.2 The granting of leave to enable redundant employees to seek alternative employment is a matter for Corporate Director's discretion (or another designated officer). As a general guide, it may be considered appropriate to allow up to 3 days for this purpose, but it should be borne in mind that the entitlement is an individual one and each case should be considered on its own merits.

7. The Statutory Redundancy Payment

- 7.1 The Government has exempted the determination of statutory redundancy payments from the provisions of the Equality Act 2010 which apply to the calculation of any additional, discretionary payments.
- 7.2 Any employee with over 2 years' service who is made redundant will be entitled, in accordance with the statutory formula, to a minimum statutory redundancy payment in accordance with the Equality Act 2010, which is based upon their actual pay.
- 7.3 The amount of statutory redundancy payment depends on an employee's age, length of service and the amount of their normal contractual week's pay:
 - 0.5 week's pay for each full year of service where age during the year is less than 22

- 1 week's pay for each full year of service where age during the year is 22 or above but less than 41
- 1.5 week's pay for each full year of service where age during the year is over 41.

7.4 Only continuous service with organisations covered by the Redundancy Payments (Continuity of Employment in Local Government etc.)

(Modification) Order 1999 should be treated as reckonable when calculating an individual's entitlement to a redundancy payment. Contracts must be successive and any break in continuous service, as defined above, will not count as reckonable.

7.5 See the list of organisations covered by the Modification Order.

7.6 The maximum service which can be taken into account under statutory provisions is 20 years, the maximum payment allowable 30 weeks pay and the maximum amount which may be used to calculate a week's pay is £450

(as at 1st February 2013).

8. Additional Discretionary Redundancy Pay

8.1 Local authorities are able to grant, at their discretion, benefits in excess of the statutory provisions to employees who cease their employment prematurely on the grounds of redundancy.

8.2 In order to comply with the Equality Act 2010, local authorities are required to develop and publish their own policy on the award of any discretionary payments for loss of employment.

8.3 Nottinghamshire County Council has exercised this discretion to apply a multiplier of 1.65 on the statutory redundancy formula based on age and local government service, capped at 30 years reckonable service.

8.4 Redundancy payments are therefore calculated using the discretionary formula which already includes the statutory element.

8.5 This allows up to 50 weeks actual salary in all cases, regardless of whether the individual is under or over 55 years of age or whether the individual concerned is in a pension scheme.

8.6 A copy of Nottinghamshire County Council's redundancy payment calculator is available at **Appendix B (6)**.

8.7 Under LGPS regulations, any redundancy payment is subject to the employee not being in receipt of any offer of alternative employment, outside of the county council's redeployment processes, prior to the last day of service and within 4 weeks of termination, regardless of the start date of the new employment.

9. Efficiency Termination

- 9.1 The provisions for the Council to effect a termination 'in the interests of the efficiency of the service' will be used in exceptional cases only and will be subject to the agreement of the relevant Corporate Director.
- 9.2 The distinction between efficiency and redundancy is that in the latter the resultant vacancy is not filled.
- 9.3 The circumstances in which employment may be terminated on efficiency grounds are not simply reorganisation/restructuring (such cases are more often on redundancy grounds) but are more generally related to health/ability/age considerations.
- 9.4 Appropriate cases are those involving an employee over 55 years of age and demanding an element of compassion e.g. the application of the provisions may be justified in a case of intermittent ill-health where a person does not qualify for immediate payment of pension benefits on grounds of permanent incapacity; or where an employee with long service becomes unable to adapt to modern methods or to a change of post and the County Council cannot accommodate them elsewhere.
- 9.5 There will be no award of added years in any circumstances.
- 9.6 It is important to stress that a decision on each case must be reached 'on the grounds of the efficient discharge of the County Council's functions' and not merely on the basis of financial savings for the County Council, this being necessary in order to comply with the appropriate pension regulations.

10. Retirement on Health Grounds (Permanent Incapacity)

See Retirement on Ill Health Grounds, Personnel Handbook.

11. Pension/Gratuity Payments

When dealing with cases of redundancy, it is necessary to bear in mind the following considerations relating to pension/gratuity payments:

11.1 Pension Position of Employees Under 55 Years of Age at Termination

With less than three months membership in the scheme - contributions may be refunded or accrued rights transferred to the Pension Scheme of a new employer.

With three months or more membership in the scheme - accrued rights may be either transferred to a new scheme or left in the Pension Fund as deferred benefits payable at pension age. Alternatively, an election to receive early payment may be made at or after age 55 (with employer's consent if under 60).

11.2 Non-Pensionable Employees Aged Over 55 Years at Termination

Gratuity payments are payable to employees over 55 years of age, who are made redundant provided that 15 years' service has been completed (See Gratuity Scheme, Personnel Handbook).

Appendix B (6): Redundancy Payment Calculator

Age/Years	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
17	1																												
18	1	1.5																											
19	1	1.5	2																										
20	1	1.5	2	2.5																									
21	1	1.5	2	2.5	3																								
22	1	1.5	2	2.5	3	3.5																							
23	1.5	2	2.5	3	3.5	4	4.5																						
24	2	2.5	3	3.5	4	4.5	5	5.5																					
25	2	3	3.5	4	4.5	5	5.5	6	6.5																				
26	2	3	4	4.5	5	5.5	6	6.5	7	7.5																			
27	2	3	4	5	5.5	6	6.5	7	7.5	8	8.5																		
28	2	3	4	5	6	6.5	7	7.5	8	8.5	9	9.5																	
29	2	3	4	5	6	7	7.5	8	8.5	9	9.5	10	10.5																
30	2	3	4	5	6	7	8	8.5	9	9.5	10	10.5	11	11.5															
31	2	3	4	5	6	7	8	9	9.5	10	10.5	11	11.5	12	12.5														
32	2	3	4	5	6	7	8	9	10	10.5	11	11.5	12	12.5	13	13.5													
33	2	3	4	5	6	7	8	9	10	11	11.5	12	12.5	13	13.5	14	14.5												
34	2	3	4	5	6	7	8	9	10	11	12	12.5	13	13.5	14	14.5	15	15.5											
35	2	3	4	5	6	7	8	9	10	11	12	13	13.5	14	14.5	15	15.5	16	16.5										
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14.5	15	15.5	16	16.5	17	17.5									
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15.5	16	16.5	17	17.5	18	18.5								
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16.5	17	17.5	18	18.5	19	19.5							
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17.5	18	18.5	19	19.5	20	21.5						
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18.5	19	20	20.5	21.5	23	24.5					
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26				
42	2.5	3.5	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5	25.5	26.5	27.5			
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29		

Age/Years	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
44	3	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5	25.5	26.5	27.5	28.5	29.5		
45	3	4.5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
46	3	4.5	6	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5	25.5	26.5	27.5	28.5	29.5	30.5	31.5	32.5
47	3	4.5	6	7.5	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33
48	3	4.5	6	7.5	9	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5	25.5	26.5	27.5	28.5	29.5	30.5	32.5	32.5	33.5
49	3	4.5	6	7.5	9	10.5	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
50	3	4.5	6	7.5	9	10.5	12	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5	25.5	26.5	27.5	28.5	29.5	30.5	31.5	32.5	33.5	34.5
51	3	4.5	6	7.5	9	10.5	12	13.5	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35
52	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5	25.5	26.5	27.5	28.5	29.5	30.5	31.5	32.5	33.5	34.5	35.5
53	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
54	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	20.5	21.5	22.5	23.5	24.5	25.5	26.5	27.5	28.5	29.5	30.5	31.5	32.5	33.5	34.5	35.5	36.5
55	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37
56	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	23.5	24.5	25.5	26.5	27.5	28.5	29.5	30.5	31.5	32.5	33.5	34.5	35.5	36.5	37.5
57	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38
58	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	26.5	27.5	28.5	29.5	30.5	31.5	32.5	33.5	34.5	35.5	36.5	37.5	38.5
59	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28	29	30	31	32	33	34	35	36	37	38	39
60	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	29.5	30.5	31.5	32.5	33.5	34.5	35.5	36.5	37.5	38.5	39.5
61+	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	30	31	32	33	34	35	36	37	38	39	40

Appendix B (7):

Nottinghamshire County Council's Policy on Flexible Retirement

Part 1: Flexible Retirement – Employee Information

1. Who does the policy apply to?

Under the Local Government Pension Scheme Regulations 2006, employees who are members of the scheme and aged 55 or over can apply for flexible retirement in circumstances where, with the employer's consent, the employee reduces either their contracted hours of work and/or grade of post.

Nottinghamshire County Council is committed to offering older employees flexible options for the transition from working life to retirement, that balance both the needs of employees and those of the Council where this is affordable to the council.

2. Who is excluded from the provisions?

Employees who are members of other occupational schemes (e.g. the Teachers' Pension Scheme) or who have made alternative pension arrangements outside of the LGPS will not be able to benefit from the flexible retirement pension options set out below. Similar arrangements will be negotiated through the CFCS department JCNP.

3. Benefits of Flexible Retirement

Flexible retirement can offer benefits to both employers and employees, by:

- Helping with the management of organisational change by providing an option to older workers, whose employment may be at risk, thus helping to avoid redundancies and associated costs.
- Helping to develop a balanced age profile within the workforce by retaining older workers and keeping their skills, knowledge and expertise within the workplace.
- Offering opportunity for better succession planning and developing the capacity for older workers to act as mentors.
- Giving employees greater flexibility to balance their home and work commitments and interests.

These flexible retirement provisions apply to those employees of the Council who are members of the Local Government Pension Scheme (LGPS).

4. Pension benefits - Employees age 55 and over

Under changes made by HM Revenue and Customs in 2006, employees can receive pension benefit whilst still holding the job through which this was accrued. As a result, an employee aged 55 or over whom, with their employers' consent, reduces their contracted hours or grade, can apply to receive their accrued pension benefits. Those employees aged 55 or over, whose application to receive their pension through this route is approved by the Council, will receive their reduced pay (either through a reduction in hours of their existing post or working in a lower graded post) as well as the pension benefit accrued to the point at which the change took effect. This may or may not be actuarially reduced; this will depend on your age and service

Key Points to Note

4.1 There may, dependent on individual circumstances, be a cost to the employee (in the form of an actuarial reduction in pensions benefits) through taking the flexible retirement option. They will, however, receive the pension that they would have been entitled to had they fully retired at that point in their working life.

4.2 From the point at which flexible retirement benefits are taken, pension contributions into the LGPS may continue, but this will be treated as a new membership of the scheme. As a result, when the employee finally retires, they will be entitled to a second pension based on this second period of service.

4.3 If the employee finally retires (from this further employment) before age 65, it is likely that pension benefits accrued during this second period of pension scheme membership will be actuarially reduced, although the employee may opt to have payment of pension benefits deferred until they reach age 65.

4.4 An important factor to be considered is that once a pension has been agreed and put into place, it cannot be recalculated and an actuarial reduction, once in place, cannot be rescinded.

There may be circumstances where an employee takes the flexible retirement route and starts contributing to a new pension, but subsequently faces ill health retirement or redundancy. In these scenarios, it is important to seek advice from the pension team on individual circumstances. All employees who are considering the flexible benefits option should look into the possible impact of future events on pension payments over the longer term.

Where flexible retirement cannot be supported on cost grounds employees should consider what other alternatives might be available to them, such as a straightforward reduction in contracted hours – this should be discussed with the line manager or HR team. Advice on the personal pension implications of any such change is available by contacting the pension helpline (see paragraph 12).

5. Planning Ahead

Retirement is a key life event and employees may be apprehensive about such a major change. Employees will need to be aware of the guidance that is available to them in good time so that they can make informed choices about their retirement; managers should support employees seeking such guidance. The best time to seek advice will depend on the employee's personal circumstances and when they plan to retire although in normal circumstances it may be helpful to employees to seek initial advice around five years prior to the anticipated retirement date.

Employees will need to ensure that any decisions that they may make when considering flexible retirement options fully take into account their financial liabilities/commitments. Sources of advice include:

- An independent financial adviser
- Your bank or building society – but who, in most cases, will advise only in respect of their own financial products and services
- Voluntary organisations such as Age Concern (**website:** www.ageconcern.org.uk) and Citizens Advice Bureau (**website:** www.citizensadvice.org.uk) – particularly in respect of state pensions, benefits and debt management
- NCC Welfare rights (**website:** www.nottinghamshire.gov.uk/benefitsadvice) – benefits entitlements

Whilst the pensions team will be able to provide you with pension figures should you be interested in taking advantage of the flexible retirement provisions, they will not be able to advise on which particular course of action to take.

7. Pension Implications

Employees may be concerned about the effect of flexible retirement choices on their pension. Further details in terms of the options for early retirement and flexible retirement are contained within the Guide to the Local Government Pension Scheme, copies of which are available by contacting the pension team.

The LGPS is currently the subject of a government review, and the terms and benefits available under the scheme may be subject to change as a result. It is vital that before taking any final decisions employees contact the pensions helpline on **tell:** 0115 846 3333 for more detailed information on their own pension position.

8. Pay

Employees taking up flexible retirement options resulting in their working reduced hours will be paid on a pro rata basis, according to the number of hours worked. Those moving to a lower graded post will receive payment at the maximum spinal point of the lower graded post; pay protection provisions will not apply in these

circumstances. Employees considering such options should satisfy themselves that their financial commitments can be covered.

9. Leave

Where flexible working options are adopted resulting in reduced hours, leave entitlement will be calculated on a pro-rata basis as set out in the Personnel Handbook. Where a new post has been taken up the new leave entitlement (relating to grade and number of years continuous service) will apply.

10. Continuous Service

Continuous service will be preserved when taking up a flexible retirement option if the employee remains in NCC employment without any break in service.

11. Changes to Contracts of Employment

Where an employee takes up one of the flexible retirement options set out above, all matters relating to changes to contracts of employment and the payment of pensions will be dealt with at the Business Services Centre.

12. LGPS Pensions Helpline

Pension scheme members can obtain further information by contacting the Council's pension help line on **tell:** 0115 846 3333.

More information about the local government pension scheme is available on the Nottinghamshire Pension Fund **website:** www.nottspf.org.uk.

13. Pre-retirement Courses

There is a one-day pre-retirement course available for employees approaching retirement age arranged by the Corporate Learning and Development team in the Resources department. Details of the course programme, dates and availability of places are available through the Learning and Development System (LDS).

Part 2: Flexible Retirement – Policy and Procedure

1. The granting of flexible retirement linked to a reduction in hours or grade requires employer consent, which will be at the Council's discretion.
2. Employees interested in applying for flexible retirement should, in the first instance, apply in writing to their team manager. Where a request is received, the manager will consider the request and discuss it with the employee and seek figures/costs information from the Pensions team. When figures have been received, the manager should meet with the employee to discuss these and the options available. The manager should then inform the employee, within 14 days of this meeting, whether the flexible retirement request will be supported. If this

timescale cannot be achieved (e.g. where undergoing job redesign and evaluation) the employee should be kept fully informed.

3. Team managers will need to examine each request, by considering the service needs and workload management implications alongside the needs of the employee. In cases where a team manager recommends approval of a flexible retirement request, a flexible retirement business case will need to be prepared to support a formal decision by the relevant service director.

4. Any planned changes to the establishment arising from a flexible retirement request should be subject to trade union consultation.

5. The Council will normally require a minimum reduction in contracted hours of at least one full working day (i.e. 20 percent of contracted hours) for full time employees.

6. A similar minimum reduction of 20 per cent (on a pro rata basis) will normally be required for part time employees.

7. For cases where the granting of a flexible retirement request will result in a pension strain cost to the Council, a reduction of up to 50 percent of contracted hours will normally be required, dependent upon the circumstances of the case.).

8. In cases of disciplinary, attendance management or capability procedures being underway, the Council may decline to consider requests for flexible retirement until any such cases have been fully dealt with (including appeals stages).

9. The Council will not normally consider redesigning jobs with a view to reducing the grade solely to facilitate flexible retirement; exceptions to this may include where this would facilitate the retention of particular skills in areas with recruitment difficulties or where it might meet a temporary service need pending restructure. In such cases the change in grade will be determined through the application of the appropriate job evaluation scheme (which will be done prior to final consideration of the request). Any reduction in grade must be at least one grade band in the Council's pay structure to qualify.

10. Requests to reduce hours/grade may be made where pension is not claimed or where the employee is not a member of the LGPS. Any such requests will be considered on their merit and will be dealt with as variations of contract by mutual agreement.

11. All cases resulting in a cost to the department will be subject to a formal delegated decision by the relevant Service Director. In these cases:

11.1 details of the proposed retirement and any related establishment matters

11.2 cost implications

11.3 service/ongoing workload management implications.

12. All other cases that are supported by managers, for which there is no cost to the employing department, will be subject to a formal decision by the relevant Service Director under delegated powers and recorded on the delegated decision log.

13. If the employee's pension is subject to a reduction for early retirement, then the Council will only consider waiving that reduction (at additional cost to the Council) in exceptional circumstances.

14. Where a flexible retirement request is declined, the employee will be informed by their manager in writing, with the reason for the rejection stated.

15. Any changes to employment under this policy will be permanent in nature and will be subject to acceptance of a new or amended contract of employment, as appropriate. In cases of reduction of hours, terms and conditions will be applied, where applicable, on a pro rata basis.

16. Any employee complaint about the application or outcome of the flexible retirement procedure will be dealt with through the Council's grievance procedure.

17. Where a flexible retirement package based on a reduction in grade is agreed, this will be on the basis of a mutually agreed variation of contractual terms and the Council's pay protection policy will not apply.

18. Where flexible retirement is agreed for an employee already on a protected salary, pay protection will cease when the flexible retirement arrangements commence, as this is a voluntary agreement and the employee will be in receipt of their pension.

Appendix B (8):

Nottinghamshire County Council's Policy on the Re-employment or Re-engagement of Former Employees

1. Introduction

This section covers the re-employment or engagement of former employees who have received a redundancy payment from the Authority and/or who are already in receipt of their Local Government Pension Scheme (LGPS) pension benefits.

The re-engagement of former employees can, in some circumstances, provide practical solutions to specific workload/project staffing needs. Former employees will also have a wealth of knowledge about and experience of the organisation.

However, there is a danger that such appointments, if not considered and made through a structured approach, can be seen as nepotism (favoritism; denying developmental opportunities to current staff; circumventing equalities provisions and potentially denying redeployment opportunities to staff at risk of compulsory redundancy).

For those staff leaving on voluntary redundancy, where it is clear there will be an ongoing need for the skills, knowledge and experience of a particular individual, careful consideration should be given to whether the person can be allowed to leave the service on voluntary redundancy. Alternatively, it may be possible to revise the last day of service, to enable suitable contingency plans to be developed. If an employee leaves the service and it is subsequently identified that there was an intention to re-employ and the individual returns after a short space of time, then there are potential implications in terms of continuity of employment and the validity of any redundancy payment made.

A balanced judgement is therefore needed, taking all of these issues into account. HR advice must be sought by managers in all cases prior to entering discussions with individuals regarding any opportunity for re-employment. Any such arrangements must also be cost effective and provide best value in the use of Council resources.

2. HMRC - Employment Status

The HMRC requires the authority to determine whether an arrangement with a consultant or contractor constitutes a contract of employment or can be deemed to be on a self-employed basis.

This includes pro-forma the employing department will need to use to make a judgement, based on the responses to set questions. This determination will need to be made for each and every contract or agreement that is proposed as the

decision on status is related to the contract, not to the individual. This process to determine status must be undertaken before the engagement is agreed and any contract is signed.

Where this process determines that an engagement constitutes a contract of employment, then normal County Council terms and conditions will apply, and the work must be paid for at the rate for the job assessed where appropriate through job evaluation. Remuneration arrangements must comply with corporate pay policy.

3. Protocol – short term or consultancy

3.1 It must be clear from the outset as to whether the arrangement is to re-employ through a contract of employment or to engage as a consultant with a contract for service following the relevant procurement process. This relates to employment on a short term or consultancy basis.

3.2 Areas where the re-engagement of former employees may be appropriate include:

- Discrete pieces of work where the ex-employee has the appropriate levels of skill and experience that are not available elsewhere within the Council.
- Where it is more cost effective to re-engage a former employee given their specific experience, skills and knowledge.
- Where there are problems in maintaining authorised staffing levels in a difficult recruitment market.
- Where work of an urgent nature arises at short notice and cannot reasonably be accommodated within existing resources.
- Where it is not possible for the work to be undertaken by retraining, redeployment, acting up arrangements or secondment of staff from elsewhere within the organisation.
- Where there are ad hoc pieces of work where the frequency with which the need arises is difficult to predict, for example, employment or complaint investigations.

Such skills gaps should be addressed in the longer term under the HR strategy through structured workforce planning.

3.3 Such arrangements should be time limited and be subject to appropriate written agreements covering the nature, duration, quality standards for the work to be undertaken and the basis on which the agreement will be terminated.

3.4 The initial consideration for providing cover for urgent work, where there are vacancies/staff absences/unexpected peaks in workload, should be through the use of temporary employment contracts advertised in the normal manner or through acting up or secondment arrangements made available to existing staff, as appropriate in the circumstances. This should particularly be the case where the work relates to the normal business of the service area concerned, as opposed to defined projects or 'one-off' tasks.

3.5 The final decision on the course of action to be taken should rest with the Corporate Director for the relevant department, having consulted with the Service Director Human Resources and Customer Service. This will be subject to consideration of the particular business case.

3.6 For the purpose of these rules, former employees will be defined as anyone who has previously held a permanent employment contract with Nottinghamshire County Council.

3.7 Re-engagement on a short term or consultancy basis should not be offered to:

- Former employees who were retired prematurely on grounds of ill-health where the conditions for ill health retirement benefits being released still exist as defined by the regulations and rules of the Local Government Pension Scheme (LGPS). Further information on the 3 tiers of ill health retirement can be found in of the Personnel Handbook.
- Former employees who were dismissed for reasons of conduct. Managers should seek the advice of the relevant HR Group Manager when considering the re-employment of a former employee dismissed on the grounds of capability particularly where health has been a factor.
- Former employees whose employment with the Council ended by mutual consent on terms set out in a compromise agreement.
- Former employees who retired on efficiency grounds, where these grounds still affect the ability of the individual to carry out the work in question.
- Former employees where there have been substantiated allegations or findings of harassment and bullying, or where there are known safeguarding concerns.

3.8 Re-engagement on a short term or consultancy basis may be offered to:

- Former employees who resigned and who may have subsequently undertaken paid employment or consultancy elsewhere.
- Employees who were made redundant (either on a compulsory or voluntary basis), subject to an appropriate period of time having elapsed. Normally a

minimum of 6 months is proposed as the usual provision, however for urgent work on a time limited basis, a reduced period may be considered provided this period is not less than one month

3.9 Where re-engagement is being considered, Corporate Directors should ensure that:

- The pro forma on employment status has been completed, and that the engagement complies with the Inland Revenue provisions on employment status. Advice should be sought at the earliest opportunity from Financial Services and the relevant HR Group Manager.
- Any proposed re-engagement is in response to a genuine service need and not a response to canvassing.
- Full consideration is given to equality of opportunity and where more than one potential candidate may be available the appointment should follow established recruitment and selection principles.
- The proposed arrangements comply with Financial Regulations requirements on the procurement and use of consultants, (as set out in Section E of the Financial Regulations).
- The individual has been made aware of the need to seek advice on the potential impact of their re-engagement on LGPS benefits (please see [section 4 below](#)).
- The decision to offer re-engagement is robust, able to withstand scrutiny, and that the terms of engagement (including specification of work to be undertaken, duration and payment arrangements) are clearly stated in writing.
- Appropriate records relating to the engagement and work being undertaken are retained.
- The trade unions are informed of any such appointments through the relevant JCNP.

4. Protocol – permanent or longer-term re-employment

- 4.1** Where a former employee who has previously received a voluntary or compulsory redundancy payment, is offered re-employment with the County Council, on a permanent basis or for a period of more than 12 months, consideration will be given to whether part or all of the compensation payment should be recovered. The decision will be at the discretion of the relevant Chief Officer and be based on the following criteria:

- Part or all of the compensatory element of the redundancy payment will be recovered where a former employee is re-employed to do the same or a very similar role to the one, they previously undertook.
- Whether the role is at the same or a lower grade than the post previously held.
- Where the individual left on the grounds of voluntary redundancy; the pension will be abated. If the individual was compulsorily redundant consideration will be given on a case by case basis to determine whether in the particular circumstances the pension should be abated.
- A break of at least 4 weeks must elapse before a former employee is re-employed and recovery of part or all of the redundancy payment will be considered for a period of up to 6 months after the last day of service.
- No recovery action will be taken where a former employee is re-employed after 4 weeks have elapsed, in a role of a lower grade than the one previously held, where the vacancy protocol has been applied and no internal candidate(s) has been identified as suitable to fill the role.

4.2 The Local Government Pension Scheme (Administration) Regulations 2008 requires each administering authority to formulate and review its policy concerning abatement (that is, the extent if any, to which the amount of retirement pension payable to a member from any pension fund maintained by it under the Scheme should be reduced or extinguished, where the member has entered a new employment with a Scheme employer, other than one in which he or she is eligible to belong to a teachers' scheme).

4.3 Pension abatement will be considered where a former employee is re-employed on a permanent basis. The decision to abate will rest with the Chief Officer for the employing department in consultation with the Service Director, Human Resources and Customer Service.

4.4 Where a former employee is re-employed on a time limited basis, not exceeding 12 months, and upon the production of a business case explaining the rationale for the re-employment, there will be discretion for Chief Officers not to apply pension abatement.

4.5 Any former employee engaged through a consultancy framework, on a preferred supplier list or on a separately procured consultancy basis, where payment is for a contract for service and not made through an employment contract, will not be the subject of pension abatement.

Appendix B (9):

Nottinghamshire County Council's Policy on the Payment of Travelling Allowances

1. Mileage Allowances and Authorised Car Users

1.1. Introduction

Mileage allowances for travelling on authorised County Council business are determined by the authority using HM Revenue & Customs (HMRC) approved rates. There are locally determined rates for motor cycles, and bicycles.

1.2. Determining Authorised Car Users

Authorised car users will ideally have access to transport for the efficient undertaking of duties but are not required to have a vehicle available at all times. Authorised car users will only need to provide transport with advance notice. This designation does give the post holders access to a County Council car loan.

1.3. Disabled employees who are unable to drive because of their disability but who occupy posts designated as authorised car users are allowed to use taxis to carry out their duties. The scheme of taxi hire in lieu of authorised car user allowances applies to both existing disabled employees and those who become disabled.

1.4. General Conditions

Official mileage undertaken from and to the approved base, should normally be undertaken, and claimed, by the shortest available route, unless a standard mileage has been determined for that journey. All car users must be satisfied that travel by car is the most economical, taking into account travelling costs and time away from the office.

1.5. On those occasions where official mileage is claimable from and to the employee's home address, this should normally be undertaken by the shortest available route and must be claimed on the basis of:

- Home address to first call - whichever is the shorter distance between either mileage between home and first call or mileage between approved base and first call.
- Last call to home address - whichever is the shorter distance between last call and home address and last call and approved base.

1.6. Any journey between home and permanent work-base is considered by HMRC to be commuting and is subject to tax and National Insurance Contributions on the full payment.

- 1.7. Prior permission of the Corporate Director, or a designated officer, must be sought if an employee intends to use their car for a journey beyond 60 miles (120 miles round trip) by the most appropriate route, from the administrative base.

Employees should always investigate the use of public transport as their first option for such journeys.

- 1.8. Where any such approval has not been given, but nevertheless the employee chooses to travel by car, then any travel claim is limited to the cost of public transport. Authorised car users should claim reimbursement via their logbook under 'railway or bus fares'; non-authorised users should claim reimbursement using the appropriate departmental form.
- 1.9. The reimbursement of parking fees is allowable where the use of public car parks is unavoidable, for example, when no parking facilities are available at the premises being visited and where there is no alternative to a car being used for the journey. Journeys into Nottingham city centre from County Hall or other bases in the immediate area of the City or other urban centres should normally be undertaken by public transport. There may be occasions when, for good and valid reasons, a car has to be used for such a journey and in this event, car parking charges, necessarily incurred, will be reimbursed. Where appropriate, toll-bridge charges may be claimed.
- 1.10. Mileage claims must only be completed by the employee incurring expenditure and should detail start and finishing mileometer readings (except where standard mileages exist), reasons for all journeys, and places of call. For visits to County Council establishments, the name will normally suffice. However, for non-County Council establishments, it is not sufficient to state simply 'London', more specific details need to be given. Authorised car users must submit their claims on a regular monthly basis. The County Council shall have the right to require an employee to carry official passengers without any additional payment and employees should not use their own cars on journeys where there is room on one of the County Council's vehicles or in the car of another employee making the same journey. As far as possible, employees should travel together to reduce the number of journeys made.

1.11. Tax Position on Car Allowances

Certain travelling expenses claims are regarded by the HMRC as not being wholly exclusively and necessarily in the performance of duties on behalf of Nottinghamshire County Council and tax therefore is deducted at source, i.e. payments are made via the payroll system. If an employee has a temporary work-base for less than 24 months, HMRC sees travel between home and this temporary work-base as business mileage. It is only when the travel is between home and permanent work-base that HMRC sees this as commuting and no tax relief is applicable. The rules regarding these are fairly complex and further information can be obtained from the Financial Services Section.

1.12. Claims and Certification

All claims for payment of mileage, subsistence allowances, travelling and incidental expenses shall be made up to a specified day each month and submitted to the Corporate Director within seven days and certified as 'Head of Department' by an officer designated for that purpose by the Corporate Director. With certain exceptions (see below) a certifying officer must be at a higher level than the claimant, e.g. equal deputies should not certify each other's claims. A Corporate Director's claim should be certified by a senior designated officer for that purpose, on the understanding that the employee so designated shall refer any queries which cannot be resolved with the Corporate Director to the Head of Service for Finance for a ruling; any such unresolved queries on the Head of Service for Finance's claims shall be referred to the Chief Executive. If a Corporate Director has any doubt as to the correctness of any claim they may wish to make, they will refer it to the Chief Executive; the latter will refer to the Leader of the County Council. Otherwise, employees generally will pursue their queries in accordance with arrangements made within the particular department.

1.13. Officers' claims submitted after six months will be paid only with the express approval of the Head of Service for Finance. Late claims will be reduced as follows:

- Between 6 and 12 months' delay - 10 per cent reduction
- More than 12 months' delay - 20 per cent reduction
- More than 2 years' delay. Corporate Director's approval is required.

1.14. Insurance

1.14.1. All employees who use their cars for County Council business should have included and maintained their policy of insurance a clause indemnifying the County Council against all third party claims (including those concerning passengers), arising out of the use of the vehicle on such business. Therefore, all employees who use their vehicles or someone else's vehicle, including that of their partner, on County Council business (which would include visiting clients at home or attending day release or other training courses or seminars) must ensure that the relevant motor insurance policy covers the use of this vehicle on County Council business. The certificate of insurance should state the use permitted. Use limited to 'social, domestic and pleasure purposes' will not cover any journey in connection with work. Use 'by the policyholder in person on connection with their business', means that only the person named as policyholder on the certificate of insurance can use the vehicle for County Council business.

1.14.2. Thus, if employees are using a vehicle which is not their own, then this must be specifically stated on the certificate of insurance and it is recommended that the insurance company concerned is contacted to confirm that such use is permitted before the trip commences.

1.14.3. The possible results of using a vehicle without adequate insurance cover could be:

- A breach of the requirements of the Road Traffic Act and a subsequent police prosecution.
- Refusal by the insurance company concerned to deal with the cost of repairing the vehicle being used.
- Refusal by the insurance company concerned to deal with a claim made against the driver arising out of the use of such vehicle.

1.14.4. A No Claims Bonus Protection insurance is available to employees and application forms may be obtained from the Insurance Section, Financial Services.

2. Travelling Allowances for Training Activities

2.1. Travelling Expenses - Day or Evening Classes

Reclaimable expenses are limited to the excess over normal daily home to base expenses. Employees can claim additional mileage at the appropriate rate.

2.2. Block Release, Sandwich or Full Time (Residential) Courses

Reclaimable expenses are limited to the distance from home to the course at the commencement and completion of each period or term and one return journey every fourth weekend during college periods. The allowance will be equivalent to second class rail fare or bus fare. Where employees choose to travel daily to a course which normally would require residence in the locality of the course, they will be paid travelling allowance as if it were a day course, subject to the maximum weekly payment of the sum prescribed for lodging allowances. Payment on this basis will also be made for essential daily journeys between lodgings and the course centre. For details of the latest rates, contact the HR Team for your department.

2.3. Special Provisions for Placement Expenses

Where employees are required to use their cars for placements (e.g. ASCH employees on full time secondment training) which are an integral part of the course, they shall be paid in accordance with the following provisions:

- **NCC mileage rate** for visits to clients.
- **NCC mileage rate** for travel to placement centre from college or lodgings, whichever is the nearer.

- **NCC mileage rate** for travel to college which is in excess of previous home/work mileage.
- **NCC mileage rate** for visits of observation arranged by Course Organisers (in any case where the secondee has no car, the actual cost of public transport to be claimed).

2.4. Externally Organised Training Courses

In attending externally organised training courses employees may reclaim expenses in respect of:

- Daily travel, where the course does not require residence.
- Travel between course venue and overnight accommodation.
- Journey at commencement and completion of the course.
- A return journey home each weekend when attendance at the course is not required.

The allowances will be at the NCC mileage rate.

2.5. Internally Organised Training Courses

Reclaimable travelling expenses are limited to the expenditure in excess of that which would have normally been incurred to attend the employee's normal place of work. Employees can claim additional mileage at the appropriate rate.

2.6. Employees Attending Selection Interviews for Further Professional Training/Membership of Professional Bodies

Employees required to attend for interviews as part of the examination procedure of the various bodies issuing formal approval qualifications, will be paid travelling allowances.

3. Rail Travel

- 3.1. Any travel by train within mainland UK will usually be standard class fare unless travel by other classes of ticket is cheaper overall. Any councillor or officer requesting first class rail travel must give reasons which shall be recorded in the register referred to in the travel and accommodation policy.
- 3.2. All journeys by first class travel should be authorised beforehand except on the occasions where a second-class compartment is found to be full and an employee transfers their ticket to first class status. In all cases,

reimbursement will relate to any available cheap rate or the ordinary return fare, whichever is the less. In cases where it is necessary or advantageous for an employee to travel by air or to hire a taxi or car, the actual expenditure (including gratuities) shall be reimbursed.

3.3. Train tickets should be booked through Members Services.

4. Travel Abroad

4.1. Travel abroad is subject to the approval of the Administration Committee.

4.2. The Insurance Officer in the Financial Services Section must be notified at least four weeks before the proposed visit to make the necessary insurance arrangements. The Insurance Section will always arrange personal accident, loss of baggage etc. insurance for employees and Members travelling abroad. As a matter of course they also advise travelers to obtain an E111 form where relevant. These are obtained from local post offices.

4.3. Accommodation will be booked and paid for by Member Support on behalf of the County Council.

4.4. Subsistence allowance may be claimed for actual reasonable expenses incurred on meals, beverages, transport within the foreign country, laundry, 'phone calls etc.

4.5. The current maximum amount for subsistence per 24 hours for countries within the European Union is £75.00 (plus £10 per day for unreceipted out of pocket expenses).

4.6. For travel to other destinations, Members' Support will calculate a maximum amount for subsistence per 24 hours. That amount will be notified to Administration Committee when approval is sought for the travel to be undertaken.

4.7. The above rates assume that all meals (excluding breakfast) will have to be paid for from the subsistence allowance. If meals are provided as part of the visit and at no personal cost to the Council's representative(s) the daily allowance will be reduced by 20 per cent for each meal provided.

4.8. Receipts must be obtained wherever practicable for all claimable expenditure. Where this is not possible, a written statement will be required from the person making the claim

4.9. Air travel should be arranged prior to departure.

4.10. Where an employee intends to be accompanied (e.g. by their spouse, partner, member of family etc.) on a visit abroad, no cost will fall on the County Council for any expenses other than those to which the employee is entitled under the relevant Conditions of Service.

5. Attending Official Events

- 5.1. When attending an official event e.g. Chair's reception, travelling allowances will not be paid unless an employee is wholly on duty.
- 5.2. When attending a funeral, travelling allowances will not be paid unless an employee is attending as an official representative on behalf of the County Council and in which case paid leave of absence is also applicable.

6. Multiple Visits

Where any employee combines a private visit with a duty visit the travelling allowances shall relate only to the expenses which would have been incurred on duty. In such cases, employees should show:

- The mileage which would have been incurred on the duty visit travelling by the shortest possible route and
- Both the actual and what would have been normal times of leaving/return with an appropriate explanatory note

Appendix B (10): Nottinghamshire County Council's Policy on the Payment of Subsistence Allowances

1. Eligibility

- 1.1. As a general principle, employees will be responsible for meeting the cost of their own food and drinks whilst at work. In exceptional circumstances, set out below, employees may submit claims for the reimbursement of expenditure actually incurred beyond the norm.

Reimbursement of expenditure will be on the basis of receipts for costs actually incurred (up to the maximum level agreed by the National Joint Council for Local Government Services), which will need to be obtained by the employees and submitted with claim forms. Details of the maximum levels of reimbursement are available on the County Council's intranet site or from the HR Teams for employees without internet access.

2.1. Reimbursement in respect of any meals may be claimable where an employee has had an overnight stay or other exceptional circumstance. and where approved by the manager, the employee should seek advanced confirmation from their line manager that expenses can be claimed.

3. Details of the Scheme

3.1. The maximum amount for each category of reimbursement will be those as defined by the National Joint Council for Local Government Services. These do not represent fixed allowances, and in all cases, reimbursement will be limited to the amount supported by the receipts submitted. The receipt must relate to the day and time of the meal claimed.

3.2. The County Council will not reimburse expenditure on alcoholic drinks or tobacco products in any circumstances.

3.3. Overnight Allowances

Employees are allowed to claim actual costs for absence overnight (bed and breakfast), up to an agreed maximum on the production of receipts. Details of the current rates are available from the County Council's intranet site or from the HR Teams for employees without internet access.

3.4. Submitting a Claim

Subsistence allowances should be claimed in the Travelling Expenses Log Book, in respect of authorised car users, and on the appropriate Travelling and Sundry Expenses Claim Form in respect of non-authorised car users. Times of leaving and returning to base should always be shown when subsistence allowances are claimed.

3.5. Candidates for Interview

Paragraphs 3.1-3.4 shall be applied to candidates interviewed for appointments with the County Council.

3.6. Travel Abroad

3.6.1 Bed and breakfast - actual expenditure incurred.

3.6.2 Other meals and expenses - reimbursement will be based on expenditure incurred subject to a maximum figure determined by the Head of Service for Finance. Receipts must be submitted when claims are made.

3.6.3 The rates apply to journeys to Europe only.

3.6.4 The Head of Service for Finance can vary the rate in respect of journeys outside Europe.

3.7. Out of Pocket Expenses

Out of pocket expenses incurred at residential training courses will be reimbursed in accordance with the relevant Conditions of Service. Claims for courses lasting more than 6 weeks will be the subject of review and will be considered by Corporate Directors. Where the employee has to arrive at the training establishment on the preceding Sunday night and thus will be in attendance for five or more nights, they should receive the daily allowance in respect of that night outside of the weekly limit.

3.8. Visits when Accompanied by Spouse/Partner

Where an employee is accompanied by their spouse/partner, no charge will fall on the County Council for any expenses other than those to which the employee is entitled under the Conditions of Service.

Appendix B (11)

Nottinghamshire County Council's Pay Protection Policy:

In situations where pay protection arrangements are required employees will be offered protection arrangements as follows:

The employee will receive salary protection for a period of one year, but with salary being frozen at the point at which pay protection starts, i.e., employees will not receive any subsequent incremental increases or annual cost of living pay awards. At the end of the protection period the employee will revert to the maximum spinal column point of the substantive grade of their post.

Please see the [Management Guidance on the Application of the Pay Protection Policy \[W ORD 44KB\]](#)

Notes

- (i)** Where employees current (pre-protection) salary includes allowances or other payments for non-standard working arrangements, consideration will be given on a case by case basis as to how these might be reflected in the Scheme of Protection.
- (ii)** Where other allowances are paid e.g. telephone allowances etc. protection will be limited to six months.
- (iii)** Where an employee is redeployed to a post which has a lower level of annual leave (by reference to the grade and service-related annual leave matrix) the higher level of leave will be protected for the duration of the pay protection period. At the

end of the protection period, annual leave will revert to the level appropriate for the grade of the post then occupied.

(iv) In all cases, individuals will be encouraged to seek re-deployment at the level of their original post, and will receive support through the redeployment process, should they so wish.

(v) The only exception to these proposals would be in circumstances where, as in LGR, nationally negotiated protection arrangements are proposed. The operation of any such specific protection measures would be the subject of separate consultation with the trade unions at that time.

Appendix B (12):

Nottinghamshire County Council's Policy Car Leasing Scheme:

1. Introduction

The County Council operates a car leasing scheme which is optional for all authorised car users. The scheme is not available to occasional casual car users. Employees wishing to apply should study the detailed Employee Guide to the Car Leasing Scheme, which is available from the HR Team for your department.

2. The County Council Car Leasing Scheme

2.1 The scheme provides for the following elements:

2.1.1 Provision of the vehicle.

2.1.2 Number plates.

2.1.3 Servicing of the vehicle at times recommended by the manufacturer.

2.1.4 All necessary repairs and replacement parts except those:

- Needed as a result of accidental, deliberate or negligent damage to the vehicle.
- In respect of accessories fitted after the date of delivery for any reason other than to replace accessories fitted to the vehicle at the date of delivery which are or become defective.

2.1.5 Unlimited tyre replacement and puncture repairs. Cases of obvious tyre abuse will result in the employee bearing the replacement cost.

2.1.6 Replacement batteries and exhausts required as a result of fair wear and tear or faulty manufacture.

2.1.7 Breakdown, recovery and Homestart service. The breakdown and recovery service does not apply to any towed unit. These costs will be the responsibility of the employee.

2.1.8 Road Fund License. The employee will not be liable for any increase in the cost of the Road Fund License during the period of hire unless the cost is increased by more than 10% from the commencement of the hire.

2.1.9 The supply during servicing of oil or lubricants recommended by the manufacturer.

2.1.10 The supply of antifreeze either during servicing or each autumn.

2.1.11 A replacement vehicle after 48 hours in the event of a mechanical breakdown, theft or accident damage, where, in the opinion of the Transport Manager, the vehicle is unroadworthy. No undertaking is given to provide a replacement vehicle of the same size, age or standard of the leased vehicle.

2.2 Vehicles Available

All makes of European built cars will be available through the scheme. High performance vehicles will not be provided under the scheme - in this connection final discretion will rest with the Transport Manager who will take into account job requirements. Normally the vehicle supplied will be capable of using unleaded fuel. Diesel cars are also available.

2.3 Insurance

The employee will be responsible for the provision of fully comprehensive insurance with an insurer approved by the County Council which shall include cover for normal social, domestic, pleasure and business use together with glass replacement. The insurance for the vehicle must be taken out and maintained in the name of the employee.

2.4 Business Mileage Claims

Authorised users will claim the mileage rate for business mileage undertaken.

2.5 Taxation of Motor Mileage Allowances

NCC lease cars are seen as company cars by HM Revenue & Customs and depending on the CO2 emissions of the car and the contributions towards private use there may be a taxable benefit that will be deducted against the employees' code and will be arrived at using the HMRC company car taxation rules.

2.6 Mileage Bands

Vehicles are available on a wide range of mileage bands to suit individual requirements and the hire agreement will specify the maximum total mileage which the vehicle may cover during the period of the agreement.

2.7 Application Procedure

Eligible employees who, after reading the detailed Employee Guide, decide that they wish to apply for a leased car should determine the make and model of the car required and obtain a quotation from the Transport Manager, Nottinghamshire Contracting, Transport Services, 2 Riverside Way, The Meadows, Nottingham NG2 1DS. tel: 0115 9340705, or 0115 9340745 or 0115 9340716

Appendix B (13):

Nottinghamshire County Council's Constitution

Part 6c - Employment Procedure Rules

INTRODUCTION

1. The Council has developed these regulations in order to outline the process to be followed when appointing or dismissing employees or taking disciplinary action against employees.
2. These regulations also deal with who has responsibility for changes to staffing structures. Staffing structures specify the number and types of posts that exist in each department.

APPOINTMENT AND DISMISSAL - SENIOR EMPLOYEES

3. The Senior Staffing Sub-Committee is responsible for the appointment and dismissal of, and the taking of disciplinary action against, the following employees (who will be known as "Senior Employees" for the purposes of these regulations):
 - a. Chief Executive;
 - b. Corporate Directors;
 - c. Service Directors;
 - d. where the statutory role of the Head of Paid Service, Chief Finance Officer or Monitoring Officer is held by another post holder, that post holder.
4. The Senior Staffing Sub-Committee will meet as and when required.
5. The appropriate committee Chairman for the post being considered will always be present as a member of the Senior Staffing Sub-Committee. Where the issue being considered relates to the Chief Executive or a Corporate Director, the Senior Staffing Sub-Committee will have a membership of nine; otherwise the Senior Staffing Sub-Committee will have a membership of five.

6. The Senior Staffing Sub-Committee will be required to follow the Council's Recruitment and Selection Policy.

APPOINTMENTS

7. The Council may choose to appoint any of the Senior Employees from an internal pool of candidates or by externally advertising.
8. The Council will draw up a job description and person specification which will be sent to any person on request.
9. The Senior Staffing Sub-Committee will draw up a shortlist of candidates for interview and assessment and will interview all short-listed candidates in accordance with:
 - a. the Recruitment and Selection Policy; and
 - b. the advice of an appropriate HR advisor.
10. The preferred candidate will be offered the post subject to satisfactory references and pre-employment checks.
11. final decision in respect of the appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer rests with Full Council.
12. Where a reorganisation affects the structure/numbers of Senior Employee posts, posts in the new structure will be filled in line with the enabling process agreed at the time. Any competitive interviews will be carried out by the Senior Staffing Sub- Committee in accordance with the enabling process.

DISMISSALS AND DISCIPLINARY ACTION

13. In the case of dismissals, the Senior Staffing Sub-Committee will hear the case against the Senior Employee concerned and the hearing will be conducted in accordance with the Council's Disciplinary Procedure.
14. The final decision in respect of the dismissal of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer rests with full Council. Full Council will approve such dismissal before the notice of dismissal is issued.
15. The Senior Employee (unless the employee is the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer) will have a right of appeal to the Appeals Sub-Committee in accordance with the appeals process set out in the Personnel Handbook. The Appeals Sub-Committee will be advised by an appropriate HR adviser who has had no previous dealings with the matter.
16. In the case of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, no disciplinary action may be taken until the advice, views or recommendations of an independent panel are considered. The neutral act of

suspension for the purpose of investigating the alleged misconduct can be made by:

- a. the Monitoring Officer in relation to the Head of Paid Service; or
- b. the Head of Paid Service in relation to the Chief Finance Officer or the Monitoring Officer,

in consultation with the Council Leader and Chairman of the Personnel Committee. Any suspension will be on full pay and for a period of no longer than two months.

APPOINTMENT OF ASSISTANTS TO POLITICAL GROUPS

17. The appointment of any person as a political assistant must be done in accordance with legislative requirements.

APPOINTMENT, DISMISSAL AND MANAGEMENT OF ALL OTHER EMPLOYEES

18. The appointment, dismissal and management of employees (except Senior Employees) including disciplinary action will be carried out by properly authorised officers of the Council in line with the Recruitment and Selection Policy, other employment policy and procedures agreed by the Council and in compliance with statutory obligations.

EMPLOYMENT POLICIES AND PROCEDURES

19. The Council recognises national collective bargaining and acknowledges the role of national negotiating bodies in agreeing a framework of terms and conditions for local government employees.
20. Regular information will be provided to committees as and when required and requested regarding staffing.
21. The Council will develop and amend employment policies as required.
22. Proposals for new initiatives, for changes to existing employment policies and the development of management guidance will be developed by Personnel Committee.
23. Proposals for new employment policies or changes to existing policies will be subject to consultation and negotiation with the recognised trade unions through the agreed mechanisms as set out in the Employment Relations Agreement as amended from time to time. Following consultation changes to existing employment policies and new policy matters will be considered by Personnel Committee and recommended to Policy Committee for approval.
24. Details of approved employment policies and procedures and any changes will be set out in the Personnel Handbook, policy documents or guidelines as appropriate.

25. The Council will recommend that community schools adopt the Council's approved employment policies and procedures; however, the adoption or otherwise of such policies will be a matter for the school governing body, if such responsibility rests with them.

CHANGES TO STAFFING STRUCTURES

26. Changes to staffing structures must be made by the relevant committees unless the post is temporary for less than 3 months. In such cases, the relevant Corporate Director can authorise the appointment (provided that, if the requirement for the temporary appointment continues after this time, the relevant committee's approval will be required).
27. formal report will need to be presented to the relevant committee and will include the required advice and HR comments.
28. The recognised trade unions will be consulted on all proposed changes to staffing structures and any views given should be fully considered prior to a decision being made.

CHANGES TO STAFFING AND STRUCTURE RECORDS

29. The Business Services Centre (BSC) will maintain staffing and structure records. The Chief Executive and his/her nominees must ensure that any changes to the staffing structures within their departments are notified to the BSC immediately after authorisation via the established procedures.

PAY AND GRADINGS

30. Full Council will approve the Council's annual Pay Policy Statement.
31. For posts occupied by staff employed under the NJC for Local Government Services Agreement, the initial grading and any subsequent re-grading will be determined by the application of either the NJC or Hay Job Evaluation Schemes.
32. The re-grading of existing posts following evaluation using the Hay or National Job Evaluation Schemes will be automatically incorporated into contracts of employment.
33. The grading of new posts needs to be detailed in the reports to the relevant Committee regarding establishing those posts.
34. The re-grading of posts for those employee groups where job evaluation is not applied will require authorisation by the relevant Corporate Director (or their nominee) and will be reported back periodically to the relevant Committee for information.

35. With the exception of honoraria and market factor supplement payments that have been considered through the approved process set out in the Personnel Handbook, there is no discretion to apply extensions of pay above or outside of authorised pay bands. All honoraria and market supplement payments will be reported back to the relevant Committee periodically.
36. As a result of national collective bargaining, the Council will implement national pay awards as agreed by the various national joint negotiating bodies from time to time. The Council will determine a local pay structure comprising a number of salary bands, based on the National Pay Spine, extended as appropriate.

RESOLUTION OF DISPUTES UNDER THE EMPLOYMENT RELATIONS AGREEMENT

37. Arrangements for the conduct of relationships with the recognised trade unions will be set out in the Employment Relations Agreement which is agreed between the parties.
38. The Employment Relations Agreement will incorporate the structure and mechanisms for dialogue, consultation and negotiation with recognised trade unions at both corporate and departmental level and will include joint arrangements for the resolution of disputes including the establishment of a Local Joint Resolutions Committee.
39. separate process for trade union consultation and negotiation with schools may be agreed directly with the relevant trade unions.

REPORT OF THE LEADER OF THE COUNCIL

CHANGE TO COUNCIL GOVERNANCE ARRANGEMENTS

Purpose of the Report

1. To seek approval to change the Council's governance arrangements from a committee system of governance to the executive system (Leader and Cabinet model) and to approve the necessary documentation and constitutional changes required together with a delegation to the Monitoring Officer to make any consequential amendments to other parts of the Constitution.
2. To make the necessary practical arrangements to bring the new system of governance into effect including notifying the public and partners regarding the Council's decision via the necessary public notice, establishing a post of Statutory Scrutiny Officer and convening a meeting of the Independent Remuneration Panel to consider Councillors Allowances for the new system.
3. To authorise the Governance and Ethics Committee, through the established Members Working Group, to keep the new arrangements under review with a formal review after 12 months from their implementation.

Information and Advice

4. The Local Government Act 2000 required the vast majority of principal local authorities to adopt executive arrangements. The County Council operated as a Leader and cabinet model until May 2012. At that time, the Localism Act 2011 gave all local authorities the power to decide for themselves which governance model best suited their local circumstances and a small number of Councils decided to make the change from executive arrangements back to the old Committee system of governance. Nottinghamshire was one of those Councils which reverted to the Committee system as soon as the legislative powers allowed for it.
5. In a report to Council on 23 September 2021 the Council voted in principle to move from the Committee system of governance to an Executive Leader and Cabinet Model. At the same time the Chief Executive was authorised to undertake detailed work, in consultation with a members' working group established for the purpose, to bring forward proposals for such a change in the model of governance for the Council.

6. The Levelling Up White Paper, published on 2 February 2022, includes an invitation for all nine county areas to begin negotiating devolution deals, including Nottingham and Nottinghamshire and other areas across the East Midlands. The Government's aim is for a number of these deals to be agreed by Autumn 2022. The White Paper also commits that by 2030 every part of England which wants one will have a devolution deal with powers at or approaching the highest level of devolution.
7. The White Paper sets out a Devolution Framework detailing the types of powers and functions which will be considered at three levels. Level 3 deals offer the opportunity to devolve the greatest level of powers, flexibilities, and funding from government to our local area. Work is ongoing, in collaboration with partners, to explore the potential for a Level 3 Mayoral Combined Authority to maximise the benefits to our regions and achieve better outcomes for local people through much needed additional investment and ensure that we are not left behind as the government progresses deeper devolution deals with other areas.
8. The devolution proposal template to be submitted to government requires information to be provided on the Council's leadership and governance model. A strong leader and cabinet model gives the Council maximum flexibility and leaves the Council best prepared for any form of devolution. The new governance model proposed to Full Council in this report would not prevent the Council continuing to pursue the highest level of devolution deal with its partners, in negotiation with government, to maximise the potential opportunities and benefits available for local residents and businesses, whilst leaving other devolution options open to the Council. The final devolution deal will be brought to Full Council for consideration and approval.
9. The current administration of the Council, now working to implement its 10-year vision for Nottinghamshire set out in the Nottinghamshire Plan, believes that an executive form of governance leads to more efficient and effective decision making with clearer accountability. Furthermore, it would enable the Council to better respond to the fast-moving pace of change which is a feature of modern life and ensure delivery of the ambitions for local people and local businesses set out in the plan.
10. Officers have been able to identify only one upper tier Shire County as having a Committee system. From research conducted across 36 Councils, some 75% operate a Leader and Cabinet model, 14% a mayoral system and only 11% operate the Committee system. Locally, all but two of the local District and Borough Councils in Nottinghamshire operate the Leader and Cabinet system. Both Broxtowe Borough Council and Newark and Sherwood District Council have also taken decisions to move to a Leader and Cabinet model and are in the process of finalising their arrangements with a view to implementation in May at their respective annual Council meetings. Therefore, Nottinghamshire is currently an outlier.

Members Working group

11. A member's working group was established following the decision by Council in September, to review options and develop detailed proposals for consideration by Full Council. The group comprised the Chairman and Vice Chairman of the Governance and Ethics Committee together with the Business Managers, or an alternative nominee, from each of the political groups of the Council and the Council's non-aligned member. The working group has met 8 times in the period since September, first discussing principles and themes of work and later reviewing draft documents as they were brought forward for discussion.

12. The proposals have been developed in light of statutory and best practice guidance. The formal arrangements and operation in practice in local district councils and constitutional arrangements in comparable county council's from across the country have also informed the work of the member working group and development of the proposals for the County Council.
13. This Council is historically familiar with executive arrangements, having operated them from their introduction under the Local Government Act in 2000 until May 2012 when the Council decided to return to the Committee system. The previous arrangements have also helped to inform the development of the new arrangements but have had to be updated to reflect legislative and other changes since the County Council last operated an executive system.
14. The documents which form the arrangements for the proposed new system of governance were circulated in full for consideration by the working group and members asked to provide feedback from political groups to the working group. The Opposition and majority groups have also received separate briefings from the Monitoring Officer and Deputy Monitoring Officer on the proposals which have been developed through the members working group. Feedback from these briefings has been discussed at the Group Leaders Meeting and amendments made to the final proposals to reflect these discussions.
15. The proposed arrangements have also undergone independent external legal review to ensure they comply with the relevant legal requirements.
16. The work was divided into phases as shown in the table below, with phase 1 being the critical documents which make up the main Council arrangements under the new system of governance.
17. In Phase 2 of the process, there will be a need for further consequential changes to a variety of other sections of the Council's Constitution, including but not limited to the following:
 - a. Employment Procedure Rules
 - b. Protocol for Councillor and Officer relationships
 - c. Officers Code of Conduct
 - d. Members Code of Conduct
 - e. Travel and Accommodation Policy
 - f. Members Scheme of Allowances
 - g. Protocol for involvement in Outside Bodies

It is envisaged that such changes will be merely consequential in nature, replacing the old body of Council which relates to the relevant content with the new body of Council responsible for those functions etc. In the event that such changes involve any other material changes these will be brought back to Council at the May meeting, otherwise they will be amended under a general delegation to the Monitoring Officer to make consequential amendments to update the Constitution.

18. Phases 3 and 4 of the process focus largely on the practical arrangements to successfully implement and sustain the new system of governance in the longer term, including training, guidance and creating consistent procedures which are aligned with Corporate Leadership Team and each Department's Senior Leadership Team arrangements. Phase 4 includes

various aspects which would be the focus of review over the first 12 months following implementation.

Critical Path/Phased approach			
Phase 1 (March) Key Arrangements	Phase 2 (March-May) Consequent changes	Phase 3 (May – July) Go live: Transition	Phase 4 (to May 23) Implement/Review
Terms of reference	Employment PR	Decision Log	Members Code
Cabinet Procedure Rules (PR)	Officer/Member relations code	Scrutiny Training and planning	Operational effectiveness
O&S PR	Officer Code	CLT consistency	Procedure issues
Council/C'ttee PR	Travel & Accom Policy	Further guidance and training	Key Dec Thresh
Budget and Policy Framework PR	Outside Bodies Protocol	Report writing guidance	Call-in process review
Financial Regs	Guidance & Training	CLT feedback	O&S review
Urgency PR	Council diary and legal notice published	Role descriptors	
Access to info PR	Forward plan	Conflicts protocol	
Officer Delegations	CLT approach		

Consultation

19. In addition to the relevant documentation being developed, following the in-principle decision in September, the Council undertook some public engagement/consultation during January/February. A short questionnaire was released via the Council's website which was communicated through the following channels:

- (a) Social media via Twitter (51,000 followers) and Facebook (26,000 followers)
- (b) My Notts App via a push notification to 15910 users 486 of which opened the notification.
- (c) An email bulletin to all 116,245 subscribers to the Council's Email me system, followed by a "latest news" update to subscribers to that service which together resulted in 1325 unique clicks to access further online information and a link to the short survey.

The above linked to a page on the Council's website which received 2,250 views during the period of the consultation and 537 clicked into the survey form itself.

20. Despite the coverage above, the number of people who chose to respond to the consultation was limited, resulting in just 402 responses. The number of responses received represents fewer than 0.07% of people eligible to vote within Nottinghamshire and less than that in some areas of Nottinghamshire.
21. A summary of the responses is that, based on the information available to them at that stage, 28.36% of respondents (114 out of 402) agreed with the proposal to change governance arrangements from a committee system model to a leader and cabinet model. 11.69% of respondents had no firm view (47 out of 402). 59.95% of those who responded disagreed with the proposal (241 out of 402).

22. Of those who agreed with the proposals the positive themes were that the system would improve efficiencies in the decision-making process, such as reducing duplication and result in more streamlined and speedier decision making.
23. The themes emerging from the comments left through the process suggest that of those who disagree with the proposals people felt the Leader and Cabinet system can be less democratic, lack transparency and concentrates power in the hands of the fewer people, that it would result in less debate on key decisions, and allow fewer voices from across the political spectrum to be heard and result in less area representation and that there should be cross party representation in the model proposed.
24. As mentioned in the last report to Council, although in times past a view has been expressed that the Committee system of governance may offer the most democratic form of decision making, there is another school of thought which believes that, correctly operated, executive systems of governance can provide for greater individual accountability for decisions taken by those who exercise executive power.
25. Although the views of those people responding to the consultation are clearly important considerations when reaching a decision, it is worth noting that a significant majority of Councils and Central Government operate a Leader and Cabinet system which is set out in legislation. If the system were inherently undemocratic, it would mean that the vast majority of the Councils in the country were operating undemocratic systems. Instead, the likelihood is that there is concern about the potential for a system to be operated in an undemocratic way. However, the law requires a series of checks and balances to be in place to provide for democratic accountability and to ensure that decisions taken either individually or collectively by Cabinet Members are open to relevant scrutiny and in some cases may be called-in and examined for procedural compliance.
26. Linked to the exercise of executive power are the structures of scrutiny which exist to hold the executive to account by those Councillors who do not form part of the Executive (or Cabinet). Through the member working group the Council has developed proposals for robust scrutiny and call-in arrangements. This includes the roles of Vice Chairmen of the Overview and Scrutiny Select Committees being offered to opposition members and members being able to attend Overview and Select Committees and speak with the permission of the Chairman. All members will also be able to attend and ask in advance to speak at Cabinet on a matter on the agenda for consideration. This will be at the Leader's discretion. This approach is in line with that adopted by a number of other councils operating executive arrangements, including other local councils.
27. As well as undertaking public engagement regarding the changes, the Chief Executive also wrote to key partners and other local government agencies in late September notifying them of the Council's intention to change governance systems and has received no responses to that communication.
28. Consultation has taken place with the recognised trades unions through the Council's Joint Consultative and Negotiating Panel and at the time of writing no further comments have been received regarding the proposed change. It has been agreed with the recognised trades unions that regular meetings will be held with the Cabinet Member for Personnel to provide the opportunity for trade union colleagues to raise any issues and that ad hoc meetings will be arranged on request.

29. The Council must take into account the responses received in this consultation process in reaching a decision on whether to proceed with the proposed change in governance arrangements.

Proposed Model

30. Under executive arrangements following the Leader and Cabinet model, a leader is elected by the Council for a term determined by the Council itself, usually until the next scheduled County elections, or 4 years. Once the Leader is appointed the selection of the number and remit of the Leader's Cabinet is a matter for them. Depending on how the Leader wants to operate the system they can choose to appoint between 2 and 10 Cabinet Members, including the Leader. They can also determine whether decisions can be dispersed and taken by Cabinet Members individually or taken collectively as a Cabinet sitting together.
31. The proposals at this time are for a Leader with 9 other Cabinet Members, largely mirroring the current Service Committee remits to ensure familiarity and create continuity under the transition to the new system. The Cabinet would be made up as follows:
 - a. Leader
 - b. Deputy Leader (Cabinet Member for Transformation)
 - c. Cabinet Member for Business Management
 - d. Cabinet Member for Adult Social Care and Public Health
 - e. Cabinet Member for Children and Families
 - f. Cabinet Member for Communities
 - g. Cabinet Member for Economic Development and Asset Management
 - h. Cabinet Member for Finance
 - i. Cabinet Member for Personnel
 - j. Cabinet Member for Transport and Environment
32. Approval of the Council's Budget and Policy Framework which comprises the annual budget and a number of key policies and strategies remain the responsibility of the Full Council, whilst decisions in respect of other major policy changes or new policies outside that framework would sit with Cabinet collectively. In addition, certain responsibilities known as Local Choice Functions can be allocated as the Council determines between either the executive or the other parts of the Council. The allocation of these functions is set out in the Council, Cabinet and Cabinet Member Terms of Reference document at Appendix 11. Some officers are also authorised to take a range of executive and non-executive decisions but will not be able to take key decisions, except in cases of urgency or in local or national emergencies.
33. As mentioned above, under executive arrangements there must be overview and scrutiny arrangements put in place to enable effective scrutiny of decisions made by the executive. The proposals here are for a main Overview Committee responsible for scrutinising the operation of the Chief Executive's Department, cross cutting issues such as finance and for hearing any decisions which are called -in for review before their implementation. In addition to the above, 3 service related select Committees would cover the scrutiny of departmental service delivery as well as some statutory scrutiny requirements relating to crime and disorder and flood management. Separate to the above would be the continuation of the

Council's statutory Health Scrutiny Committee with responsibility for scrutinising the operation of the health systems across Nottinghamshire.

34. A number of ordinary Committees will remain to discharge duties which cannot be undertaken by the executive. These include Planning and Rights of Way Committee, Pension Fund Committee, Governance and Ethics Committee and the statutory Health and Wellbeing Board. There will also be the same joint committees as currently. The Economic Prosperity Committee which is attended by the Leader of the Council becomes an executive joint committee.
35. A summary of the attached appendices is included as Appendix 1 which briefly explains each document. A diagram of the proposed new structure is set out at Appendix 2 of this report and a list of all committees, and their size is attached at Appendix 15.
36. The documentation under Phase 1 comprising the main facets of the new arrangements effectively sets out the revisions to the Council's Constitution, including a number of new procedure rules which would bring the new system of governance into effect. They are attached to this report at Appendix 2 onwards and are as follows:

- Appendix 2 - Diagram of new Council Decision Making Bodies
- Appendix 3 - Introduction to how the Council works
- Appendix 4 - Executive Arrangements and Cabinet Meeting Procedure Rules
- Appendix 5 - Budget and Policy Framework Procedure Rules
- Appendix 6 - Overview and Select Committee Procedure Rules
- Appendix 7 - Access to Information Procedure Rules
- Appendix 8 - Procedure for taking urgent decisions
- Appendix 9 - Revised Council Procedure Rules
- Appendix 10 - Revised Committee and Sub-Committee Procedure Rules
- Appendix 11 - Council, Cabinet and Cabinet Member Terms of Reference (including Local Choice Functions)
- Appendix 12 - Revised Committees Terms of Reference
- Appendix 13 - Revised Scheme of Delegations to Officers
- Appendix 14 - Revised Financial Regulations
- Appendix 15 - Committee seats and frequency of meetings

Next steps including training and resourcing

37. Any significant change to the Council's formal governance arrangements must occur at a specified "change time" which is at the Council's annual meeting in May. In advance of such a change a resolution of the Full Council to make the governance change is required. As soon as practicable after that resolution the Council must publish a notice and make documents available to inspection by the public which set out how the change will be brought into effect.
38. The new arrangements will also require the development of a Forward Plan (to provide the necessary advance notice as part of public transparency regarding Key Decisions) and also a Delegated Decision Record to capture relevant decisions taken by the Executive. These are in the course of preparation and will be available on the Council's Committee Management System via the Council's website in order to underpin the new system of governance. Relevant changes will also be made to the Council's democracy pages on the

website to explain the new system in general terms and to link to the relevant information pages regarding decision making and the Constitution.

39. Once approved by Council it is proposed that a programme of training and development is rolled out for both members and officers involved in the decision-making process to ensure understanding of and compliance with the relevant legal requirements as well as embedding cultural change in respect of the revised approach. This programme will start in April, but it will continue through the period of transition until Council breaks for the summer recess in July. It is envisaged that further raining will be available on an ongoing basis as part of normal induction and development for both Councillors and officers alike.
40. At this stage the key components of training are expected to cover are:
 - a. Training for all members – familiarisation with the differences in the leader and cabinet model compared to the Committee system
 - b. Training for Cabinet Members working individually and collectively
 - c. Training for Scrutiny Committee Chairmen and Vice Chairmen
 - d. Training for wider scrutiny Committee members
 - e. Training for Corporate Leadership Team and other senior officers both in supporting Cabinet Members and supporting Scrutiny Chairmen/Committees
 - f. Training for Governance Officers within Democratic services
 - g. Training for key officers supporting Cabinet Member decision making (Delegated Decision log and Forward Plan)
 - h. Training for key officers supporting scrutiny activity
 - i. General awareness and familiarisation training for all officers involved in the decision-making process
 - j. Revised report writing training
41. One of the requirements of the new arrangements is for the Council to have a dedicated and suitably skilled and experienced Statutory Scrutiny Officer to support and advise members and officers and ensure effective operation of the scrutiny and call-in aspects of the new governance structure. Given the importance of the effective operation of scrutiny arrangements in any form of executive arrangements, it is proposed that a new post be established within the Democratic Services Team with immediate effect which fulfils this role. The post is in the process of being evaluated and will be recruited to as soon as possible following any decision to progress with the change in governance system.
42. In terms of other resources required for the new system, it is currently envisaged that existing staff within Democratic Services will be retrained in order to acquire additional skills in the field of scrutiny support. This will be in addition to undertaking new tasks around the maintenance and publication of both a Forward Plan and a Delegated Decision Record both of which are legal requirements under the new system, to provide transparency in respect of executive decision making. However, although the overall number of Committees will be reduced, these resources will also still be required to support a number of existing Committees, joint Committees, statutory Panels and Boards which will continue to operate in the new arrangements.

43. Beyond Democratic Services, each Department has identified existing resources within their structures where staff will be trained to perform additional responsibilities around decision making and support to both Cabinet Members and Scrutiny Committees as part of their responsibilities.
44. Adequate resourcing is considered to be a critical factor in the success of any system of governance. The resources required to effectively perform all duties connected with the new system will be kept under review as the new model of governance beds in to ensure adequate skilled and knowledgeable staff whilst identifying opportunities for improved efficiency and effectiveness.
45. The Members Working Group, under the leadership of the Chairman of Governance and Ethics Committee, has committed to keeping the operational effectiveness of the Constitution under a process of review for the first 12 months of operation. This will ensure that any concerns about how the system is operating can be raised and discussed in a cross-party environment and the members Working Group can meet from time to time to consider those issues and recommend any potential changes to address them. It is expected that this work will not begin in earnest until the Autumn to give time for the new system to settle in.
46. Beyond this, it is proposed that the Constitution be reviewed at least once every 4 years after the main County Council elections.

Other Options Considered

47. The Council could decide that it does not wish to proceed with a change to the system of governance, but this has previously been agreed in principle by Full Council. No system of governance is perfect, and all systems have relative merits and flaws. The important thing is to choose a system of governance which most effectively meets the needs of the Council, its functions, and the public whom it serves and is appropriate for the circumstances of the time. The proposed arrangements have been developed by a cross-party member working group and reflect a range of views from across the Council. The content of the documents has been created, through the member working group, by looking at various other Council's arrangements, the previous executive arrangements at NCC and best practice as well as reviewing the relevant legal requirements, statutory and other guidance. Members should carefully consider all of the available information when reaching their decision.

Reasons for Recommendations

48. The perceived benefits of the executive system are that it allows swifter and more decisive decision making, allocates clear lines of responsibility to identified lead members and collectively to an executive cabinet and that there are appropriate mechanisms to ensure transparency and to scrutinise decisions both before and after decision making, including a role for all those in scrutiny roles in terms of supporting policy and budget development.
49. Further rationale for the proposed change is that a move to an executive system of governance would bring the County Council into line with all of the other Councils across Nottinghamshire, and more widely, thereby creating greater consistency and ease of operation across the tiers of government. Although the Committee system of governance is

often said anecdotally to be a more democratic and transparent system of governance as it offers cross party politically balanced decision making with scrutiny through that process, that does not seem to be reflected in the number of Councils across the country which choose to operate that model.

50. The strong leader and cabinet model would provide maximum flexibility and leave the Council best prepared for any form of devolution whilst allowing it to continue working with partners to negotiate a Level 3 devolution deal with government to maximise the benefits for local people and businesses.

Statutory and Policy Implications

51. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability, and the environment and where such implications are material they are described below. Appropriate engagement has taken place by notifying the public and other stakeholders of the Council's intentions and inviting comments via the Council's website. Further information will be provided to both public and stakeholders via the requisite public notifications after the decision of Full Council. Appropriate advice is being provided at each stage as the proposals are developed.

NHS Constitution

52. The NHS and Social Care systems are undergoing a period of change with the advent of the Health and Care Bill, whose requirements are now expected to come into force in July 2022. The proposals within the Bill currently envisage an Integrated Care System (ICS) which will operate through an NHS-led Integrated Care Board on which the County Council will have membership, and which will be supported by an Integrated Care Partnership, bringing together a wider set of system partners. The proposed changes to the Council's system of governance should have a neutral impact on its relationships across the health system in Nottinghamshire, however Cabinet Member/s are likely to provide Council membership on the Integrated Care Partnership (ICP) and senior Officers are likely to be members of the Integrated Care Board (ICB). Further changes to the Council's governance arrangements may be required to reflect the detail of the legislative changes when more is known about them. Where these do not take the form of minor consequential changes falling within the delegation to the Monitoring Officer, a further report will be brought to Full Council outlining the amendments required to give effect to the Council's responsibilities under the new statutory arrangements.

Data Protection and Information Governance Implications

53. None currently identified.

Financial Implications

54. As referenced in paragraph 41 a new post of Senior Scrutiny Officer will be required within the Democratic Services Team in order to meet the statutory requirement for a designated scrutiny officer under Executive arrangements. The post will be up to a maximum salary of

£45,648 at the top of the potential salary bands, depending on the final outcome of the job evaluation process. The budget approved at Full Council in February included provision within contingency for this post. The recommendations in the report include the necessary budget transfer from contingency to the Democratic Services budget.

55. The Council will need to make changes to its Committee Management System (CMIS) in order to enable publication of a Forward Plan and Decision Log in line with statutory requirements. These changes can be accommodated within existing budgets.
56. A changed system and the roles for elected members within that system will require Councillors' remuneration to be reviewed against those new arrangements. If Council approves the new arrangements, a meeting of the Independent Remuneration Panel (IRP) is required, to enable them to make recommendations for consideration by the Council at its annual meeting in May.
57. The IRP would focus on how many roles were eligible for Special Responsibilities Allowances (SRAs) in the same way that they did for the Committee structure introduced after the May 2021 elections. The number of roles which may be likely to attract SRAs will reflect the number of roles within the new system including Leader and Cabinet members, Chairs and Vice Chairs of Overview and Select Committees and the Health Scrutiny Committee, the Chairs and Vice Chairs of continuing Committees and spokesperson roles in political groups. Although the intention remains to keep such costs within a broadly similar cost envelope as previously, the exact amount for the various roles and their remuneration will be recommended by the Independent Remuneration Panel. It will be a matter for Council to consider those recommendations and determine the final Councillors' Allowances Scheme.

Human Resources Implications

58. These are set out in paragraphs 41 to 43 above. Given the imperative to move quickly to support any new scrutiny system in readiness for the implementation date in May, it is envisaged the Senior Scrutiny Officer post will be filled initially via agency/locum routes. Longer term the recruitment would be for a permanent post and this would be undertaken in line with the Council's usual recruitment and employment policies and procedures.

Public Sector Equality Duty implications

59. Changes to the Council's governance arrangements are considered to have a broadly neutral effect. It is not considered that they would give rise to a disproportionate impact on any particular individuals or communities as the proposed system is legally compliant and has been developed in line with statutory guidance and best practice to ensure the relevant checks and balances within the system are in place. Accessibility arrangements for information about Council decision making would be largely the same as under current arrangements. The Cabinet Member for Personnel has been allocated responsibilities for oversight of Equalities across the Council and compliance with Equalities legislation is covered as one of the Council's decision-making principles. An Equality Impact Assessment has been undertaken in connection with this matter. The Council must have due regard to its public sector equality duties in reaching a decision.

Smarter Working Implications

60. Council, Cabinet and Committee meetings would continue to be held in public and systems for broadcasting public meetings will continue under the proposed system of governance, pending any changes in legislation which may permit remote “virtual” meetings to be held in future.

Safeguarding of Children and Adults at Risk Implications

61. Under the Council’s Committee system, the Council’s responsibilities as a corporate parent are kept under review by the Children and Young People’s Committee. As that Committee would not exist under a Leader and Cabinet Model it is proposed that the Council creates a Corporate Parenting Panel to enable issues relating to the Council’s wide ranging corporate parenting duties to be monitored. The form that such a panel would take is yet to be determined but will need to be an appropriate forum to enable relevant stakeholders to have a voice in how the Council is fulfilling its corporate parenting responsibilities.

Implications for Service Users

62. Any system of Council governance will continue to put the people the Council serves at its heart. The services which service users receive should be unaffected by any change in governance model that may be approved, and all decisions would be required to be taken in accordance with the law and requirements set out in the Constitution. Service Users will continue to have the same rights in respect of service delivery and to complain to the Council under the Council’s complaints procedures. They will remain able to raise issues with their local divisional County Councillor as currently.

RECOMMENDATION/S

- 1) That Council approves a change to the Council’s governance arrangements from a committee system of governance to the executive system (Leader and Cabinet model) to be implemented with effect from the Council’s annual meeting on 12 May 2022.
- 2) The detailed documents setting out the main elements of the changed system appended to the report at Appendices 2 – 15 be approved.
- 3) To inform the public and partners as appropriate of the Council’s decision by the Chief Executive placing a public notice of the decision with a link to the documents giving effect to the arrangements as soon as reasonably practicable.
- 4) That the Independent Remuneration Panel (IRP) be convened in order to consider the Council’s changed governance arrangements and to make its recommendations to Council regarding a revised Councillors Allowances Scheme.
- 5) The staffing establishment of the Democratic Services Team be increased to include a post of Senior Scrutiny Officer and the necessary budget provision transferred to the Democratic Services budget and the post recruited to as a matter of priority.

- 6) That the Monitoring Officer be authorised to make any necessary corrections, clarifications, and consequential amendments to the Council's Constitution to bring the new arrangements into effect and where these are material changes that relevant sections of the Constitution be brought back to the annual meeting in May for approval.
- 7) That the Members Working Group, reporting to Governance and Ethics committee as appropriate, be authorised to maintain an overview of the operation of the new arrangements during the first year of executive arrangements and to make any suggested proposals for change to the Governance and Ethics Committee for recommendation to Full Council.

Ben Bradley MP
Leader of the Council

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Constitutional Comments (HD 22/3/2022)

63. Council has the authority to consider the recommendations set out in the report. A formal resolution of the Council is required to effect a change in governance arrangements and such a report must be accompanied by relevant details regarding how the change would be brought into effect. A public notice must also be made notifying the public of the change and providing access to the documents setting out the changed arrangements

Financial Comments (NS 22/3/2022)

64. When Full Council approved the Budget for 2022/23 in February it included a provision in contingency to cater for the financial implications for the additional roles that may be required for the proposed change in governance arrangements as set out in this report. As the process change will be reviewed during the year any additional financial implications identified will be subject to further approval.

HR Comments (GME 21/03/2022)

65. The relevant employment policies and procedures have been followed to ensure appropriate consultation has taken place with the recognised trade unions through the agreed forum, Central Joint Consultative and Negotiating Panel. The Council's agreed recruitment policy will be followed to appoint to the Senior Scrutiny Officer role once the role has been formally evaluated. The Council's managed service provider, REED will be engaged to identify suitable candidates to fill the role on an initial temporary basis whilst the permanent recruitment exercise is undertaken. Training on the revised governance arrangements will be provided for Members and all officers required to operate the new system.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Equality Impact Assessment
- Local Government Act 1972 and Local Government Act 2000 (as amended) (published)
- Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2095 (as amended) (published)
- Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012/2089 (as amended) (published)
- Openness of Local Government Bodies Regulations 2014/2095 (as amended) (published)
- Centre for Public Scrutiny – Practice Guide 4 – June 2014 – Key Decisions and Powers of Call-in (published)
- 2019 Statutory Guidance on Overview and Scrutiny in local and combined authorities (Ministry of Housing, Communities and Local Government) (published)

Electoral Division(s) and Member(s) Affected

- All

Summary of information included in the following appendices:

Diagram of new Council Decision Making Bodies

This shows the new meetings structure under the new governance arrangements and how they will interact and link with each other.

Introduction to how the Council works

This section has been enhanced to include additional information required by legislation under the Executive Arrangements rules. This includes enhanced information on how the Council operates and information on the role of the Chairman of the Council. It also briefly explains decision making by the Executive and how decisions are scrutinised, and how the constitution will be reviewed and kept up to date.

The Introduction also sets out the principles of decision making which the Council will follow when taking decisions.

Executive Arrangements and Cabinet Meeting Procedure Rules

This is a new section to the Constitution which sets out how the Executive will function and take decisions. It also includes the procedure rules for how meetings of the Cabinet will be run.

Budget and Policy Framework Procedure Rules

This is a new section of the Constitution which sets out the procedures for how the Policy Framework and Budget will be developed and approved by Full Council. It also sets out the rules for how decisions outside the Budget and Policy Framework, including urgent decisions, can be taken and how changes can be made to the Framework during the year.

Overview and Select Committee Procedure Rules

This is a new section of the Constitution which sets out how the Overview and Select Committee meetings will operate. The section includes a protocol on Councillor Call for Action (CCfA) and the procedure for Call-in.

Access to Information Procedure Rules

This section has been enhanced to include the additional access to information rules for members of Overview and Select Committees and to reflect statutory requirements relating to Executive arrangements.

Procedure for taking urgent decisions

This is a replacement section for the current procedure for taking urgent decisions and sets out the procedure for taking urgent decisions in different scenarios.

Revised Council Procedure Rules

Minimal changes are required to the Council procedure rules to reflect the change to Executive Arrangements. Full Council will formally appoint the Leader after each four-yearly election, and the Leader will bring a report to each regular Council updating the Council on the work of the Executive since the previous update.

Changes are also proposed to the timings in the debate at the Budget Meeting to help with the structure of the meeting, and to allow more members the opportunity to speak within the time limit of the meeting.

Minimal changes are also proposed to update paragraph 117 regarding which items are not permitted in the Chamber and to clarify that this provision relates to all attendees, not just the public.

Revised Committee and Sub-Committee Procedure Rules

Minimal changes are proposed to this section to update the number of members required for the meeting to be quorate and updates to paragraph 70 regarding which items are not permitted in a committee meeting and to clarify that this provision relates to all attendees, not just the public.

Council, Cabinet and Cabinet Member Terms of Reference (including Local Choice Functions)

There have been minimal changes to the Full Council Terms of Reference to reflect the change to executive arrangements.

New Terms of Reference have been created for the Cabinet and Cabinet Members based on the previous committee's structure wherever possible, and are for the Leader to determine.

The document also sets out the local choice functions and how they will be delegated.

Revised Committees Terms of Reference

The Committee terms of reference have been updated to include the terms of reference for the Overview Committee and three Select Committees. The terms of reference of committees which will no longer exist have been removed and some non-executive functions have been reallocated to the Planning and Rights of Way Committee and Governance and Ethics Committee and Sub-Committee.

Minor changes have also been made to the Health and Wellbeing Board terms of reference to reflect the current remit of the Board and Senior Staffing Sub-Committee has become Senior Staffing Committee and the terms of reference have been updated to reflect the remit of the committee.

Revised Scheme of Delegations to Officers

There have been minimal changes to the officer scheme of delegations, with the majority of changes being formatting changes.

An 'all Corporate Directors' set of delegations has been created which has been collated from the wider section currently in the scheme, this is to enable a clearer division between those delegations that all Corporate Directors have, and their individual delegations.

Additional delegations have been added to the Corporate Director, Place, in relation to planning matters – PL.2. These functions are non-executive, so cannot be transferred to a Cabinet Member.

The Scheme has been updated to include the delegations to the Service Director, Transformation and Change which is a required update as it is not included in the current Constitution. A section has been added for the Director of Public Health to set out their delegations specifically. The functions of the statutory Data Protection Officer and the new Scrutiny Officer have also been included.

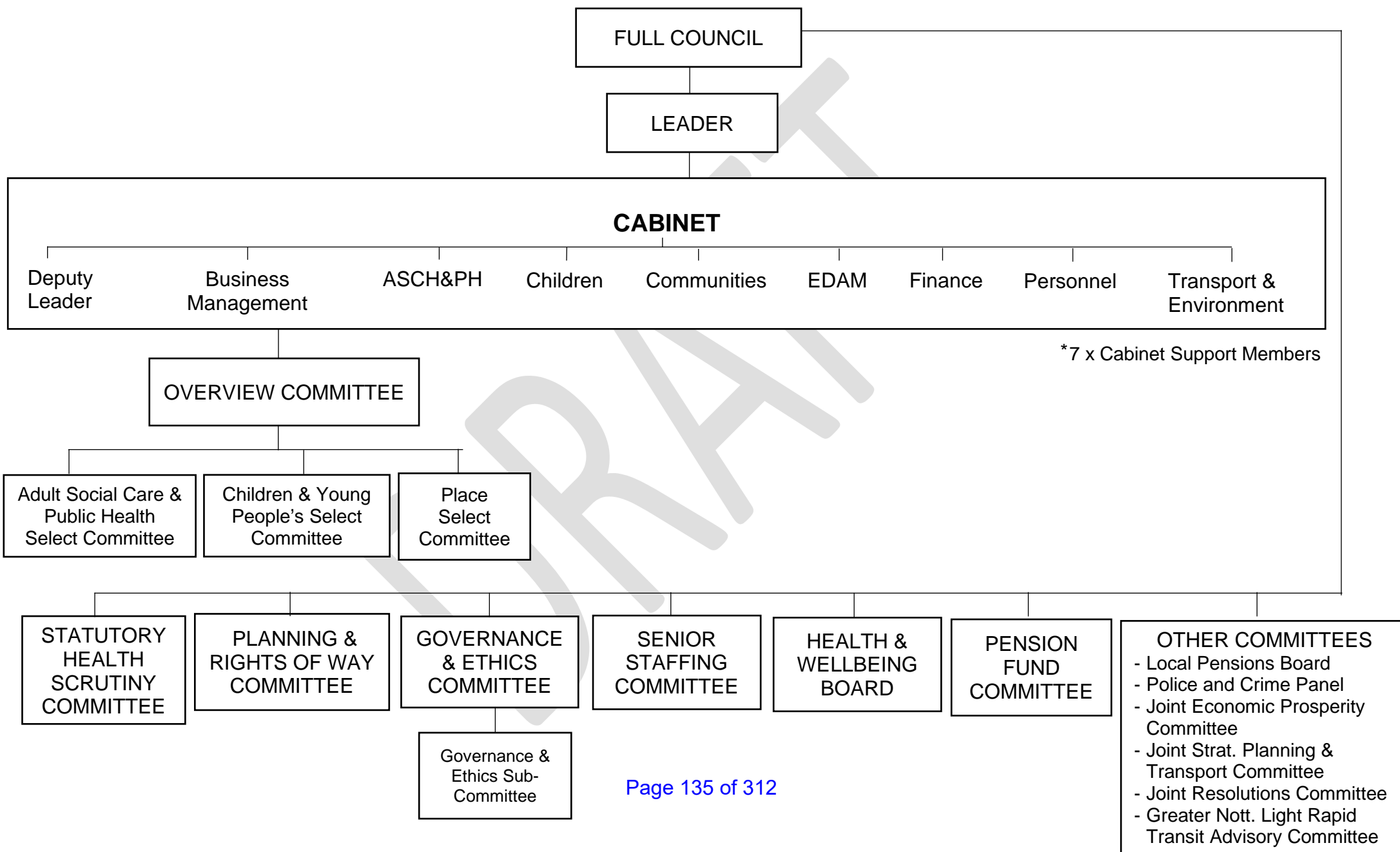
Revised Financial Regulations

The Financial Regulations have been updated to reflect the Executive arrangements. Financial thresholds and delegation limits have been reviewed to ensure clarity for in-year budget adjustments for both capital and revenue. There have also been various procedural changes to reflect feedback from officer stakeholders, streamline where appropriate and update outdated language. The overall approach is intended to create proportionality in financial decision making, increase consistency to aid understanding and to create a principles based approach rather than having a process driven document.

Committee seats and frequency of meetings

This appendix sets out the number of seats proposed per Committee (including Cabinet) and how often they are expected to meet annually.

Nottinghamshire County Council – Draft Governance Structure



INTRODUCTION TO HOW THE COUNCIL WORKS

THE COUNCIL'S CONSTITUTION

1. This Constitution sets out how Nottinghamshire County Council operates, how decisions are made, and the procedures which are followed to ensure that decisions are efficient, transparent, and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.
2. The purpose of this Constitution is to ensure that the Council's decision-making and governance arrangements help the Council to achieve its aims, objectives and priorities effectively and efficiently. It also ensures that the Council meets its legal duties.
3. The Council has chosen a Leader and Cabinet model of governance (executive arrangements). Further information on this can be found in the Executive Arrangements and Cabinet Member Procedure Rules at **Section XX**.
4. The Constitution is divided into **XXX** sections that govern how the Council operates.

HOW THE COUNCIL OPERATES

5. The Council consist of 66 councillors who are elected every four years. One or more councillors will be elected by the voters of each electoral division. There may be a by-election at any time if a Council seat becomes vacant during a Councillor's term of office.
6. Councillors must be over 18 years old and must live or work in the County. They are democratically accountable to residents of their division. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
7. All councillors meet as the Council and this is often called "Full Council". Members of the public are welcome to attend and observe Council meetings except where exempt or confidential matters are being discussed.
8. There are some decisions which can only be taken by the Full Council. Full Council is responsible for setting the Budget and Policy Framework, which sets out the Council's key policies and agreed budget for each year. All decisions must be taken in accordance with these agreed documents. Only Full Council can change the Budget and Policy Framework.
9. Full Council is responsible for electing (and can remove) the Leader of the Council, who in turn will appoint a Deputy Leader and a Cabinet. The Council (mainly through the scrutiny process and call-in of decisions) is ultimately responsible for holding the Cabinet to account.

10. Full Council is responsible for appointing Committees, some of which are responsible for overseeing and reviewing decisions of the Cabinet (scrutiny), while others have responsibilities for taking decisions about specific areas.

ROLES, FUNCTIONS, RIGHTS AND RESPONSIBILITIES OF ALL COUNCILLORS

11. All Councillors will:
 - a. collectively be the ultimate policymakers and carry out strategic and corporate management functions;
 - b. contribute to the good governance of the area and encourage community participation and public involvement in decision making;
 - c. effectively represent the interests of their electoral divisions and of individual constituents and bring their views into the Council's decision-making process;
 - d. respond to constituents' enquiries and representations, fairly and impartially;
 - e. participate in the governance and management of the Council;
 - f. be available to represent the Council on other bodies; and
 - g. maintain the highest standards of conduct and ethics, observing the provisions of the Constitution, especially the Code of Conduct for Councillors and Co-opted Members in **Section XX** of this Constitution
12. Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in **Section XX** of this Constitution.
13. The Council operates a Councillor Divisional Fund, with Councillors having an annual budget allocation to fund proposals which actively support local communities in their electoral divisions and assist the delivery of the Council's strategic objectives (subject to compliance with the scheme) - [Councillors' divisional fund | Nottinghamshire County Council](#)

THE CHAIRMAN OF THE COUNCIL

14. The Chairman is elected by Full Council at the annual meeting each year. The Council also elects a Vice-Chairman.
15. The Chairman undertakes civic and ceremonial roles on behalf of the Council and represents the Council at such events. They promote public involvement in the Council's activities and acts as an impartial advocate of the Council.
16. The Chairman presides over meetings of the Full Council to ensure that business is carried out effectively and has responsibility for upholding and interpreting the Constitution at those meetings. The ruling of the Chairman as to the interpretation or application of this Constitution or as to any proceedings of the Council cannot

be challenged. Such interpretation must have regard to the purposes of this Constitution and must be reasonable.

17. If the Chairman is not available, the Vice-Chairman undertakes the role.
18. Neither the Chairman, nor the Vice-Chairman can be the Leader or a Member of the Cabinet.
19. In the absence of the relevant Chairman of Overview or a Select Committee, the Chairman (or Vice-Chairman in the Chairman's absence) will certify urgency on urgent decisions outside the budget or policy framework in accordance with **paragraph XX** of the Access to Information Procedure Rules.

OPPOSITION APPOINTMENTS

20. The largest political group on the Council which is not the Group(s) from which the Cabinet is drawn will be officially recognised by the Council as the Main Opposition (main minority group). Any other opposition groups will be known as smaller minority groups. Each opposition group of 5 or more members may appoint a Leader, Deputy Leader and Business Manager with a Special Responsibility Allowance as set out in the Members Allowances Scheme.
21. In the event of there being no Main Opposition as there are two groups of equal size, the Independent Remuneration Panel may be called as appropriate to consider how any roles and special responsibility allowances will be equitably allocated.

PRINCIPLES OF DECISION MAKING

22. Different parts of the Council are responsible for particular types of decisions and decisions relating to particular areas or functions. A list of the responsibilities of each body or individual can be found in the **Section XX** of this Constitution.
23. All decisions of the Council will be made in accordance with the following principles:
 - a. Compliance with the law;
 - b. proportionality (i.e., the action must be proportionate to the desired outcome);
 - c. due consultation and the taking of professional advice from officers;
 - d. respect for human rights;
 - e. compliance with the Council's public sector equality duty;
 - f. where required by law or this Constitution, describing options considered and giving reasons for the decision;

- g. In accordance with the Council's Budget and Policy Framework

DECISION MAKING BY THE EXECUTIVE

24. The Cabinet is the part of the Council which is responsible for most day-to-day decisions (executive decisions). The Cabinet comprises of the Leader of the Council and up to nine Councillors. Meetings of the Cabinet are generally open for the public to attend, except where exempt (e.g. personal) or confidential matters are being discussed. Categories of exempt information are set out in the Access to Information Procedure Rules in **Section XX**.
25. The Leader will decide which executive decisions will be taken by Cabinet, by individual Cabinet Members and by Officers and will delegate a range of Services (or "Portfolios") to each Cabinet Member.
26. The Cabinet and Cabinet Members have to make decisions which are in line with the Council's overall policies and budget. If they wish to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Key Decisions

27. A Key Decision is one made in the exercise of a Cabinet function which is likely:
- a. to result in the County Council incurring expenditure which is, or the making of savings which are, significant, having regard to the County Council's budget for the service or function to which the decision relates; or
 - b. to be significant in terms of its effect on communities living or working in an area comprising two or more electoral divisions in the area of the County Council
28. Key Decisions are published in the Forward Plan at least 28 days in advance of the decision being taken, which is available on the Council's website, insofar as they can anticipated.

HOW DECISIONS ARE SCRUTINISED

29. There is an Overview Committee and three Select Committees who support the work of the Cabinet and the Council as a whole. The overview and scrutiny of both planned and taken decisions may lead to reports and recommendations which advise the Cabinet and Full Council on its policies, budget and service delivery. Overview and Select Committees monitor the decisions of the Cabinet and may be consulted on forthcoming decisions and the development of policy. The terms of reference for each committee can be found in **Section XX** of the Constitution. How these Committee's will operate is set out in the Overview and Select Committee Procedure Rules in **Section XX** of this Constitution.
30. Members of the Council who are not on the Cabinet can 'call-in' any executive decision which has been taken but not yet implemented. Statutory guidance

advises that this power would usually only be used in respect of Key Decisions. If a matter is ‘called-in’ it will be considered by the Overview Committee. They may recommend that the Cabinet reconsider the decision or in limited circumstances refer it to the Council.

31. The Council also has a separate statutory Health Scrutiny Committee which scrutinises matters related to Health across Nottinghamshire. More information can be found in **Section XX** of the Constitution.

REGULATORY AND OTHER COUNCIL COMMITTEES

32. Where something is the responsibility of the Council and not the Cabinet, and the Council does not have, or want, to decide it at Full Council, it is delegated to a Council committee. Some decisions are also delegated to Officers as set out in **Section XX**.
33. The terms of reference of the Committees can be found in **Section XX**.

PARTNERSHIP WORKING

34. The Council is committed to working with its partners such as the City Council, district and borough councils, parish councils, the Health Service, the voluntary sector and other public bodies, to deliver services in the most effective way. The Council has adopted a protocol for councillors and officers involved with outside bodies. This is set out in **Section XX** of this Constitution.
35. In working jointly with other local authorities the Council may participate in various Joint Committees, the terms of which are set out in **Section XX** of this Constitution.
36. The Council may also contract-out functions to other bodies or organisations where permitted by law and considered appropriate.

THE COUNCIL’S STAFF

37. The Council employs staff (Officers) to carry out its function. The Head of Paid Service is responsible for determining the overall staffing numbers required by the Council and how they are deployed. How decisions relating to staffing issues will be taken is set out in the Employment Procedure Rules in **Section XX** of this Constitution. The senior management structure chart is available on the website - <https://www.nottinghamshire.gov.uk/media/4320593/seniormanagement.pdf>
38. There is a legal requirement to allocate some specific responsibilities to Officers and the Council has designated the following posts:

Head of Paid Service	Chief Executive
Proper Officer for all functions except where delegated by the Chief Executive to other officers	Chief Executive

Monitoring Officer	Service Director Customers, Governance and Employees
Chief Finance Officer (also known as Section 151 Officer)	Service Director Finance, Infrastructure and Improvement

39. These post holders' specific responsibilities are set out in the Scheme of Delegations to Officers in **Section XX** of this Constitution.
40. The Council has adopted a Code of Conduct for Officers to ensure the highest standards are maintained. This is section out in **Section XX** of this Constitution.

FINANCES

41. To ensure transparency and propriety in how the Council spends taxpayers' money, the Council has adopted Financial Regulations which are set out in **Section XX** of this Constitution. The Council sets its budget annually; the framework for the process is set out in the Budget and Policy Framework Procedure Rules in **Section XX** of this Constitution.
42. The Council publishes its annual statement of accounts and all individual items of expenditure over £500 on its website and approves and publishes senior officer pay.

PUBLIC INVOLVEMENT

43. The Council welcomes the participation of the public in its work.
44. Members of the public have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes.
45. Where members of the public use specific council services these are not covered in this Constitution, please see the Council's website for information on specific services.
46. The Council operates complaints procedures which are overseen by the Local Government and Social Care Ombudsman.
47. Members of the public have the right to:
- a. vote at local elections if they are registered;
 - b. contact their local Councillor about any matters of concern to them in their division;
 - c. contact the appropriate Cabinet Member about any matters of concern that relate to that Cabinet Member's Portfolio;
 - d. have access to the Constitution;

- e. attend all meetings of the Council, Cabinet, Overview and Select Committees and other Committees except where exempt or confidential matters are being discussed (see Access to Information Procedure Rules in [Section XX](#)). Members of the public may also be invited to participate in scrutiny activity at appropriate points;
- f. submit a petition on any matter that affects Nottinghamshire and is relevant to services provided by the Council as set out in the [\[Petitions Scheme\] – link to scheme on CMIS](#).
- g. find out what Key Decisions are to be considered by the Cabinet, individual Cabinet Members and Officers and which decisions are likely to be taken by Cabinet in private (where they relate to confidential/exempt decisions) via the Forward Plan;
- h. see reports and background papers, and any records of decisions made by the Council, the Cabinet, Overview and Select Committees and other Committees, also individual Cabinet Members and executive decisions made by Officers (except exempt and confidential information);
- i. make eligible complaints to the Council through its complaints process;
- j. complain to the Local Government and Social Care Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after going through the Council's own complaints process;
- k. compliment the Council where the service they have received has been exceptionally good or speedy and which could help spread good practice across the Council;
- l. complain to the Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Code of Conduct for Councillors and Co-opted Members;
- m. inspect the Council's accounts during the limited period of the audit each year and to make their views known to the external auditor. The period when accounts are open to inspection is publicised in advance;
- n. Record, report or film formal public meetings (including by the use of electronic methods such as Twitter, Blogs and Facebook) without disrupting the good order of the meeting.

COUNCILLOR AND OFFICER EXPECTATIONS

- 48. Councillors and Officers have the right not to be subjected to discriminatory, violent, abusive, threatening or intimidating behaviour.

CHANGES TO THE CONSTITUTION

49. The Constitution has been formally adopted by the Council. The Council will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
50. Any changes to the Constitution not falling within the responsibilities of the Leader must be approved by the Full Council. The Monitoring Officer has the authority to make amendments to the Constitution to keep it up to date with any permitted changes made by the Leader, make any minor and consequential amendments and corrections to the Constitution and to keep it up to date with legislation and/or to keep the whole constitution in line with Council decisions made from time to time.
51. As a minimum, the Constitution will be reviewed following each four-yearly election cycle to ensure that the aims and principles of the Constitution are given full effect.
52. In the event of any proposals for a change in Executive arrangements from a Leader and Cabinet form of Executive to another form of governance or vice versa, the Council will take reasonable steps to consult local electors and other interested persons in the area when drawing up proposals.
53. No change to any part of this Constitution or to any sub-delegation scheme under it shall, unless otherwise specified, invalidate any previous decision or action made or taken under the previous provisions.
54. Unless specified by a provision of the Constitution, any decision made by or on behalf of the County Council (including any plan, budget, policy or strategy approved by or on behalf of the County Council) prior to the coming into effect of the Constitution or the making of any change to it shall remain in force until it is amended, varied or replaced.

EXECUTIVE ARRANGEMENTS AND CABINET MEETING PROCEDURE RULES

EXECUTIVE ARRANGEMENTS

1. As set out in the introduction of this Constitution, the Council has adopted a Leader and Cabinet form of governance. The Leader of the Council is responsible for the discharge of such functions as are the responsibility of the Cabinet of the Council i.e. all functions which, by law, must be the responsibility of the Cabinet, or which are not the responsibility of any other part of the Council, whether by law or under this Constitution. The Leader may make such arrangements as they think fit from time to time for the delegation and discharge of cabinet functions. Details of the current Cabinet Members are published on the website. [\[insert link once page live\]](#)

LEADER OF THE COUNCIL

2. The County Council shall appoint a Member of the Council as the Leader of the Council at its annual meeting in the year of regular four-yearly elections for County Councillors.
3. The Leader appointed under procedure rule 2 shall serve until the first meeting of the County Council after the next regular four-yearly election unless:
 - a. they resign from the office;
 - b. they are no longer a councillor; or
 - c. they are removed from office by resolution of the Council
4. If the serving Leader ceases to be Leader for one of the above reasons, the Council will elect a new Leader who will serve until the next regular four-yearly election for County Councillors.

THE DEPUTY LEADER

5. The Leader of the Council shall designate one Cabinet Member as Deputy Leader who may, in any circumstances that the Leader of the Council is unable to act, exercise the powers, duties and responsibilities of the Leader of the Council under the Constitution.
6. If the Leader of the Council ceases to hold the office, the Deputy Leader will act as Leader until a new Leader is appointed by the Council. Under these circumstances, the provisions of Paragraph 11 below shall not apply.
7. The Deputy Leader will hold office until the end of the Leader's term of office unless removed from the office by the Leader or they cease to be a Cabinet Member under Paragraph 11d below.

THE CABINET

8. The Leader shall specify the number of Members in addition to themselves who comprise the Cabinet being not less than two and not more than nine. This must include the appointment of a Deputy Leader.
9. The Leader of the Council shall appoint Members of the Council to serve on the Cabinet as Cabinet Members. Only Councillors may be appointed to the Cabinet and there may be no Deputies or Substitutes for Cabinet Members.
10. The Chairman and Vice-Chairman of the County Council may not be Members of the Cabinet and Cabinet Members may not be Members of the Overview Committee, any Select Committee or Health Scrutiny Committee or their Sub-Committees.
11. Cabinet Members will serve until the first meeting of the County Council after the next regular four-yearly election unless:-
 - a. they resign from office;
 - b. they are no longer a Councillor;
 - c. they are removed from office by the Leader of the Council; or
 - d. the Leader of the Council resigns or no longer holds office.

CABINET SUPPORT MEMBERS

12. The Leader shall appoint up to seven Cabinet Support Members from time to time to support the work of the Cabinet Members.
13. Cabinet Support Members will serve until the first meeting of the County Council after the next regular four-yearly election unless:-
 - a. they resign from office;
 - b. they are no longer a Councillor;
 - c. they are removed from office by the Leader of the Council; or
 - d. the Leader of the Council resigns or is removed from office.
14. Cabinet Support Members may not be a member of the relevant Overview Committee or Select Committee that deals with an area for which they provide Cabinet support.

ROLE OF THE CABINET

15. The Cabinet is responsible for making proposals to the Council about what its priorities should be and how it should use its resources. Once approved by the Council, these proposals become the Council's Budget and Policy Framework.
16. The Cabinet is responsible for making all of the necessary arrangements in respect of Executive functions to ensure that the priorities identified by the Council are delivered within the Budget and Policy Framework set by the Council.
17. The Cabinet is empowered to do anything within its legal powers with regard to Executive functions, it considers necessary or appropriate to deliver the Council's priorities so long as it does not take any action or adopt any policy which is contrary to the Council's Budget and Policy Framework. Where appropriate the Cabinet may make recommendations to the relevant body in respect of any matters which are not within its remit, which include any suggested alterations to the Council's Budget and Policy Framework.
18. Before taking any decision or making any recommendation to Council, Cabinet will consider what consultation, if any, is appropriate, and undertake such consultation.
19. The Cabinet will consider and respond to reports and recommendations from Overview Committee and Select Committees in accordance with the Overview and Select Committee Procedure Rules.
20. The Cabinet shall add and remove organisations to the list of Outside Bodies. The Cabinet Member – Business Management will appoint the representatives to organisations on the Outside Bodies list.
21. The Cabinet will as appropriate or necessary in the circumstances seek the advice of the Chief Executive, the Monitoring Officer, the relevant Chief Officer and/or the Chief Finance Officer on any matter and shall have regard to any advice so given.

ROLE OF CABINET MEMBERS

22. The Leader will delegate a range of Services (or "Portfolio") to each Member appointed to the Cabinet. Each Cabinet Member will be responsible for overseeing the Cabinet's responsibilities in relation to the Services and functions within their Portfolio.
23. The Leader will decide the extent to which responsibility for formal decision-making for functions of the cabinet is held collectively by the Cabinet, by individual Cabinet Members or officers.
24. The Leader will notify the Monitoring Officer of any amendments to the delegations to Cabinet Members. The Monitoring Officer will then update the Constitution and notify all councillors.

25. The Leader of the Council will have overall responsibility for the operation of the Cabinet and its decisions.

ROLE OF CABINET SUPPORT MEMBERS

26. Cabinet Support Members do not have specific constitutional delegated decision making powers but they shall have the authority to:
- a. assist Cabinet Members to ensure the implementation of County Council policy; monitor and evaluate the budget implications of decisions and work with senior officers, stakeholders and Members; and
 - b. research and gain expertise in relevant issues affecting a particular portfolio and be aware of and responsive to developing problems, and assist the Cabinet Member in dealing with issues arising as required from time to time; and
 - c. develop and maintain a clear understanding of the Portfolio, the scope and range of the services and policies in respect of those services; and
 - d. assist Cabinet Members to ensure the delivery of continuous improvement and services and implementation of best practice in their portfolios; and
 - e. assist Cabinet Members to ensure an appropriate consultation programme is developed for their area of responsibility, to involve local people and communities in the decisions of the Council as fully as possible; and
 - f. attend Cabinet meetings in the absence of their Cabinet Member for the purpose of presenting information in relation to matters affecting the portfolio (but not to vote); and
 - g. liaise and consult with non-Cabinet Members as the relevant Cabinet Member may from time to time determine and direct; and
 - h. chair working groups and attend Cabinet Committees as required.

EXECUTIVE DECISIONS

The Cabinet

27. Cabinet decisions which are taken by the Cabinet as a whole will be taken at meetings held in public (except where exempt or confidential information is to be discussed) convened in accordance with the Access to Information Rules in **Section XX** of the Constitution.
28. The Cabinet may collectively take any decision on any matter delegated to the Cabinet by the Leader, or that has been referred to the Cabinet by a Cabinet Member, the Chief Executive, or any Chief Officer, or is one which the Cabinet have specifically reserved for decision to them. Cabinet decisions will be taken at meetings of the Cabinet. Where decisions are delegated to a committee of

Cabinet, the rules that apply to decisions taken by them shall be the same as those taken by Cabinet.

29. Cabinet has no power to:
 - a. take decisions on matters reserved to the Full Council;
 - b. take decisions on any matters reserved to the Full Council or any committee of the Council by law or under this Constitution.
30. The Leader may establish (and disestablish) one or more Cabinet Committees on a task and finish basis. They shall appoint the Chairman and members of the Cabinet Committee from amongst the Members of the Cabinet and may delegate powers to it. The details of any Cabinet Committee and the powers delegated to it shall be recorded in this Constitution. The Cabinet Committee meetings will be held in public and will follow the Access to Information Procedure Rules.
31. The Leader may also establish (and disestablish) working groups comprising Members and officers to oversee specific projects, functions or services or to undertake reviews. Such working groups do not have the power to take decisions on behalf of the Council and are informal structures not subject to the provisions of the Access to Information Procedure Rules (except the additional rights of Access for Members).
32. The Cabinet may delegate to a committee of Cabinet or to an officer any power, responsibility or function within its responsibility, and may vary any such delegation of a responsibility or function. Where appropriate the details of any such delegation of a responsibility or function and/or variation to any such delegation shall be recorded in this Constitution.
33. Subject to Paragraph 27 above, the Cabinet may collectively take any decision on any matter within the scope of the executive's role, notwithstanding that a Cabinet Member, Cabinet Committee or an officer may also be authorised to make such decision. If a decision has been made and implemented under properly authorised delegated authority by a Cabinet Member, Cabinet Committee or officer then it shall not be invalidated by any decision of the Cabinet.
34. Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated those functions.
35. Members of the Cabinet when making decisions must pay particular regard to potential or perceived conflicts of interest and the rules on pre-determination, bias, interests, gifts and hospitality set out in the applicable Codes of Conduct in **Section XX** and paragraphs 46 to 50 below.

Cabinet Members

36. The Leader of the Council may also delegate specific decision making powers to a specified Cabinet Member on a time limited basis. All such allocations are to be recorded in a list by the Leader and notified to Democratic Services.
37. Cabinet Members may only take decisions within the approved budget and may not have delegated power to take decisions that are by law not the responsibility of the Council's Executive or decisions that are reserved by the Leader to the Cabinet as a whole. No decision shall be made by a Cabinet Member who has a conflict of interest or where such action would be contrary to a Code of Conduct in any other way or would be unlawful.
38. The exercise of delegated powers by a Cabinet Member is always subject to this Constitution, including the County Council's Budget and Policy Framework rules, the Call-in provisions, the Access to Information Rules and Financial Regulations.
39. Delegated powers can only be exercised once the Cabinet Member has considered a written report from the relevant Corporate Director or their nominee, which meets the Council's report writing requirements and where appropriate, includes advice from the relevant Statutory Officers.
40. The decision of the Cabinet Member must:
 - a. be in writing, signed by them and by the Chief Officer concerned;
 - b. include a record of the reasons for the decision, details of any alternative options considered and rejected at the time by the Cabinet Member;
 - c. include a record of any conflict of interest in relation to the matter decided which has been declared by any Member of the decision-making body, and in respect of such declared conflicts of interest, a note of any dispensation granted by the Proper Officer.
41. A copy of such decision must be given within 1 working day to Democratic Services on behalf of the Proper Officer. Democratic Services will publish the decision on the Council's website within 3 working days of it being taken.
42. Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated those functions.
43. Cabinet Members making decisions should pay particular regard to potential or perceived conflicts of interest and the rules on pre-determination, bias, interests, gifts and hospitality in the applicable Codes of Conduct in **Section XX** and paragraphs 46 to 50 below.

Key Decisions and the Forward Plan

44. A Key Decision is one made in the exercise of a Cabinet function which is likely:
 - a. to result in the County Council incurring expenditure which is, or the making of savings which are, significant, having regard to the County Council's budget for the service or function to which the decision relates; or
 - b. to be significant in terms of its effect on communities living or working in an area comprising two or more electoral divisions in the area of the County Council
45. Key Decisions are taken by Cabinet, Cabinet Committees and Cabinet Members. Key Decisions may also be taken by officers in exceptional circumstances.
46. Notice that a Key Decision is to be taken will be published at least 28 days in advance in the Forward Plan, subject to the Access to Information Rules in **Section XXX**.

Chief Officers

47. The Leader may delegate to a Corporate Director any power or responsibility or function which it is in law the responsibility of the Cabinet to discharge and will maintain a scheme of such delegations in **section XX** of the Constitution.
48. Corporate Directors may in turn delegate any responsibilities that have been allocated to them to another officer and maintain a record in accordance with the Officer Scheme of Delegations.
49. Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated those functions.
50. Officers making decisions should pay particular regard to potential or perceived conflicts of interest and the rules on pre-determination, bias, interests, gifts and hospitality in the applicable Codes of Conduct in **Section XX** and paragraphs 46 to 50 below.

INTERESTS

51. No decision will be made by a Cabinet Member who has a conflict of interest or where such action would be contrary to the Code of Conduct for Councillors and Co-opted Members in any other way.
52. If every Member of the Cabinet has an interest which would prevent participation in the matter under consideration, they should seek advice from the Monitoring Officer.

53. If the exercise of an executive function has been delegated to a Cabinet Member and they are prevented from discharging that function because of one or more interests, then the Leader will determine how the decision will be taken.
54. If the exercise of an executive function has been delegated to an Officer and they are prevented from discharging that function because of one or more interests, then the Chief Executive will determine how the decision will be taken.
55. Individual decision makers should consider whether it would, in all the circumstances, be prudent for a decision which would otherwise fall to be taken by them to instead be taken (or ratified) by:
 - a. in the case of a Cabinet Member, by the Cabinet collectively;
 - b. in the case of an officer, by their manager or another officer with equivalent authority; or, in the case of a Cabinet decision by a Cabinet Member or the Cabinet collectively or, in the case of a Council decision, by an appropriate committee or sub-committee;
 - c. in the case of a decision maker under a specific delegation, by the person or body who made that delegation.
56. Individual decision makers should also have particular regard to whether a decision should be made in consultation with any Officer or Member and of the need to consult and take advice as appropriate.

CABINET MEETING PROCEDURE RULES

INTRODUCTION

57. The Committee and Sub-Committee Procedure Rules apply for meetings of the Cabinet with the following exceptions and/or additions:

MINIMUM ATTENDANCE (QUORUM) AND CHAIRING OF THE MEETING

58. The quorum for a meeting of the Cabinet shall be three including the Leader of the Council, or if they are absent, the Deputy Leader. Except where the Cabinet has been specifically called to meet because both the Leader and Deputy Leader are unable to act. If the Leader of the Council is present they will chair the meeting and if they are absent the Deputy Leader will chair.

ORDER OF BUSINESS

59. The order of business at each meeting of the Cabinet will usually be:-
- a. confirmation of the minutes of the last meeting
 - b. apologies for absence, including reasons
 - c. declarations of interest
 - d. any matters referred to Cabinet (whether by an Overview or Select Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Select Committee Procedure Rules or the Budget and Policy Framework Procedure Rules set out in this Constitution
 - e. consideration of reports from Overview and Select Committees; and
 - f. any matters set out in the agenda for the meeting, and which shall indicate which are key decisions and those which are not in accordance with the Access to Information Procedure Rules set out in **Section XX** of this Constitution.

AGENDA ITEMS

60. The Leader after consultation with the Chief Executive, will decide upon the agenda for Cabinet meetings.
61. The Cabinet may require any Cabinet Member or the Leader of the Council or Chief Officer to report to the Cabinet on any matter which the Cabinet specify and which is within its or their purview.
62. Any Cabinet Member may request the Leader of the Council to arrange for an item to be placed on the agenda for the next available meeting of the Cabinet for

consideration. The Leader will decide whether or not the item will be included on the agenda.

63. Any matter referred to Cabinet by Overview Committee or a Select Committee or by Council will be placed on the agenda of the next available Cabinet meeting for consideration.
64. The Monitoring Officer, the Chief Finance Officer and/or the Head of Paid Service may require the Proper Officer to include an item for consideration on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.
65. Cabinet Members will normally present their reports in person. However, in the event that a Cabinet Member is unable to attend a meeting of Cabinet in person they may nominate another Cabinet Member or a Cabinet Support Member to present their report (a "Cabinet Nominee").
66. In the event that a Cabinet Nominee is unable to respond to any questions which in the opinion of the Leader (or Deputy Leader if they are chairing the meeting) require a response the Leader or Deputy Leader shall undertake to refer any such questions to the Cabinet Member for a written response to the Member(s) concerned as soon as is practicable but no later than the next meeting of Cabinet.
67. The Chief Executive will be the Proper Officer for matters relating to the membership and meetings of the Cabinet, including summoning meetings, circulating the agenda and papers for such meetings, and recording every decision taken by the Cabinet itself. Such record shall include the reasons for such decision and any alternative options considered and rejected.

RULES OF DEBATE

68. The order and length of any contribution to discussion shall be at the discretion of the Leader or the Deputy Leader if they are chairing the meeting.

ATTENDANCE AT MEETINGS

69. The meeting will usually be held at County Hall, West Bridgford and be open to the public to attend.
70. Cabinet Support Members shall be able to attend meetings of Cabinet but shall not be able to vote on any decision of Cabinet.
71. Any person entitled to do so by the Access to Information Procedure Rules in **Section XX** of this Constitution may attend and observe a Cabinet Meeting.
72. At a meeting of Cabinet, a Councillor may request to speak on a matter under consideration at the meeting. The exercise of this right is subject to prior agreement by the Leader (or Deputy Leader if they are Chairing). Notice in writing

is required to the Leader from the Councillor requesting to speak no later than 9am on the working day before the meeting and must include the item(s) they wish to speak on and the reasons the request is being made. If permission is granted, the Councillor will be invited to speak for a maximum of 5 minutes during the debate on the item requested, at a time determined by the Leader, but will not vote.

73. Cabinet may invite any person, whether or not a Member or officer of the County Council to address it and/or contribute to its discussion.
74. Up to two representatives nominated by the Overview Committee shall be entitled to attend and speak (but not to vote) at a meeting of the Cabinet when it considers any reference back of a called-in decision.

CONSULTATION

75. Reports to the Cabinet from any Cabinet Member or an officer on a proposal relating to the budget and policy framework must contain details of consultation with stakeholders and the relevant Overview or Select Committee, and the outcome of that consultation.
76. Reports about other matters will set out the details and outcome of consultation as appropriate.
77. Each Cabinet Member may from time to time make arrangements for consultation with persons or bodies who are not members of the Council about any matter within the portfolio of that Cabinet Member. These arrangements shall not lead to any delegated powers being vested in any person or body so consulted or asked to advise.

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

THE FRAMEWORK FOR EXECUTIVE DECISIONS

1. The Council will be responsible for the adoption of its Budget and Policy Framework as set out in **Section XX** of this Constitution. Once a budget or a policy referred to in the framework is in place, it will be the responsibility of the Cabinet to implement it.

PROCESS FOR DEVELOPING THE FRAMEWORK

2. After appropriate consultation with stakeholders, the Cabinet will draw up initial proposals in relation to any plan, strategy or budget which forms part of the Council's Budget and Policy Framework. Once drawn up the Proper Officer will send copies of them to the Chairman of the Overview or relevant Select Committee (including, where appropriate, the Health Scrutiny Committee) together with dates when the Cabinet will consider them further which shall allow a reasonable period for the Overview or relevant Select Committee to consider the proposals.
3. The Overview or relevant Select Committee will consider whether to respond to the Cabinet's initial proposals and also whether any further consultation is appropriate. If further consultation is appropriate, the Committee will either conduct such consultation or require the Department to conduct it and will reflect any representations made to it in their report to the Cabinet prior to any decision being made by Cabinet.
4. Having considered the report of the Overview or Select Committee, the Cabinet will finalise its proposals in a report for Full Council to consider. The report will include how the Cabinet has taken into account any recommendations from the Overview or Select Committee.
5. The Council will consider the proposals of the Cabinet and if the Council has no objection to these proposals it may adopt them and the decision shall be effectively immediately (unless the Council otherwise provides).
6. If the Council has any objections to a draft plan or strategy proposed by the Cabinet then before the Council:
 - (a) amends the draft plan or strategy; or
 - (b) approves for the purpose of its submission to the Secretary of State or any Minister for the Crown for approval any plan or strategy (whether or not in the form of a draft) of which any part is required to be submitted; or
 - (c) adopts (with or without modification) the plan or strategy,it shall inform the Leader of those objections and must give to them instructions requiring Cabinet to reconsider, in the light of those objections, the draft submitted to it.

7. Where the Council gives instructions in accordance with paragraph 6 it shall specify a period of not less than five working days beginning on the day after the date on which the Leader receives that information. Within the specified time the Cabinet may:
 - (a) submit a revision of the draft plan or strategy as amended by the Cabinet with the Cabinet's reasons for any amendments, to Council for consideration; or
 - (b) inform Council of any disagreement that the Cabinet has with any of Council's objections and the Cabinet's reasons for any such disagreement.
8. When the period specified by Council under paragraph 7 has expired, Council must when:
 - (a) amending the draft plan or strategy, including any revision by Cabinet; or
 - (b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be submitted; or
 - (c) adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, Cabinet's reasons for those amendments, any disagreement that Cabinet has with any of Council's objections and Cabinet's reasons for that disagreement, which in each case have been notified to Council within that period.
9. Where before 8 February in any financial year, Cabinet submits to Council for its consideration in relation to the following financial year:
 - (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of Sections 31A, 31B and 34 to 36A or 42A, 42B and 45 to 49 of the Local Government Finance Act 1992;
 - (b) estimates of other amounts to be used for the purposes of such calculation; or
 - (c) estimates of such a calculation; or
 - (d) amounts required to be stated in the County Council's precept under Chapter IV of Part 1 of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in paragraph 10 below.
10. Before Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 9(a), or issues the

County Council's precept, it must inform the Leader of any objections which it has to the Cabinet's estimates or amounts and must give to the Leader instructions requiring Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with Council's requirements.

11. Where Council gives instructions in accordance with paragraph 10, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of Cabinet within which the Leader may:
 - (a) submit a revision of the estimates or amounts as amended by Cabinet which have been re-considered in accordance with Council's requirements, with Cabinet's reasons for any amendments made to the estimates or amounts, to Council for Council's consideration; and/or
 - (b) inform Council of any disagreement that Cabinet has with any of Council's objections and Cabinet's reasons for any such disagreement.

12. When the period specified by Council in paragraph 11 has expired, Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 9(a), or issuing the County Council precept, take into account:
 - (a) any amendments to the estimates or amounts which are included in any revised estimates or amounts;
 - (b) Cabinet's reasons for those amendments;
 - (c) any disagreement that Cabinet has with any of Council's objections; and
 - (c) Cabinet's reasons for that disagreement,

which in each case have been notified to Council within that period.

13. The Leader shall be deemed to have submitted any document or revised document to Council, as required by these rules, if they have been submitted in writing to the Proper Officer.

14. Council shall make its final decision on the matter on the basis of a simple majority. The decision should be made public in accordance with [Section xx **Full Council ToR**] and shall be implemented immediately.

15. In approving the Budget and Policy Framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with **paragraphs 5 and 6** [below to change, virement and in year changes] of these Rules (virement and in-year changes). Any other changes to the Budget and Policy Framework are reserved to the Council.

DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

16. Subject to the provisions of paragraphs 22 - 24 (virement) the Cabinet, Cabinet Committees, individual Cabinet Members and any officers discharging executive functions may only take decisions which are in accordance with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Council, then that decision may only be taken by the Council, subject to paragraphs 18 -21 below (urgent decisions outside the Budget and Policy Framework).
17. If the Cabinet, Cabinet Committees, individual Cabinet Members and any officers, discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer and Chief Finance Officer as appropriate, on whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in accordance with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraphs 18 - 21 (urgent decisions outside the Budget and Policy Framework) shall apply.

URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

18. The Cabinet, a Cabinet Committee, an individual Cabinet Member or Officers discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - (a) If it is not practical to convene a quorate meeting of Full Council; and
 - (b) if the Chairman of Overview Committee agrees that the decision is a matter of urgency.
19. The reasons why it is not practical to convene a quorate meeting of Full Council and the consent of the Chairman of Overview Committee to the decision being taken as a matter of urgency must be noted on the decision record.
20. In the absence of the Chairman of Overview Committee the consent of the Chairman of the relevant Select Committee, or in their absence the Chairman of the County Council will be sufficient.
21. Following the decision, the decision maker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

VIREMENT

22. The limits for the transfer of budget provision from one budget head to another are set out in the **FINANCIAL REGULATIONS** in [Section x] of this Constitution.
23. Separate limits apply to virements by Cabinet, Cabinet Members and the Chief Finance Officer that are cross Portfolio.
24. Any decision contrary to or not wholly in accordance with the budget framework or the virement provisions must be taken by Council.

IN-YEAR CHANGES TO THE BUDGET AND POLICY FRAMEWORK

25. The responsibility for agreeing the Budget and Policy Framework lies with the Council and decisions by the Cabinet, a Cabinet Committee, an individual Cabinet Member or officers discharging executive functions must be in line with it.
26. No changes to any policy and/or strategy which make up the policy framework may be made by those bodies or individuals except those changes:
 - (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
 - (b) which are necessary to ensure compliance with the law, ministerial discretion or government guidance;
 - (c) in relation to the policy framework, in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration;
 - (d) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change;
 - (e) for which the budget or policy specifically provides for in-year change.

CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

27. Where the Overview Committee, in considering a Call-in request in accordance with [Section O&S Procedure Rules] contained in [Section x] of this Constitution, is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and Chief Finance Officer who may require a report is submitted to Full Council.

OVERVIEW AND SELECT COMMITTEE PROCEDURE RULES

What will be the number and arrangements for Overview and Select Committees?

1. The Council will have an Overview Committee and three service based Select Committees set out in **section XX** of the Constitution and will appoint to them as it considers appropriate from time to time. The Council will also have a separate statutory Health Scrutiny Committee.
2. These Committees may appoint sub-committees or smaller working groups to carry out detailed examination of particular topics for reporting back to them. Working groups may be appointed for a fixed period (as determined by the relevant Committee) on the expiry of which they shall cease to exist.
3. The procedures applicable to the Overview and Select Committees shall also apply to the statutory Health Scrutiny Committee unless specifically excluded, varied or supplemented by the sections relating to the Health Scrutiny Committee.
4. Nothing in these rules prevents more detailed liaison between the Cabinet and the Overview Committee and the Select Committees as appropriate depending on the particular matter under consideration. Indeed, the aim will be to develop a positive and constructive relationship between the Cabinet and the Overview and Scrutiny function

Who may sit on Overview and Select Committees?

5. All Councillors, except Members of the Cabinet, may be members of a Committee undertaking scrutiny work. However, no member may be involved in scrutinising a decision in which they have been directly involved or relates to a portfolio for which they provide (or did provide at the relevant time) Cabinet Member support. Any Protocol on managing conflicts of interest must be followed in the event of familial or other conflicts arising during scrutiny activity.

Co-optees

6. Subject to the provisions below for the Children and Young People's Select Committee, the Overview or Select Committees or Health Scrutiny Committee may appoint a maximum of two non-voting co-opted members (co-optees). Co-optees may be appointed as either standing members of the Committee or on a time limited basis related to the review of a specific topic.
7. The selection and nomination of co-opted members shall be:
 - in accordance with a procedure determined by the Monitoring Officer or any formal Protocol agreed by the Overview Committee; and
 - except for Health Scrutiny Committee, subject to a requirement for

Overview Committee to approve appointees

8. Standing co-optees will be reviewed at the annual Council meeting when their term of office may be renewed for the forthcoming year.

Education representatives and Co-optees

9. The Children and Young People's Select Committee in dealing with education matters shall include in its membership the following voting representatives (required under the school Standards and Framework Act 1998 and the Parent Governor Representatives (England) Regulations 2001):
 - a. 1 Church of England diocese representative;
 - b. 1 Roman Catholic diocese representative; and
 - c. 2 parent governor representatives.
10. The above faith representation reflects the current statutory requirements and the make-up of faith schools within Nottinghamshire. The faith representation will be periodically reviewed by the Children and Young People's Select Committee and may recommend to Council any further additions considered appropriate to reflect the nature and diversity of faith schools within the County Council's area.
11. Where the Children and Young Peoples Select Committee deals with matters other than education, these representatives shall not vote but they may stay in the meeting and speak.
12. In the event of any Education related matter being subject to Call-in, the voting faith and parent governor representatives may attend the Overview Committee that considers that Call – in.

Crime and Disorder and Flood Risk Management Scrutiny

13. The **Place Select Committee** will include within its terms of reference the relevant powers and functions relating to the requirements set out below:

a. Crime and Disorder

The Police and Justice Act 2006 (Section 19) requires every local authority to have a "crime and disorder committee" which must scrutinise the delivery of crime and disorder strategies. Place Select Committee will fulfil this requirement. The Responsible Authorities which are delivering these strategies, and which are subject to a report from such a committee must respond to the report and have regard to it when exercising its functions. They are also subject to a requirement to provide information and attend meetings of the committee to answer questions. These committees are distinct from the 'Police and Crime Panels' that scrutinise directly-elected Police and Crime Commissioners.

b. Flood Risk Management

The Local Government Act 2000 (Section 21) requires that a local authority which is a lead local flood authority for an area in England must have arrangements to review and scrutinise flood risk management functions that may affect the local authority's area. Place Select Committee will fulfil this requirement. A risk management authority must comply with a request made by a scrutiny committee for information or a response to a report.

Meetings of the Overview and Select Committees

14. The Overview Committee shall hold a minimum of 6 ordinary meetings each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An Overview Committee meeting may be called by the Chair of the Overview Committee or by the Monitoring Officer if they consider it necessary or appropriate.
15. Each Select Committee shall hold a minimum of 4 ordinary meetings each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Select Committee may be called by the Chair of the relevant Committee or by the Monitoring Officer if they consider it necessary or appropriate.
16. The Overview Committee and the Select Committees may set up ad hoc working groups to carry out specific projects and report their findings to the appointing Committee, however a maximum of one working group per Committee may be in place at one time.
17. Overview and Select Committees are subject to the Council's Committee Procedure Rules except as may be varied or supplemented within these procedures.
18. Only one review can be carried out per Committee at one time to ensure adequate resources can be applied to the review activity.

Meetings of the Statutory Health Scrutiny Committee

19. The statutory Health Scrutiny Committee is a committee established under S.21 of the Local Government Act 2000, as amended by the Localism Act 2011.
20. The Health Scrutiny Committee shall hold a minimum of 8 meetings each year (approximately 6 weekly).
21. The Health Scrutiny Committee shall carry out health scrutiny in accordance with Section 244 (and Regulations under that section) of the National Health Services Act 2006 as amended by the Local Government and Public Involvement in Health Act 2007 (the 2007 Act) relating to local health service matters. Where a proposal to substantially vary a health service relates to more than one local authority area, it must be considered by a Joint Health Overview

- and Scrutiny Committee appointed by each of the local authorities in question.
22. The Health Scrutiny Committee shall have all the powers of an Overview and Scrutiny Committee as set out in section 9F of the 2007 Act and Social Care Act 2001 (including associated Regulations and Guidance).
 23. Although the Health Scrutiny Committee will have powers to scrutinise any functions relating to health within its area, including functions performed by the County Council, it is proposed that with the exception of substantial variations to such services, the Council's Adult Social Care and Public Health Select Committee will be responsible for general scrutiny of County Council health functions. This includes any budget and policy related matters and Councillor Calls for action following the CCfA protocol at Appendix 1.
 24. In addition, the Overview Committee will be responsible for hearing any valid Call-ins relating to executive decisions of the Council in relation to any of its health functions. Should the Health Scrutiny Committee wish to make time in its work programme for any scrutiny of County Council health functions, it will first liaise with the Chairman of both the Overview Committee and the Adult Social Care and Public Health Select Committee (who may consult with the Council's Corporate Director for Adult Social care and Health and the Director of Public Health) to determine the most appropriate Committee to determine such scrutiny activity in order to avoid duplication or confusion and to ensure the most efficient use of available resources.
 25. The Health Scrutiny Committee shall have enhanced review and scrutiny powers in line with provisions in the Health and Social Care Act 2012, including power of referral to the Secretary of State for Health on substantial variations to local health services. The Health Scrutiny Committee will have regard to the criteria and process for making a referral to the Secretary of State which are prescribed in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. In the event of a proposed referral to the Secretary of State for Health by the Health Scrutiny Committee, a copy of the proposed report (or any other written communication forming part of their scrutiny activities) shall be sent to the Chairman of Overview Committee for information, and to the Leader of the Council as a matter of courtesy, prior to submission to the Secretary of State.

Quorum

26. The quorum for any of the scrutiny Committees shall be as set out for Committees in the Committee Procedure Rules in **Section XX** of this Constitution (currently 3 voting members for a Committee with less than 15 voting members).

Who Chairs Overview and Select Committees?

27. The Chairmen and Vice-Chairmen of the Overview Committee, each Select Committee and the statutory Health Scrutiny Committee may be appointed by the Council and the Chairman and the Vice-Chairman of the Overview

Committee shall be entitled to attend each Select Committee as a non-voting ex-officio member.

28. The Chairmen of the Overview Committee and the three Select Committees will be members of the ruling group and the Vice-Chairmen will be members of the opposition groups, as agreed by Full Council. The Health Scrutiny Committee Chairman and Vice-Chairman will be members of the ruling group.

Work Programme

29. The Overview Committee and each Select Committee will be responsible for preparing its own work programme at the beginning of each municipal year and in doing so it shall consider the wishes of the relevant Committee as a whole.
30. In setting the work programmes, regard shall also be had to the work programmes of the Cabinet and Cabinet Members as well as the views of Corporate Directors and the Monitoring Officer regarding available support and resources and the prioritisation of their work.
31. These work programmes will then be submitted to the Overview Committee for approval to ensure that the overall programme of Scrutiny activity is consistent, coherent and free of duplication and can be properly resourced and supported by the Council.
32. Each Select Committee will be empowered to add further items to their work Committee's work programme, subject to approval of the revised work programme by the Chairman of Overview Committee. Overview Committee will have work programmes as a standing item on its agenda to maintain oversight of ongoing and planned work.
33. Subject to the provisions of paragraphs 19 to 25 of these procedure rules regarding the role of the Overview Committee and Adult Social Care and Public Health Select Committee in health scrutiny of County Council health functions, the Health Scrutiny Committee will set its own work programme which it will notify to the Chairman of Overview Committee for information.

Agenda items

34. Any Member of the Overview Committee or any Select Committee or a relevant Sub-Committees (if any) shall be entitled to give notice to the Proper Officer that they wish an item relevant to the functions of that Committee (or Sub-Committee) to be included on the agenda for the next available meeting of the Committee or Sub-Committee. On receipt of such a request, so long as it is an appropriate matter to be considered, the Proper Officer will ensure that it is included on the next available agenda of the relevant Committee. The next available meeting will usually be the next meeting of the relevant Committee or the meeting following that depending on when the notice is received by the Proper Officer to provide that not less than 28 days has elapsed before it appears on the relevant Committee's agenda.

35. Taking into account the relative urgency of the issue, the Overview Committee and the Select Committees shall also respond, as soon as their work programme permits, to requests from the Council and/or the Cabinet to review particular areas of Council activity. Where they do so, the Overview Committee shall report their findings and any recommendations back to the Cabinet and/or Council as appropriate. The Council and/or the Cabinet shall consider the report of the Overview Committee or Select Committee and respond within two months of its submission to the Proper Officer.
36. **Councillor Call for Action (CCfA)** - Any member of the Council may refer a matter under the CCfA process where genuine issues of local concern have arisen, as a last resort where other methods of resolution have been exhausted. The procedure to be followed is set out in the Councillor Call for Action Protocol at Appendix 1 of these procedure rules.

Policy review and development

37. The role of the Overview Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules in **Section XX** of this Constitution.
38. In relation to the development of the Council's approach to matters not forming part of its policy and budget framework, the Overview Committee may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
39. The Overview Committee and the Select Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. Within available resources, they may go on site visits, conduct surveys, hold public meetings, commission research and do other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and if appropriate, may pay advisers and witnesses a reasonable fee and/or expenses for doing so.

Reports from the Overview Committee and Select Committees

40. Once it has formed recommendations on proposals for development, the Overview Committee or the relevant Select Committee (as appropriate) will prepare a formal report and submit it via the Proper Officer to the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (i.e., if the recommendation would require a departure from or a change to the agreed budget and policy framework).
41. If a single final report cannot be agreed, any reports and recommendations made by any Scrutiny Committee will include any dissenting views.
42. The Cabinet or Council (as appropriate) shall consider the report(s) of the Overview Committee within two months of submission to the Proper Officer.

Ensuring consideration of Overview and Select Committee reports by Cabinet

43. Once a report from Overview Committee or a Select Committee has been submitted to the Proper Officer it shall be considered at a meeting of the Cabinet. The reports of the Overview or the relevant Select Committee referred to the Cabinet shall be included as a separate item in the Cabinet agenda (unless they have been specifically considered in the context of the Cabinet's deliberations on another substantive item on the agenda) and shall be considered and responded to within two months of their receipt by the Proper Officer.
44. The Chairman and Vice Chair of the Overview or the relevant Select Committee shall be entitled to attend the Cabinet Meeting at which the report is considered. The Cabinet's response will be shared with the Chairman and members of the relevant Overview or Select Committee within 5 working days of the meeting at which it is considered.

Rights of the Overview and Select Committee Members to documents

45. In addition to their rights as Councillors, Members of the Overview Committee and the Select Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in **Section XX** of this Constitution.

Attendance at Overview and Select Committees

46. The Overview Committee and any Select Committee may scrutinise and review decisions made or actions taken in connection with the discharge of the Council's functions. As well as reviewing documentation, in fulfilling the Scrutiny role, it may require any relevant Cabinet Member, Chief Executive or relevant Corporate Director (or other Senior Officer as nominated by the relevant Corporate Director) to attend before it to explain in relation to matters within their remit on:
 - a. any particular decision or series of decisions
 - b. the extent to which actions taken implement Council policy
 - c. service performance

and it is the duty of those persons to attend if so required.

47. For this purpose, Senior Officer include the Chief Executive, Corporate and Service Directors and any other appropriate senior officer nominated by the relevant Corporate Director. Where there are concerns about the appropriateness of the officer who should attend, the relevant Corporate Director shall discuss this with the appropriate Committee Chairman or Vice Chairman with a view to achieving consensus but no officer of a status more than three tiers below the Chief Executive may be compelled to attend.

48. Where any Cabinet Member or officer is required to attend the Overview or a Select Committee as set out in paragraphs 46 and 47, the Chairman of that Committee will notify the Cabinet Member or Corporate Director in writing, giving notice of the meeting at which their attendance is required and copying the notice to the Proper Officer. Any notice shall state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the meeting.
49. Where the account to be given to the Overview Committee or Select Committee will require the production of a report, then the Cabinet Member or officer concerned will be given sufficient notice to allow for preparation of that document.
50. The minimum amount of notice required will be:
 - a. 10 working days in cases where no report or other papers are to be produced for the meeting, or
 - b. 20 working days where a report or other papers are to be produced for the meeting (unless a longer period is otherwise agreed by the Chairman of the relevant committee in exceptional cases where particularly complex or detailed information is required)
51. Where, in exceptional circumstances, the Cabinet Member or Senior Officer is unable to attend on the required date, then the Overview Committee or Select Committee shall arrange an alternative date for attendance in consultation with the Cabinet Member or Senior Officer.
52. The Overview Committee or a Select Committee may invite people other than those people referred to in paragraph 46 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend or require them to attend where relevant statutory provisions permit.
53. Any person required or invited to attend at Overview and Select Committee meetings shall be treated with the utmost courtesy and respect at all times.
54. Where the response to any question would disclose confidential or exempt information within the meanings in the Access to Information Procedure Rules, the Cabinet Member or officer shall advise the Committee, and the Chairman shall move that the answer be taken in confidential session and that the public be excluded for that purpose. The motion to exclude the public shall be put to a vote without being debated. No Cabinet Member or officer giving evidence to the Overview Committee or any Select Committee shall be under any obligation to publicly disclose personal information about any individual (e.g. an individual employee, child in care or at school, any recipient of Council services or any other person) where to make such disclosure would be contrary to data protection principles.

Call in

55. Call-in is important as a mechanism for Councillors to intervene when they feel that a decision being made by the Executive needs to be revisited due to a perceived procedural error. Call-in should only be used in exceptional circumstances (various decisions, including quasi-judicial decisions and day to day management and operational decisions are exempt) and are subject to the procedures set out in the Call-in Procedure at Appendix 2 of these Procedure Rules.

Independence

56. The purpose of Overview and Scrutiny activity is to hold decision-makers to account. Members of the Overview Committee or a Select Committee or the Health Scrutiny Committee should, therefore, approach any scrutiny process in an independent, open and constructive manner irrespective of political allegiance.

Involvement of external partners

57. Where exercising statutory functions, the Overview or any Select Committee or the Health Scrutiny Committee may invite people to discuss issues of local concern and/or answer questions. They may for example wish to hear from residents and representatives of other organisations.
58. The 2007 Act gives scrutiny committees of the County Council greater powers to scrutinise services outside of the Council and to require a response from the providers of those services.
59. It is important that this scrutiny takes place in an atmosphere of informed trust and co-operation and with the utmost courtesy and respect.

Procedure at Overview and Select Committee meetings

60. The Committee Procedure Rules shall apply to meetings of the Overview and Select Committees and the Health Scrutiny Committee, except as may be varied or supplemented by these Overview and Select Committee Procedure Rules.
61. The Overview and Select Committees shall consider the following business:
 - a. apologies for absence
 - b. minutes of the last meeting
 - c. declarations of interest (including any declarations required under any protocol for managing conflicts of interest in relation to scrutiny matters)
 - d. consideration of any matter referred to the Overview Committee for a decision in relation to "Call-in" of a decision (Overview Committee only)

- e. response of the Cabinet to reports of the Overview or relevant Select Committee
- f. the business otherwise set out on the agenda for the meeting
- g. the work programme

NOTE Where a meeting of the Overview Committee has been specially convened to consider a “Call-in”, the only items on the agenda will be those related to the matter(s) being called in.

- 62. The Chairman of the relevant Committee shall aim to manage the meeting effectively within the normal rules of debate (as set out in the Committee Procedure Rules) but shall permit members the opportunity to speak and/or ask a series of questions (which may be addressed to different attendees at the meeting) within their allotted timescales for debate and at the Chairman’s discretion may allow members to speak more than once for the purposes of clarification of answers given or to aid the understanding of the meeting.
- 63. Where the Overview Committee or a Select Committee conduct investigations and reviews (e.g., with a view to policy development), the Overview Committee or relevant Select Committees may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:
 - a. that the investigation be conducted fairly and all Members of the Overview Committee or relevant Select Committee be given the opportunity to ask questions of attendees, and to contribute and speak.
 - b. that those assisting the Committee by giving evidence be treated with the utmost respect and courtesy and in a non-adversarial manner.
 - c. that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- 64. Any motion or amendment moved by the Overview Committee or any Select Committee shall only be valid if it falls within the powers and functions of the Committee to make such a recommendation or amendment and the motion or amendment is relevant to the topic under scrutiny or review. This shall be an additional criterion of validity to supplement those set out in the Committee Procedure Rules.
- 65. Any County Councillor wishing to attend a meeting of the Overview Committee or a Select Committee of which they are not a member, shall be entitled to do so and to speak for a maximum of 5 minutes with the consent of the Chairman, in accordance with the Committee Procedure Rules provided that:
 - a. their attendance is for an item on the agenda which is of primary importance to their electoral division or its inhabitants (rather than a general matter) and

they have sought and obtained the prior agreement of the Chairman of the relevant Committee in advance to ensure the efficient running of the meeting, or

- b. their attendance is for an item on the agenda which relates to a Councillor Call for Action which they have made and has been approved as a matter for consideration.
 - c. Their attendance is for a call-in matter which is of special relevance to their electoral division and they have notified the Proper Officer of their desire to attend and speak in accordance with the call-in procedure.
66. Any County Councillor attending in this capacity will be entitled to remain in the meeting for other items on the agenda but not to speak and will not be entitled to remain in the meeting when a resolution to exclude the public is in force (except with the consent of the Chairman if the resolution relates to the item on the agenda under paragraphs 65 a, b or c above).

Procedures following investigation or review

67. Following any investigation or review, the Overview Committee or Select Committee shall prepare a report, for submission to the Cabinet (or exceptionally Council, as appropriate) and shall make its report and findings public.
68. Where the Health Scrutiny Committee makes a report and recommendations on services, it will provide a copy of the report to the relevant responsible authorities, notifying them of their duty (under the Local Government and the 2007 Act) to:
- a. consider the report or recommendations,
 - b. respond to the Health Scrutiny Committee in writing within 28 days indicating what (if any) action it proposes to take, and
 - c. have regard to the report or recommendations in exercising its functions

APPENDIX 1 – COUNCILLOR CALL FOR ACTION (CCfA) PROTOCOL**What is a Councillor Call for Action (CCfA)?**

1. Councillor Calls for Action were introduced by section 119 of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act'). Part of a range of measures aimed at empowering local people and communities, improving local democracy and accountability and underpinning the role of Councillors as community leaders and advocates.
2. A CCfA gives powers to Councillors to help them tackle local problems on behalf of their constituents by calling for consideration of any issue of concern affecting their division by the Overview Committee or relevant Select Committee.
3. The provisions enable any Member of the authority to refer any local government matter to the relevant Committee, whether or not the Member is a member of that committee, and to have this matter discussed at a meeting of the committee. A "local government matter" is defined as a matter which:
 - a. relates to the discharge of any function of the authority,
 - b. affects all or part of the electoral area for which the Member is elected or any person who lives or works there, and
 - c. is not an excluded matter (see section 5 below)
4. Section 126 of the 2007 Act makes provision for CCfAs on crime and disorder matters – see Crime and disorder matters section below.
5. It should be noted that the CCfA process:
 - a. puts division Councillors at the centre of the process for resolving issues of local concern
 - b. focuses on neighbourhood and locality issues, specifically the quality of public service provision at a local level
 - c. should only be used to represent genuine local community concerns (based on Councillors' judgements)
 - d. should only be used as a last resort when it is a persistent problem which the Councillor has been unable to resolve through local action and discussion with the relevant services, Cabinet Member or other external agencies/partners
 - e. is not appropriate for individual complaints (Councils and relevant agencies and partners will have separate complaints systems for this purpose) or Councillors' day to day casework

- f. scrutiny reviews will be 'short and sharp', focused reviews – as it is important that this is a responsive and un-bureaucratic process which delivers proportionate outcomes.

Crime and disorder matters

6. Section 19 of the Police and Justice Act 2006, as amended by section 126 of the 2007 Act, requires every local authority to have a crime and disorder committee with the power to review and scrutinise, and make reports and recommendations, regarding decisions made or other action taken by the responsible authorities in connection with the discharge of their crime and disorder functions. For Nottinghamshire, these “responsible authorities” are:
- the County Council
 - District and Borough Councils
 - The Derbyshire, Leicestershire, Nottinghamshire and Rutland Community Rehabilitation Company
 - The Chief Constable for Nottinghamshire Constabulary
 - Health – Clinical Commissioning Groups
 - Nottinghamshire Fire and Rescue Service
7. At the County Council, the Place Select Committee will act as the designated Crime and Disorder Committee.
8. Section 126 of the 2007 Act provides for any Member to refer any local crime and disorder matter to the Crime and Disorder Committee and have it discussed at a meeting of the Committee. A “local crime and disorder matter” is defined as a matter concerning:
- crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour and other behaviour adversely affecting the local environment), or
 - the misuse of drugs, alcohol and other substances,
- which affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area.
9. Where the Place Select Committee in its capacity as the designated crime and disorder committee makes a report or recommendations in response to a CCfA, it must provide a copy to any of the responsible authorities for crime and disorder (see section 2.1. above) or any other individuals or bodies as it considers appropriate. Any organisation or individual who is provided with such a report or recommendations has a duty to:
- consider the report or recommendations
 - respond to the crime and disorder committee (Place Select Committee) indicating what (if any) action it proposes to take
 - have regard to the report or recommendations in exercising its functions

Before making a Councillor Call for Action

10. Guidance makes it clear that CCfAs are intended as a last resort, to be used when all other means of resolving an issue have proved to be unsuccessful. As a minimum, it is expected that the Councillor concerned will have satisfied themselves that the issue is not an excluded matter (see paragraphs 11 and 12 below), and has approached at least the following to seek a resolution:
- any relevant local service manager
 - any relevant partnership bodies or local groups
 - the relevant Cabinet Member
 - the relevant District Councillor(s)
 - the relevant Police Neighbourhood Inspector (for Police and Crime CCfAs)

What a Councillor Call for Action should NOT be used for

11. The following matters are “excluded matters” that cannot be the subject of a Community Call for Action:
- Any matter relating to a licensing or planning decision.
 - A matter relating to an individual or entity where there is already a statutory right to a review or appeal (other than the right to complain to the Commission for Local Administration in England – otherwise known as the Local Government and Social Care Ombudsman).
 - A matter which is vexatious, discriminatory or not reasonable to be on the agenda for, or discussed at, a meeting of the Scrutiny Committee.
12. However, a matter which consists of an allegation of systematic failure of an authority to discharge a function for which the authority is responsible may be referred to the Overview or the relevant Select Committee as appropriate, notwithstanding the fact that the allegation specifies matters which are outlined in paragraph 11 above.

The CCfA process at Nottinghamshire County Council

13. The same process will apply irrespective of whether the CCfA concerns a “local government matter” or “a crime and disorder matter”.
14. Notice of a CCfA should be sent in writing to the Proper Officer via the Statutory Scrutiny Officer. Such notice should include the following information as a minimum (using the designated CCfA form):
- A summary of the issue involved
 - What outcomes the local Member is hoping to achieve
 - Action already taken, including details of people and organisations already contacted and why this has failed to resolve the issue
 - Key dates or timescales, if relevant

The CCfA should be accompanied by any other supporting information, having regard to confidentiality, data protection and Freedom of Information issues.

15. On receipt of a CCfA, the Statutory Scrutiny Officer will, as appropriate (taking advice as necessary) make the following checks:
 - a. Does the issue relate to a “local authority function” or a “local crime and disorder matter”?
 - b. Are the concerns individual complaints (or should be pursued as such)?
 - c. Is the issue a genuine local community concern (i.e. a neighbourhood or locality issue rather than a policy type issue affecting the whole area)?
 - d. Does the issue affect all or part of the referring Councillor’s area or any person who lives or works in it?
 - e. Is the subject of the CCfA is an excluded matter?
 - f. Has the same or largely similar matter been considered previously under the CCfA protocol?
16. If the matter is not eligible for consideration as a CCfA the Statutory Scrutiny Officer will advise the Member concerned and suggest other possible means of resolving the issue or other information requirements, as appropriate.
17. Eligible CCfA's will be referred by the Statutory Scrutiny Officer to the Chairman of the Overview Committee with a copy to the relevant Select Committee and the relevant Corporate Director(s). The referring Councillor will then receive an invitation to discuss the CCfA with the Chairman of the Overview Committee, the Statutory Scrutiny Officer, the relevant Select Committee Chairman and the Corporate Director (or appropriate nominees).
18. Subject to the outcome of the meeting above, if the matter cannot be otherwise resolved, the referring Councillor will be advised by the Statutory Scrutiny Officer when the matter will be placed on an agenda for the next appropriate Overview Committee meeting and given advice on their role at that meeting.
19. The Overview Committee will give initial consideration to the CCfA and will either resolve an appropriate outcome at that meeting or refer it for further consideration (review) to the relevant Overview or Select Committee, as the Committee considers appropriate. The referring Councillor may attend the meeting to give an outline of the issue and any other information relevant to the Committee’s deliberations.
20. When a CCfA has been approved for review on the relevant Committee’s work programme, it will be considered as a scrutiny item and the usual processes will be followed e.g. the relevant Cabinet Member(s) and any other internal or external stakeholders will be invited, and reports requested, as appropriate.
21. Whilst it is not a requirement, it is expected that the Member making the CCfA will attend the committee meeting to introduce the issue and answer any questions.

22. Copies of any reports or recommendations made by the Committee undertaking scrutiny in response to a CCfA must be provided to the Member who initiated it, to the Cabinet Member responsible for the relevant Council functions and to the relevant Corporate Director and will be submitted to the Proper Officer for consideration by Cabinet in accordance with paragraph 13 above. Where a Committee decides not to make a report or recommendations, it must notify the Member concerned of its decision and the reasons for it.

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APPENDIX 2 – CALL-IN PROCEDURE

1. Following this Call-in procedure, the Overview Committee has the power to call in executive decisions (*relevant decisions*) made but not yet implemented by the Cabinet or Cabinet Members or Key Decisions made by officers. The purpose is to consider whether to recommend that a decision be reconsidered by the Cabinet/decision maker, or that it be implemented. In line with statutory guidance, the Call-in Procedure should usually be reserved for Key Decisions.
2. Members considering submitting a formal call-in notice are required to discuss the nature of their concerns with the relevant decision maker and the Leader or their nominee to determine if alternative action may be possible to avoid the need for call-in and optimise the efficiency of decision making for the benefit of the Council and the inhabitants of its area. This discussion process is referred to as the pre-call-in procedure and may be amended and further developed by Overview Committee.
3. If the concerns of members cannot be resolved by the pre-call-in procedure, call-in may be used where Members have evidence which suggests that the relevant executive decision maker did not take a relevant decision in accordance with the decision-making principles set out in [Section 1] of the Constitution, to the extent that they fall within the permitted grounds for call-in.
4. A *relevant decision* is when a decision is made by:
 - (i) the Cabinet,
 - (ii) an individual Cabinet Member with delegated powers,
 - (iii) a Committee of Cabinet,
 - (iv) an Executive Joint Committee (unless separate joint overview and scrutiny arrangements for that Committee have been established),
or
 - (v) a Key Decision is made by an officer with delegated authority to carry out executive functions
5. Relevant decisions shall be published in the Council's Decision Record on the Council website, within 3 working days of being made.
6. The Chairman and Vice Chairman of Overview Committee and Select Committees will be able to access copies of the records of all relevant decisions relevant to those Committees immediately upon their publication by the Proper Officer/other person responsible for their publication.
7. The Decision Record will bear the date on which it is published and the date each decision will come into force, and may then be implemented, which shall be on the expiry of 5 working days after the date of its publication, unless the decision is called in under the provisions set out below. The period between publication and implementation is referred to as the call-in period.
8. No later than 12 noon on the last working day of the call-in period, any seven County Councillors may sign a call-in notice in the prescribed form (at the end

of this procedure) requesting that the decision is called in and submit the notice to the Monitoring Officer.

9. The notice must identify a lead member for the call-in, give reasons for the request for call-in, specifying the grounds for call-in being which of the relevant principles of decision making set out in **Section XX** of this Constitution has not been followed and provides reasonable evidence in support of those grounds for call-in. The notice must also specify those aspect(s) of the decision the members wish to question or challenge. This is important because it will allow those summoned to the call-in meeting the opportunity to understand the nature and extent of the concerns, to prepare adequately beforehand and to provide further information as necessary to clarify or explain the reasons for the decision.
10. On receipt of the notice the Monitoring Officer will, as soon as possible, consult with the Chairman or in their absence, the Vice-Chairman of the Overview Committee, or in the absence of both, a Chairman or Vice-Chairman of the relevant Select Committee regarding the request before determining its validity.
11. The Monitoring Officer will consider whether the request is reasonable and may reject a request for call-in if it fails to meet the grounds set out above or is vexatious, frivolous or otherwise improper. The Monitoring Officer will take account of whether a case has been made out for calling in the decision and whether delaying the implementation of the decision would be likely to cause significant damage to the Council's interests. They will have regard to the advice of the Chief Executive, the relevant Corporate Director and Chief Finance Officer, where appropriate, in conjunction with the Scrutiny Officer, on this point.
12. If it is considered that the request for call-in is reasonable and proper, the Monitoring Officer will notify the relevant decision maker and the Business Manager of the Majority Group, together with the members who submitted the call-in request and the relevant Corporate Director and will convene a meeting of the Overview Committee within 10 working days, after consulting the Chairman of the Overview Committee about the date. Where more than one valid call-in request notice is received in respect of the same decision, the call-in will be determined at a single meeting and the Chairman of the meeting will determine how the 20 minutes allowed for speeches by the call-in members will be fairly divided. The meeting of the Overview Committee will then proceed as in paragraph 14 below.
13. If the Monitoring Officer considers that the request is unreasonable by failing to meet the grounds set out above or is otherwise improper, the decision will not be called in. The Monitoring Officer's decision will be communicated to the signatories to the Call-in request within 5 working days. The Monitoring Officer will submit a report to the next available meeting of the Overview Committee giving details of the request and reasons for refusal.
14. Where the Overview Committee considers a call-in request, the format of the meeting will be as follows (and subject to the maximum overall time limits set

out for each section):-

- (i) The proceedings at the call-in meeting shall be non-adversarial, and all participants shall afford other speakers the utmost courtesy, respect and consideration at all times. All questions must be put openly and constructively.
- (ii) The Chairman shall manage the meeting in a way to ensure that a constructive discussion of the issues relating the grounds for the call-in and any relevant observations are the focus of the meeting and that it does not become a forum for admonishing or berating decision makers or professional officers or may otherwise create a breach of the Councillor's Code of Conduct or the Protocol for Councillor and Officer relationships.
- (iii) after the Chairman opens the meeting the members who asked for the decision to be called in will be asked to explain their reasons for the request and what they feel should be reviewed. Each call-in member may speak for a maximum of 5 minutes or where a Lead Member speaks on behalf of the call-in group as a whole, for a maximum of 15 minutes. Where a Lead Member is not nominated to speak for the call-in group as a whole, every effort should be made to avoid duplication of issues within call-in member speeches. After making their speech, call-in members will take no further part in the discussion (unless requested to by the Chairman) or vote. (maximum overall time limit: 20 minutes).
- (iv) on matters of particular relevance to a particular electoral division, the relevant electoral division member/s who are not signatories to a call-in notice have the opportunity to make comments on the call-in at the meeting, for a maximum of 5 minutes each. This right will not apply to matters of relevance to all members or to the Council's area and residents as a whole. Electoral division members will take no further part in the discussion or vote. Electoral division members must register their request to speak by contacting the Monitoring Officer by 12 noon 5 working days prior to the relevant call-in meeting.
- (v) the relevant Cabinet Member(s) will then be invited to make any comments (maximum overall time limit: 15 minutes).
- (vi) the relevant Corporate Director (or their Senior Officer nominee) will advise the Committee on the background and context of the decision and its importance to achieving Service priorities (maximum overall time limit: 15 minutes).
- (vii) Overview Committee members will ask questions of members and officers in attendance (maximum overall time limit: 30 minutes).
- (viii) the Cabinet Member(s) will be invited to make any final comments on the matter (maximum overall time limit: 10 minutes).

- (ix) The Overview Committee, after considering the evidence presented to the meeting, will make one of the following decisions:
- (a) to take no further action, in which case the decision will take effect immediately.
 - (b) to refer the decision back to the decision-maker for reconsideration, setting out the nature of the Overview Committee's concerns; the decision-maker must then re-consider the matter with a further 10 working days, taking into account the concerns of the Overview Committee, before making a final decision.
 - (c) in exceptional cases, but only where the Overview Committee considers that a decision is contrary to the policy framework or is contrary to or not wholly in accordance with the budget it may refer the matter to full Council, in which case paragraph 17 below will apply.
15. If, following a request for call-in, the Overview Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision maker or to full Council, the decision will take effect on the date of the relevant Overview Committee meeting, or the expiry of the period in which the Overview Committee meeting should have been held, whichever is the earlier.
16. If, exceptionally, the matter is referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be immediately effective.
17. If the Council does object and the decision is within its terms of reference or it is contrary to the policy framework, or contrary to or not wholly consistent with the budget, the decision will be amended according to the Council's wishes. However, it should be noted that the Council has no locus to make decisions in respect of an executive function unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision maker, together with the Council's views on the decision.
18. That decision maker shall consider any comments of the Council and the Overview Committee and choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet, a meeting will be convened to reconsider within 15 working days of the Council meeting referring the matter back to the Cabinet. Where the decision was made by an individual, the individual will reconsider within 15 working days of the Council meeting.
19. If the Council does not meet, or if it does but does not refer the decision back to the decision maker, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

Exceptions and Limitations

20. In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:

- (a) that the Overview Committee may only call-in a maximum of 3 decisions during each of the following 4-month periods:
- 1st September to December 31st
 - 1st January to April 30th
 - 1st May to 31st August

except, in exceptional circumstances, where the Monitoring Officer may determine that an additional call-in will be accepted.

Call-in meetings will not take place during school holidays unless absolutely essential and the time periods for holding call-in meetings will be adjusted accordingly unless the relevant decision maker (or in the case of a Cabinet decision, the Leader of the Council) determines that any delay to the decision requires an urgent meeting to be held due to any adverse impact on the Council or its inhabitants where the decision has not otherwise been certified as urgent under these procedure rules or the Access to information Procedure Rules.

- (b) that call-in can be invoked in respect of a decision only once.
- (c) that call-in will apply only to relevant decisions of the executive as set out in paragraph 4 above and for the avoidance of doubt shall not apply to the following types of decisions:
- (i) Day to day operational and management decisions
 - (ii) Decisions affecting individuals
 - (iii) Consultation responses
 - (iv) Administration of estates or trusts
 - (v) Decisions relating to legal matters, including legal proceedings
 - (vi) Decisions of Council or any Ordinary Committee, Sub-Committee or non-executive Joint Committee
 - (vii) Key Decisions which have been determined to be urgent under the Council's Special Urgency procedures in the Access to information Procedure Rules or pursuant to these procedure rules
 - (viii) A regulatory or quasi-judicial decision
 - (ix) A decision which has already been the subject of consideration under the call-in procedure
 - (x) Matters relating to the conduct of individual Members or Officers which are being dealt with under the ethical framework established by part III of the Local Government Act 2000 and the Council's Employment Procedure Rules, respectively.

Call-in and urgency

21. Key Decisions which have been certified as urgent under the Special Urgency procedure in the Access to information Procedure Rules cannot be called in.
22. In all other circumstances, the call-in procedure set out above shall not apply where an executive decision being taken by the Cabinet or under delegated authority is urgent.
23. A decision shall be urgent if any delay likely to be caused by the call-in process would seriously prejudice the interests of the Council or the public. After the decision has been taken, the record of the decision and notice by which it is made public shall state whether, in the opinion of the decision-making person or body, the decision is an urgent one and therefore should not be subject to call-in. The Chairman of the Overview Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman of the Overview Committee, the Chairman of the County Council or their Vice-Chairman's consent shall be required. In giving their agreement advice shall be taken from the Council's Chief Executive, Monitoring Officer and/or Section 151 Officer regarding the nature and extent of the impact of any delay on the interests of the Council or the public. Decisions taken as a matter of urgency must be reported to the next meeting of the Council, together with the reasons for urgency.
24. The operation of the provisions relating to call-in and urgency shall be monitored annually by the Governance and Ethics Committee, and a report submitted to Full Council with proposals for review if necessary.

Nottinghamshire County Council - Call-in request Notice

1. Decision to be called in: (required)

Title: Decision Record Ref No: Date published: Date due to be implemented:
Please confirm that the pre-call-in protocol has been followed: Date of meeting: Attendees at meeting:

2. Which of the principles of decision making in **Section XX** of the Constitution has NOT been applied? (required)

Required by Paragraph 9 of the Call-in Procedure - identify all that apply:

(a) Compliance with the law (including procedures relating to Key Decisions)	
(b) proportionality (i.e. the action must be proportionate to the desired outcome);	
(c) due consultation and the taking of professional advice from officers;	
(d) respect for human rights;	
(e) compliance with the Council's public sector equality duty;	
(f) where required by law or this Constitution, describing options considered and giving reasons for the decision;	
(g) in accordance with the Council's Budget and Policy Framework	

3. Desired outcome

Paragraph 14 (ix) of the Call-in procedure of the constitution provides the following options for Overview Committee.

Please select one but note that the decision regarding the outcome is a matter for the Overview Committee to determine:

(a) The Committee refers the decision back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns.	
(b) The Committee refers the matter to full Council where Committee determines that the decision is contrary to the Policy and/or Budget Framework (requires evidence of decision being contrary to the Budget and Policy Framework, or not wholly in accordance with the Budget)	
(c) The Overview Committee decide not to refer the matter back to the decision-making person or body *	
* If you select (c) please explain the purpose of calling in the decision.	

4. Evidence which demonstrates each of the alleged breach(es) indicated in 2 above (Required by paragraph 9 of the Call-in procedure):

e.g.
 Breach 1 – [set out evidence]
 Breach 2 – [set out evidence]

5. Specific aspects of the decision which members wish to question or challenge (required by paragraph 9 of the Call-in procedure)

6. Any documents requested

7. Names of the Councillors Signing the Call-in Notice:
 (minimum of 7 Councillors)

No.	Name of Councillor	Signature
1	(Lead Councillor)	
2		
3		
4		
5		
6		
7		

8. Notes – see Paragraph 8 of the Call-in procedure

Call-ins must be supported by at least 4 members of the Council from more than one political group or one political group and at least one non-aligned member.

The call-in form and supporting requests must be received by the Monitoring Officer by **12 Noon no later than the fifth working day** following the publication of the decision and a copy must be sent to the Leader of the Council and the Chairman of the Overview Committee.

The form and/or supporting requests must be sent:

- **EITHER** by email from a Councillor's NCC email account (no signature required) or by another email (electronic signatures required) to monitoring.officer@nottsc.gov.uk
- **OR** as a signed paper copy to the Monitoring Officer, Chief Executive's Department, County Hall, West Bridgford Nottingham, NG2 7QP

For further information or advice contact the Council's Statutory Scrutiny Officer or Team Manager, Democratic Services

ACCESS TO INFORMATION PROCEDURE RULES

SCOPE

1. These rules apply to all public meetings of the Council, the Cabinet, and all types of Committees and set out the rights of individuals to attend meetings and access information.
2. The Proper Officer referred to in these rules is the Chief Executive.

ADDITIONAL RIGHTS TO INFORMATION

3. The provisions in this section of the Constitution do not affect any specific rights relating to the access of information which are contained elsewhere in this Constitution or the law; for example the Freedom of Information Act and the Data Protection Act.
4. Previously exempt information may subsequently be made available if the reason for exemption no longer applies.

RIGHT TO ATTEND AND REPORT ON MEETINGS

5. Members of the public may attend to view but not speak at all meetings subject only to the exceptions in these rules.
6. The right to attend also includes the right to report and commentate on public meetings of the Council. This right to report and commentate also includes the right to take photographs, film and audio-record the proceedings as well as commentate on the proceedings via social media. Any person recording the meeting must not disrupt the good order of the meeting and the Chairman may order that a member of the public should leave the meeting or take such measures as they think appropriate in accordance with the Council's rules of procedure.

NOTICE OF MEETINGS

7. The Council will give at least five clear working days' notice of all meetings. Details of all meetings will be posted on the notice board at County Hall and the Council's website. [[link to website](#)]

ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

8. The Council will make copies of the agenda and reports open to the public available for inspection at County Hall and on its website at least five clear working days before the meeting. Where a report is prepared after the Agenda has been published, the Proper Officer will make each such report available to the public as soon as possible.

9. If confidential or exempt information (as defined below) is required to enable a proper decision to be taken it will be placed in an appendix to the report, or on rare occasions it may be necessary for a whole report to be exempt. Reports which include confidential or exempt information will set out the reason for this exemption.

SUPPLY OF COPIES

10. Copies of the agenda and reports are available on the Council's website. Anyone requiring a paper copy should contact Democratic Services (via the Customer Contact Centre on 0800 5008080).

PUBLIC ACCESS TO DOCUMENTS AFTER THE MEETING

11. Copies of meeting documents will be publicly available for 6 years following the date of the meeting unless they relate to exempt or confidential information.
12. The Council will supply copies of the publicly available documents to any person who requests them but may make a charge for costs incurred such as postage and photocopying.
13. Meeting documents will include minutes of meetings, agendas and reports.
14. The Council will supply a written summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record without disclosing exempt information.

BACKGROUND PAPERS

15. All reports will include a list of background papers (if any) relating to the subject matter of the report which:
 - a. which have been relied on in preparing the report (e.g a consultant's report);
 - b. disclose any facts or matters on which the report or an important part of the report is based,but will not include published works or those which disclose exempt or confidential information (as defined in paragraphs 17 and 18 below) and in respect of Cabinet reports the advice of a political adviser.
16. The Council will keep for four years after the date of the meeting a copy of any background papers. Anyone requiring a copy of background papers should contact Democratic Services (via the Customer Contact Centre on 0800 5008080). Any person is entitled either:
 - a. to make copies or extracts from such a document if publicly available; or

- b. to be supplied with a photocopy of all or parts of the publicly available document on payment of a reasonable fee;
- provided in either case that copyright is not infringed.

CIRCUMSTANCES WHERE THE PUBLIC ARE EXCLUDED FROM MEETINGS

- 17. Members of the public must be excluded from a meeting where confidential information is being discussed. Confidential information for these purposes is:
 - a. information given to the Council by a Government Department on terms which do not permit its public disclosure; or
 - b. information which cannot be publicly disclosed by virtue of any enactment or by Court Order.
- 18. Members of the public may be excluded from a meeting where exempt information as set out below is being discussed.

CATEGORIES OF EXEMPT INFORMATION

1. Information relating to any individual, such as names, addresses, telephone numbers or job titles
2. Information which is likely to reveal the identity of an individual, such as names addresses, telephone numbers or job titles
3. Information relating to the financial or business affairs of any particular person (including the Council). This could include contemplated as well as past or current activities
4. Information relating to any consultations or negotiations on employee relations
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
6. Information which reveals that the Council proposes to issue a formal legal notice or make a formal legal order or direction
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

- 19. General Conditions:
 - a. Information under category 3 above **is not** exempt if it is required to be registered under various companies, friendly societies, cooperative and community benefit societies, building societies and charities acts.
 - b. Information under any of the above categories **is not** exempt if it relates to proposed development for which the Council as local planning authority may grant itself planning permission.
 - c. Information **is not** exempt if it is required by law to be publicly available.

- d. Information **can be** exempt if it falls within one of the categories above and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
20. The public may be excluded from meetings where the Chairman considers this necessary in order to prevent disorderly conduct or other misbehaviour at a meeting in accordance with the Council's rules of procedure.
21. Where Governance and Ethics Sub-Committee is convened to consider or review an alleged contravention of the Council's Code of Conduct for Councillors, the provisions set out in the Council's procedure for considering such complaints shall apply. The meeting and papers of the Sub-Committee will not be open to the public unless the Sub-Committee determines that the public interest in maintaining an exemption in respect of personal information is outweighed by the public interest in disclosing the information. This will also apply to the Senior Staffing Committee.

PROCEDURE PRIOR TO PRIVATE MEETINGS OF THE EXECUTIVE

22. A private meeting means a meeting, or part of a meeting of the Cabinet or a Cabinet Committee during which the public and press are to be excluded.
23. At least 28 clear days before a private meeting the Cabinet or a Cabinet Committee must publish a notice at County Hall and on the Council's website of its intention to hold the meeting in private and the reasons for the meeting to be held in private.
24. At least 5 clear days before a private meeting, the Cabinet or a Cabinet Committee must make available at County Hall and on the Council's website a further notice of its intention to hold the meeting in private, setting out:
- a. a statement of the reasons for the meeting to be held in private
 - b. details of any representations received about why the meeting should be held in public; and
 - c. a statement in response to any representations.
25. If the date by which the meeting must be held makes the publication of the notices impracticable, the meeting can only be held in private where the Cabinet or a Cabinet Committee obtains the agreement of the Chairman of the Overview Committee that the meeting is urgent and cannot reasonably be deferred. If the Chairman of Overview Committee is unable to act, then the agreement of the Chairman of the Council, or in their absence the Vice-Chairman, will suffice.
26. Where the Cabinet or a Cabinet Committee has obtained agreement as mentioned in paragraph 25 above, as soon as reasonably practicable it must make available at County Hall and on the Council's website a notice explaining why the meeting is urgent and cannot reasonably be deferred.

PROCEDURE BEFORE TAKING KEY DECISIONS

27. A Key Decision is an executive decision which is likely to:
- a. result in the Local Authority incurring expenditure which is, or the making of savings which are, significant having regard to the Local Authority's budget for the service or function to which the decision relates, OR
 - b. be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Local Authority
28. The Council's Financial Regulations (at **Section xx**) set the financial threshold in respect of (a) at £1,000,000 or more for both revenue and capital funding.
29. Subject to paragraph 34 (**general exception**) and paragraph 36 (**special urgency**), a Key Decision may not be taken unless:
- a. a notice called The Forward Plan (which includes details of the Key Decision to be taken) has been published;
 - b. at least 28 clear days have elapsed since the publication of the Forward Plan (including details of the Key Decision); and
 - c. where the decision is to be taken at a meeting of the Cabinet or committee of Cabinet notice of the meeting has been given in accordance with paragraph 7 (Notices of Meetings) and copies of the agenda and reports are open to the public for inspection in accordance with paragraphs 8 and 9 (Access to Agenda and Reports before the Meeting).

THE FORWARD PLAN OF KEY DECISIONS

30. The Forward Plan will be prepared to cover a period of up to four months and will be updated on a monthly basis, or as and when required.
31. The Forward Plan will contain details of all the matters which will be the subject of a Key Decision to be taken by the Cabinet, committee of Cabinet, a Cabinet Member or an Officer in the course of a discharge of an executive function. It will include:
- a. that a Key Decision is to be made on behalf of the Council;
 - b. the matter in respect of which the decision is to be made;
 - c. where the decision-maker is an individual, their name and title;
 - d. where the decision-maker is a body, its name and members;
 - e. the date on or period within which the decision will be made;

- f. the documents to be considered by the decision-maker before the decision will be made;
 - g. the address from which, subject to any prohibition or restriction on their disclosure, copies of the documents listed are available;
 - h. that other documents relevant to those matters may be submitted to the decision-maker; and
 - i. the procedure for requesting details of those documents (if any) as they become available.
32. The Forward Plan will be available for public inspection at County Hall and on the Council's website.
33. Exempt or confidential information will not be published in the Forward Plan although particulars of the relevant decision will be published.

General Exception

34. If a matter which is likely to be a Key Decision has not been included in the Forward Plan, then subject to paragraph 36 (special urgency) the decision may still be taken if:
- a. the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and there is not sufficient time to issue an addendum to the Forward Plan;
 - b. the Proper Officer has by notice in writing informed the Chairman of the Overview or a Select Committee of the matter about which the decision is to be made, including in the notice reasons why compliance with the publication requirements before making a Key Decision is impracticable;
 - c. the Proper Officer has made copies of that notice available to the public at County Hall and on the Council's website; and
 - d. at least 5 clear days have elapsed since the Proper Officer complied with (c).
35. Where such a decision is taken collectively it must be taken in public unless paragraph 17 or 18 (exclusion of the public) applies.

Special Urgency

36. If, by virtue of the date by which a Key Decision must be taken, paragraph x above (general exception) cannot be followed, the Key Decision can only be taken if the Proper Officer obtains the agreement of the Chairman of the relevant Overview or Select Committee that the taking of the decision cannot reasonably be deferred. If the Chairman of the relevant Overview or Select Committee is

not available then the agreement of the Chairman of the Council, or in their absence the Vice-Chairman can be obtained.

37. As soon as reasonably practicable after the Proper Officer has complied with paragraph 36 they must make available at County Hall and on the Council's website a notice setting out the reasons why the decision is urgent and cannot reasonably be deferred.

REPORT TO FULL COUNCIL

When Overview Committee can require a report

38. If the Overview Committee thinks that a Key Decision has been taken which was not:
 - a. included in the Forward Plan; or
 - b. the subject of the general exception procedure in paragraph 34; or
 - c. the subject of an agreement under the special urgency procedure in paragraph 36;

the Overview Committee may require the Cabinet to submit a report to Full Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee but is also designated to the Proper Officer who shall require such a report on behalf of the Chairman of Overview Committee.

Cabinet's report for Full Council

39. The Cabinet will prepare a report for submission to the next available meeting of the Full Council. However, if the next meeting of Full Council is within 15 working days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that.
40. The report to Full Council will set out particulars of the decision, the reason for the decision, the individual or body making the decision, and if the Cabinet is of the opinion that it was not a Key Decision the reasons for the opinion.

Reports on special urgency decisions

41. The Leader will include in his Executive Reports to Full Council the number and a summary of any decisions taken under paragraph 36 (special urgency) in the period since the last Full Council meeting.

RECORD OF DECISIONS**Cabinet/Cabinet Member decisions**

42. After each meeting of the Cabinet or committee of Cabinet, or following a delegated decision by any Cabinet Member, the Proper Officer will produce a written record of every decision taken as soon as reasonably practicable.
43. The written record referred to in paragraph 42 above must include:
 - a. a record of the decision including the date it was made;
 - b. a record of the reasons for the decision;
 - c. details of any alternative options considered and rejected by the decision maker;
 - d. a record of any conflict of interest relating to the matter decided which was declared by any member of the Cabinet; and
 - e. in respect of any declared conflict of interest a note of any dispensation granted by the Head of Paid Service.

Officer decisions

44. As soon as reasonably practicable after an Officer has made a decision which is an executive decision, the Officer must produce a written record which shall include:
 - a. a record of the decision including the date it was made;
 - b. a record of the reasons for the decision;
 - c. details of any alternative options considered and rejected by the Officer when making the decision;
 - d. a record of any conflict of interest declared by any member of the Cabinet who was consulted by the Officer which relates to the decision; and
 - e. in respect of any declared conflict of interest a note of any dispensation granted by the Head of Paid Service.
45. As soon as reasonably practicable after an Officer has made a decision which is a relevant non-executive decision (as defined in paragraph 46 below), the Officer must produce a written record which shall include:
 - a. a record of the decision including the date it was made;
 - b. a record of the reasons for the decision;

- c. details of any alternative options considered and rejected by the Officer when making the decision; and
 - d. where acting under a specific express authorisation, the names of any Councillor who has declared a conflict of interest in relation to the decision.
46. A “relevant non-executive decision” is a non-executive decision made:
- a. under a specific express authorisation;
 - b. under a general authorisation to Officers to take such decisions and, the effect of the decision is to:
 - i. grant a permission or licence;
 - ii. affect the rights of an individual; or
 - iii. award a contract or incur expenditure which, in either case, materially affects the Council's financial position.
47. For the purposes of paragraph 46 above the Council's financial position will be regarded as being materially affected if the value of the contract (including any extensions), or as the case may be, the amount of the expenditure or savings is £500,000 or more.
48. The Proper Officer will ensure that a copy of the records referred to in paragraphs 42 to 45 are available for inspection by the public as soon as reasonably practicable at County Hall and on the Council's website.
49. Administrative and operational decisions taken by Officers about how they go about their day to day work within the Council will not need to be recorded.

OVERVIEW COMMITTEE, SELECT COMMITTEES AND HEALTH SCRUTINY COMMITTEE - ACCESS TO DOCUMENTS

50. Subject to paragraph 51 below members of the Overview, Select and Health Scrutiny Committees are entitled to a copy of any documents which are in the possession or under the control of the Cabinet or any committee of Cabinet and which contains material relating to:
- a. any business that has been transacted at a meeting of a decision-making body of the Council;
 - b. any decision that has been made by an individual Cabinet Member in accordance with the executive arrangements;
 - c. any decision that has been made by an Officer in accordance with the executive arrangements.
51. Where a member of an Overview, Select or Health Scrutiny Committee requests a document following the definition above, the Cabinet must provide

that document as soon as reasonably practicable and in any case no later than 10 clear days after the Cabinet receives the request.

52. The entitlement does not extend to:
- a. any document that is in draft form;
 - b. a copy of any document or part of a document that contains exempt or confidential information unless that information is relevant to an action or decision that the Committee are reviewing or scrutinising or intend to scrutinise in line with their work programme; or
 - c. the advice of a political adviser or assistant.

ADDITIONAL RIGHTS OF ACCESS TO DOCUMENTS FOR MEMBERS

53. Subject to paragraph 56 below, all County Councillors will be entitled to inspect any document in the possession or under the control of the Executive which contains material relating to any business to be transacted at a public meeting.
54. Any document under paragraph 53 above, must be available for inspection for at least 5 clear days before the meeting except where:
- a. The meeting is convened at shorter notice, it shall be available when the meeting is convened; and
 - b. Where an item is added to the agenda of the meeting at shorter notice, it shall be available when the item is added to the agenda.
55. Subject to paragraph 56 below, any document which is in the possession or under the control of the Executive and contains material relating to:
- a. any business transacted at a private meeting;
 - b. any decision made by a Cabinet Member under their delegation; or
 - c. any decision made by an Officer in accordance with executive arrangements, must be available for inspection by a County Councillor within 24 hours of the conclusion of the meeting or the decision having been made as the case may be.
56. The entitlement to access documents does not extend to a document or part of a document:
- a. that is in draft form; or
 - b. that contains exempt information falling within paragraphs 1, 2, 4, 5, or 7 of the categories of exempt information; or

- c. it contains exempt information falling within paragraph 3 of the categories of exempt information and that information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract; or
 - d. that includes advice from a political adviser or assistant.
57. Where a County Councillor requests to inspect a document containing exempt information that is not disclosable, the Proper Officer will consider if the exempt information is of a nature that the County Councillor should be required to demonstrate a need to know the information. Applications should be made to the Proper Officer setting out why the County Councillor believes they have a need to know the exempt information concerned in order to properly perform their duties. If the Proper Officer determines, having taken appropriate advice, that a need to know is established the information will be supplied.
58. A County Councillor shall not knowingly inspect or request to inspect any document relating to a matter in which they have a Disclosable Pecuniary Interest. Where they have a Private Interest, pecuniary or non-pecuniary, a member should consider their position in line with the Code of Conduct for Councillors and Co-Opted Members, and the Councillor Interests Protocol.
59. These rights shall not preclude the Monitoring Officer from declining to allow inspection of any document which is or would be protected by legal advice privilege or litigation privilege.
60. These rights of a County Councillor are additional to any other right they may have.

CONFIDENTIALITY AND CONFIDENTIAL INFORMATION

61. Where a County Councillor or Co-Opted Member is provided with exempt or confidential information they must not disclose it unless they have written permission from the Proper Officer to do so.
62. Nothing in these procedure rules is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.

PROCEDURE FOR TAKING URGENT DECISIONS

1. The Council's Constitution sets out who in the Council has authority to make decisions and the procedures for making those decisions.
2. Sometimes events will occur which require decisions to be taken urgently. The County Council needs to be able to respond quickly where failure to do so would not be in the public interest.
3. The procedure for taking urgent decisions should only be used where failure to take the decision quickly would, or would be likely to, harm the interests of the Council and the public, for example:
 - a. a service not being provided;
 - b. the Council breaking the law or financial rules;
 - c. the public being put at serious risk of harm;
 - d. the Council suffering financial loss; or
 - e. consultation deadlines not being met.
4. The following are not suitable reasons for the use of the procedure:
 - a. poor planning;
 - b. the possibility of embarrassment being caused to the Council, an officer or Councillor;
 - c. the possibility of adverse publicity being caused to the Council;
 - d. in order to circumvent the requirements of Financial Regulations without good cause and justification.
5. There are a number of procedures in the Constitution whereby decisions can be taken quickly. Certain urgent decisions, such as Key Decisions, will also need to comply with specific requirements such as notice, approval or consultation. These requirements are set out in the table below.

URGENT DECISIONS BY CABINET OR COMMITTEE

6. Where the agenda for the relevant meeting has been published, an urgent item may be added to the agenda if it meets the urgency criteria set out in paragraphs 3 and 4. Democratic Services and the Chairman of the meeting will require an explanation before authorisation is given.
7. Every effort must be made to circulate the urgent report to Councillors at least 24 hours before the meeting.

8. The urgent report will be made available for public inspection as soon as possible.

CALLING AN ADDITIONAL MEETING OF CABINET OR COMMITTEE

9. The issue may be of such significance that it may be more appropriate to call an additional meeting. The procedure for calling additional meetings is set out in the relevant Council, Cabinet or Committee Procedure Rules.

URGENT DECISION BY THE CHIEF EXECUTIVE

10. The Chief Executive may take a decision which is normally reserved to the Executive, a Committee or an Officer where he believes that the decision is urgent after first:
- a. taking into account the guidelines set out in paragraphs 3 and 4 above; and
 - b. where possible, seeking the views of the following in respect of the proposed decision:
 - The Leader of the Council,
 - The relevant Cabinet Member or Chairman and Vice-Chairman of the relevant Committee with authority to take the decision, and
 - The leader(s) of opposition group(s).
11. The Chief Executive will take into account any relevant views expressed. The decision is the Chief Executive's alone.
12. The decision together with the reasons why it was urgent must be recorded in writing. The record of urgent decisions will be held by Democratic Services and will be made available for inspection.
13. Following the decision, a report will be submitted to the next relevant meeting explaining:
- a. the decision;
 - b. the reasons for it; and
 - c. why the decision was treated as a matter of urgency.
14. In the absence of the Chief Executive, their responsibilities under this procedure are delegated to the Deputy Chief Executive, and in their absence to any other Corporate Director, and all references to the Chief Executive under this procedure will also apply to that person.
15. The table below sets out the additional requirements for certain types of urgent decisions:

Urgency Procedure	Where it is	Authorised by	Consultation	Reporting Requirements
Urgent decision that is outside the Budget and Policy Framework	Budget and Policy Framework Procedure Rules (paragraphs 18 – 21)	Chairman of Overview Committee, or in their absence the Chairman (or Vice-Chairman) of the Council	n/a	Full Council
Key Decisions not in the Forward Plan – General Exception	Access to Information procedure Rules (paragraph 34)	None, provided notification requirements met	Notify Chairman of Overview or a Select Committee	Notice posted on website
Key Decisions not in the Forward Plan – Special Urgency	Access to Information Procedure Rules (paragraph 36)	Chairman of relevant Overview or Select Committee, or in their absence Chairman (or Vice-Chairman) of the Council	n/a	Full Council (via Executive Report)
Decision that will not be subject to Call-in	Overview and Select Committee Procedure Rules (Appendix 2, paragraphs 21 – 24)	Chairman of Overview Committee (in their absence the Chairman of the Council or their Vice Chairman)	Advice from Chief Executive, Monitoring Officer and/or Section 151 Officer	Full Council
Private meeting without giving prior notice	Access to Information Procedure Rules (paragraphs 22 – 26)	Chairman of Overview Committee (in their absence the Chairman of the Council or their Vice Chairman)	n/a	Notice posted on website

Urgency Procedure	Where it is	Authorised by	Consultation	Reporting Requirements
Emergency expenditure power of Corporate Directors	Officer Scheme of Delegation and Financial Regulations (paragraph 3.4.6)	Corporate Directors	Reported to Chief Executive and Section 151 Officer	Cabinet

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PROCEDURE RULES FOR MEETINGS OF THE FULL COUNCIL

INTRODUCTION

1. The County Council has four types of Full Council meetings:-
 - a. ordinary meetings – these meetings run throughout the year to carry out the business of the Council;
 - b. the annual meeting – usually held in May. In addition to the business of an ordinary meeting the annual meeting elects the Chairman and Vice-Chairman of the County Council who hold the posts until the annual meeting the following year;
 - c. the annual budget meeting – usually held in February to agree the Council's budget for the following financial year. This meeting generally only considers the budget reports; and
 - d. extraordinary meetings – meetings arranged outside of the schedule of ordinary meetings.
2. These rules are designed to ensure meetings of the Full Council run smoothly and are conducted properly to enable sound decision-making in line with Wednesbury principles and to ensure that the business of the Council is undertaken effectively and efficiently.
3. Councillors are responsible for ensuring their behaviour reflects the Nolan Principles in relation to Standards in Public Life and that they comply with the Procedure Rules and the Code of Conduct for Councillors and Co-opted Members at all times. Members are generally expected to be in attendance in their allocated seat for the duration of the meeting. During the meeting, the Chairman's ruling on behaviour is final.
4. So far as the law allows, any of these rules may be suspended at any meeting of the Full Council, either for the whole meeting or for a particular item on the agenda. In order to achieve this, a motion must be moved and seconded and a vote carried.
5. If any issues arise at a meeting in relation to interpretation of the procedure rules, the Chairman's decision will be final.
6. For the annual budget meeting some procedure rules will be suspended and alternative rules applied. See paragraph 112 below.

ARRANGEMENTS FOR MEETINGS

7. Full Council meetings are normally held 6 times per year, of which one is the annual meeting and one is the annual budget meeting. The meetings are normally held on a Thursday starting at 10.30am.
8. The agenda and papers for meetings of the Full Council must be available at least five clear working days before the meeting.

9. Meetings of the Full Council will not continue beyond 5.30pm. If the meeting is not likely to conclude before that time the matter under debate at 5.15pm will be moved to the vote to allow the meeting to conclude by 5.30pm. The annual budget meeting will continue beyond 5.30pm if necessary but not beyond 8.00pm. If the meeting has not concluded before that time a vote will be taken on the budget at 8.00pm and the budget will not be carried forward as an item to the next available meeting.
10. Details of arrangements for an extraordinary meeting are set out in paragraphs 114 - 116.

MINIMUM ATTENDANCE (QUORUM)

11. At least one quarter (17) of the whole number of elected County Councillors must be present for the meeting to proceed or continue.
12. If the Chairman or the Chief Executive concludes that an insufficient number of Councillors is present the meeting will not proceed. The Division Bell will be sounded, and if after more than five minutes there is still an insufficient number present at the meeting it will be adjourned to a time fixed by the Chairman.

ORDER OF BUSINESS

13. Except for the annual budget meeting and an extraordinary meeting, the order of business will usually be:

Business at the annual meeting only (60 minutes)

- a. Election of Chairman
- b. Election of Vice-Chairman

Statutory formalities/Announcements (15 minutes)

- c. the choice of a person to preside if the Chairman and Vice-Chairman are absent
- d. any business having priority by law
- e. (As necessary) to appoint or remove the Leader of the Council
- f. confirmation of the minutes of the last meeting of the Full Council
- g. apologies for absence, including reasons
- h. declarations of interest
- i. Chairman of the County Council's business

Constituency matters (30 minutes)

- j. constituency issues (15 minutes)
- k. petitions (15 minutes)

Business reports (60 minutes)

- l. reports for decision by the Full Council

The Executive Report (10 minutes)

- m. report from the Leader of the Council

Questions (60 minutes)

- n. questions to Nottinghamshire and City of Nottingham Fire Authority and responses
- o. questions to the Leader, Cabinet Members and Committee Chairmen and responses

Motions for debate

- p. consideration of motions

OTHER POINTS REGARDING THE ORDER OF BUSINESS

14. At any time during the meeting the Chairman can adjourn the meeting.
15. The Chairman will manage the agenda to enable the meeting to keep to time and has discretion to extend the time limit of a particular section of the agenda within the overall time limit of the meeting.
16. The order of business can be varied at the discretion of the Chairman.
17. Lunch will normally be taken at 12.30pm.

ABSENCES AND APOLOGIES

18. If a Councillor submits an apology for absence for the meeting, any questions or constituency issues they have submitted or motions they have proposed or seconded will be deemed to have fallen at the point the apology is given.
19. Apologies for absence will be categorised under the following headings:-
 - Other County Council Business
 - Medical / Illness
 - Other reasons
20. If a Councillor is not in the Chamber at the point on the agenda that any question or constituency issue they would present would be considered, the matter will be deemed to have fallen. Both the mover and seconder must be in the Chamber to propose a motion otherwise it will be deemed to have fallen.
21. The minutes of the meeting may record any Councillor's absence from the Chamber of more than 10 minutes during a Full Council meeting.

DECLARATIONS OF INTEREST

22. Where any Councillor has an interest in any matter to be discussed or decided, they will, in accordance with the Code of Conduct for Councillors and Co-opted Members, declare the existence and nature of that interest and whether the interest is a Disclosable Pecuniary Interest. Any declaration of interest will be recorded in the minutes of the meeting.
23. Where any Councillor has declared a Disclosable Pecuniary Interest in any matter, they will leave the room in which the meeting is being held while the matter is under consideration unless:
 - a. The Chief Executive has granted them a dispensation; or

- b. the matter is only under consideration by the meeting as part of a report of the Minutes of Council, a committee or sub-committee and is not itself the subject of debate.
- 24. If the Councillor has chosen to remain within easy reach, that Councillor will be recalled by an appropriate officer before any further business is started.
- 25. Any person or officer of the authority who is appointed to do anything in connection with the County Council which enables them to speak at meetings, will make the same disclosures of interests and will withdraw from the room in which the meeting is being held on the same occasions as they would have to do if they were a County Councillor.

CONSTITUENCY ISSUES

- 26. At any Full Council meeting except the annual budget meeting and an extraordinary meeting, Councillors will be given an opportunity to speak for up to three minutes on any issue which specifically relates to their division and is relevant to the services provided by the County Council. If the matter raised does not meet these criteria the Chairman will instruct the Councillor to stop speaking.
- 27. Such a speech will not give rise to a debate on the issue or a question and answer session.
- 28. If any Councillor wishes to make a three minute speech the Governance Team in Democratic Services must be notified by 10am three working days before the Full Council meeting. The notification must confirm who will be making the speech and which council service it relates to, to enable its validity to be determined in advance of the meeting.
- 29. A maximum of 15 minutes is allowed for this item. The speeches will be taken in the order received. Any speeches not heard within the time limit will fall and can be submitted again at the next meeting which allows constituency issues.

PETITIONS

- 30. In accordance with the Council's Petitions Scheme, at any Full Council meeting except for the annual budget meeting and an extraordinary meeting, any Councillor may present a petition to the Chairman of the Council on any matter affecting the residents of their division, and in relation to which the County Council has powers or duties.
- 31. If any Councillor wishes to submit a petition the Governance Team in Democratic Services must be notified by 10 am the day before the meeting, giving details about the petition.
- 32. In exceptional circumstances, if a petition is not properly notified in advance, the Chairman has discretion to allow the petition to be submitted at the meeting.

33. The Councillor presenting the petition can introduce and speak about the petition for up to one minute.
34. If a Councillor is unable to be at the meeting, they may request and agree to another Councillor presenting a petition on their behalf.
35. If a petition relates to more than one division the petition can be presented jointly if the relevant Councillors agree. If agreement cannot be reached the petition will be presented by the Council's Vice-Chairman.
36. Different procedures apply to some petitions as set out in the Council's petition scheme.
37. A maximum of 15 minutes is allowed for this item. Petitions will be taken in the order received. Any petitions not presented in the time limit will be accepted by the Chairman en bloc and referred to the appropriate Cabinet Member for consideration.
38. Any petition presented will be referred without debate to the appropriate Cabinet Member for consideration. A report back to Council on the outcome of that consideration will be made at the next appropriate meeting following consideration by the Cabinet Member.

CONSIDERATION OF REPORTS FOR DECISION BY COUNCIL

39. Reports are introduced by the relevant Cabinet Member or Committee Chairman.
40. The report recommendation is then 'moved' by one Councillor and 'seconded' by another Councillor. It then becomes a 'motion' for debate and the rules of debate apply. The motion is then debated before a vote is taken. Where a report contains more than one recommendation they will be moved as a single motion for debate.
41. Statutory officer reports will be moved by the Chairman of the County Council and seconded by the Vice-Chairman of the County Council.

THE EXECUTIVE REPORT

42. At any meeting of the Full Council, except the annual budget meeting and an extraordinary meeting, the Leader of the Council will submit a report summarising important developments and their activities since the preceding meeting of the Council. This will include a summary of items considered by the Cabinet including any Key Decisions taken under special urgency arrangements.
43. The Leader will move the receipt of the Executive Report for noting and may make a short statement introducing it. The report will be seconded. No other Councillors may speak in relation to the motion to receive the Executive Report except for the Councillor seconding the motion.

44. The Executive Report will be received without comment or question, subject to the right of a Cabinet Member to make a factual correction or update.
45. No amendment to the Executive Report can be tabled.

QUESTIONS

46. At any meeting of the Full Council, except the annual budget meeting and an extraordinary meeting, a Councillor may ask the Leader, any Cabinet Member or Committee Chairman one or more questions on matters within the remit of their Portfolio or committee, including any matters referred to in the Executive Report.
47. Questions must:-
 - a. disclose a question;
 - b. be limited to matters which fall within the remit of the relevant Portfolio or Committee;
 - c. be a matter for which the local authority has a responsibility or which affects the County;
 - d. not be defamatory, frivolous or offensive;
 - e. not be substantially the same as a formal question, motion, review or call-in which is under consideration by or has, in the past six months, been put at a meeting of the Council, Cabinet or a committee;
 - f. not relate to a planning application or any other quasi-judicial matter; and
 - g. not require disclosure of confidential or exempt information.
48. The Monitoring Officer will rule a question invalid and give reasons if a submitted question does not comply with the provisions in paragraph 47.
49. A maximum of 60 minutes is allowed for questions, of which up to 15 minutes of time allocated for questions to the Chairman of Nottinghamshire and City of Nottingham Fire Authority.
50. Once the 60 minutes for questions has been reached any remaining questions will receive a written answer within 15 working days of the meeting and the answer given will be included for information with the papers for the next convenient Full Council meeting. The Leader, Cabinet Member or Committee Chairman may elect for the answer to the question to be given by another appropriate Councillor, with their agreement if in their opinion this is more appropriate.
51. At any meeting of the Full Council, except the annual budget meeting and an extraordinary meeting, a Councillor may ask the Chairman of Nottinghamshire and City of Nottingham Fire Authority one or more questions on matters within

the remit of their authority. A maximum of 15 minutes is allowed for these questions after which any remaining questions will receive a written answer within 15 working days of the date of the meeting and the answer given will be included for information with the papers for the next convenient Full Council meeting.

52. If any Councillor wishes to submit a question under the Procedure Rules a copy of their question(s) must be posted in the box in Democratic Services or emailed to council.questions@nottsc.gov.uk no later than 10 am three working days before the meeting. The question must make it clear who the question is addressed to and who is asking it.
53. A submitted question cannot be altered after the deadline.
54. The order in which questions are put at the meeting will be determined by the Chairman.
55. After receiving an answer from the Leader, relevant Cabinet Member, Committee Chairman, or their nominee, the Councillor asking the original question may ask one supplementary question on the same matter.
56. The same supplementary question procedures apply to questions to the Chairman of the Fire Authority.
57. Any questions for Council which are withdrawn at the meeting or which fall because the member asking the question is not present in the Chamber at Council question time to ask their question, including where the Councillor has submitted their apology for absence, will receive a written reply within 15 working days of the meeting and the answer given will be included for information with the papers for the next convenient Full Council meeting.

QUESTIONS REQUIRING A WRITTEN RESPONSE

58. Any Councillor may at any time, by writing to Democratic Services, put a question to the Leader, a Cabinet Member or a Committee Chairman and will be sent a reply within 15 working days. Every such question and the answer given will be included for information with papers for the next convenient Full Council meeting.

CONSIDERATION OF INDIVIDUAL MOTIONS TABLED BY COUNCILLORS IN ADVANCE OF MEETINGS

59. Councillors may raise an issue at Full Council meetings except the annual budget meeting by submitting a motion. The procedure for submitting a motion for debate is as follows:
 - a. The motion must be proposed and seconded.
 - b. Notice must be given in writing no later than 10 am eight clear working days before the Full Council meeting by one of the following methods:

- i. Submitting an original signed by both the proposer and seconder to the Governance Team, Democratic Services
 - ii. Submitting a scanned copy of the signed original, or a motion with electronic signatures of the proposer and seconder, by email to council.questions@nottscc.gov.uk
 - c. Valid motions will be included in the agenda for the meeting in the order of receipt.
56. An invalid motion cannot be altered after the deadline to make it valid.
57. Both the mover and seconder must be in the Chamber to move or second their motion, if they are not present the motion is deemed to have fallen.
58. The Chairman will manage the business to enable appropriate debate within the time limit of the meeting. If a motion is not debated due to a lack of time the motion will be carried forward to the next ordinary (or annual) meeting and will be dealt with ahead of other motions on that agenda.

Scope of motions on notice

59. Valid motions must:-
- a. be asking the Council to make a decision which is lawful;
 - b. be about matters for which the Council has a responsibility or which affects directly or indirectly residents or businesses of the County and the Council has the power to implement;
 - c. not be defamatory, frivolous or offensive;
 - d. not seek to alter or reverse any Executive decision unless it is contrary to the Policy Framework or contrary to or not wholly consistent with the budget;
 - e. not be substantially the same as a motion which has, in the past six months, been put at a meeting of the Full Council, or reverse a decision taken by the Council in the past six months;
 - f. not relate to a planning application or any other quasi-judicial matter;
 - g. not require disclosure of confidential or exempt information; and
 - h. include appropriate and sufficient information to enable Councillors to make a lawful decision for example legal, financial, statutory or policy implications.
60. The Monitoring Officer will reject a proposed motion as invalid, giving reasons if it does not comply with the provisions in paragraph 59.

THE RULES OF DEBATE

61. Any motion (including recommendations within reports) must be moved and seconded before the debate can be opened. The mover and seconder of the motion may speak for a maximum of 10 minutes when moving the motion. It is not necessary to read the motion in full when moving the motion, provided the motion has been provided in writing to Full Council.
62. If a Councillor wishes to speak, they should indicate their intention by raising their hand.
63. The Chairman will decide the order in which speakers will be heard. Any Councillor who wishes to speak will be given the opportunity to do so unless any of the exceptions contained in these procedure rules apply.
64. Councillors can speak for a maximum of 5 minutes each time they are entitled to speak during a debate subject to paragraph 61 and the exception at the Annual Budget meeting.
65. Councillors will stand when speaking and must address the Chairman. Other Councillors will be respectful of and not interrupt the Councillor who is speaking.
66. Councillors must speak strictly to the subject under discussion.
67. Councillors may speak once on any motion and once on each amendment.
68. If the motion has been amended since a Councillor last spoke, that Councillor may move a further amendment to the motion.
69. Whenever the Chairman stands during a debate any Councillor standing must sit down and the Full Council must be silent.
70. Any Councillor may at any time during a meeting request that the meeting be adjourned for a short period. The Chairman of the meeting has discretion to decide whether to agree the request and, if agreed, to determine the length of any such adjournment.
71. The Councillor who moved the original motion has a right of reply at the close of the debate on that motion including where it has been amended during the debate.
72. At the end of a debate on an amendment to a motion, the mover of the amendment has a right to make closing remarks before the Councillor who moved the original motion exercises their right of reply.

ALTERATIONS AND AMENDMENTS TO RECOMMENDATIONS AND MOTIONS

73. An alteration is where the motion is changed by or with the agreement of the mover and the seconder of the motion. This can include where a proposal by another member to make a change to a motion is accepted by the mover of the

motion which then alters the proposed motion without the need for a vote on the proposed change.

74. An amendment is a proposal by another member to change a motion being debated which is not accepted by the mover of the original motion.
75. An alteration must be submitted in writing to the Chairman. An alteration can only be made if it would be accepted as a valid amendment. Alterations can be accepted:-
 - a. when the mover changes the motion whilst moving it
 - b. during the debate to update the motion to maintain accuracy
 - c. if the mover accepts a proposed amendment
 - d. to make the motion more acceptable to Councillors
76. Amendments to a motion can be moved or seconded by any Councillor following the process set out in paragraph 82 in the following situations:
 - a. to refer a subject of debate to the Cabinet, Cabinet Member or a committee for further consideration
 - b. to leave out words, to add words or both. However, such changes must not have the effect of fundamentally altering the spirit or intention of, or directly reversing the spirit or intention of, the original proposal (for example to recommend approval instead of refusal), must comply with the provisions set out in paragraph 59 and must be relevant to the original motion.
77. The Monitoring Officer may reject a proposed amendment as invalid if it does not comply with the provisions set out in paragraph 59. The Chairman may adjourn the meeting to seek appropriate advice to confirm validity of the amendment.
78. If a valid amendment is accepted by the mover of the original motion no debate or vote will be required and it will become an alteration to the motion and will become the altered (substantive) motion.
79. Only one amendment may be moved and discussed at one time. No further amendment may be moved until the amendment under discussion has been voted on, subject to the exceptions set out in the Annual Budget Meeting Rules at paragraph 108.
80. If an amendment is not accepted by the mover of the original motion, the following procedure will apply:-
 - a. the amendment will be debated
 - b. a vote will then be taken on whether the amendment should become the amended (substantive) motion

- c. debate will continue and further amendments may be moved
- d. after all amendments have been dealt with using the procedure stated above then a vote will be taken on the final substantive motion

MOTIONS NOT REQUIRING PRIOR WRITTEN NOTICE

81. Motions can be moved and seconded orally at meetings including a reason for proposing the motion, to ensure meetings run smoothly and are conducted properly. The following are examples of such motions:
- a. appointment of a chairman for the meeting in the absence of the Chairman and Vice-Chairman
 - b. request to withdraw a motion
 - c. that the matter be put to a vote (this can only be moved by a Councillor who has not yet spoken on the debate as set out in paragraph 83)
 - d. that the meeting be adjourned
 - e. variation of the order of business
 - f. suspension of a specific procedure rule (giving the procedure rule number to be suspended and the reason)
 - g. exclusion of the public
 - h. that a named Councillor should not be heard further
82. Amendments to motions may be moved and seconded without notice but must be provided in writing to the Chairman when being moved.

BRINGING DEBATE TO EARLY CLOSURE

83. A Councillor who has not already spoken on the matter may orally move a motion that a vote should be taken immediately. This must be seconded.
84. If the Chairman feels there has been sufficient discussion of the issue he may put the oral motion to the vote.
85. If the vote is carried the motion or amendment will be put to the vote following closing remarks as set out in the rules of debate.

POINTS OF ORDER AND PERSONAL EXPLANATIONS

86. With the consent of the Chairman any Councillor may make a brief comment, ask a question designed to clarify a matter which has been raised, or indicate

where they feel the procedure rules have not been followed. They may not introduce new material or make a speech on the issue raised.

87. The Chairman of the County Council's ruling will be final and they may limit such exchanges to maintain the flow of debate.

VOTING

88. Votes in Full Council are to be determined by a show of hands.
89. When a vote is being called Councillors must remain quiet, seated in their designated seat, and clearly hold their hand up to cast their vote and keep it up until the Chairman tells Councillors the vote has concluded.
90. Where there is an equal number of votes for and against a motion the Chairman can exercise a second (casting) vote.
91. A recorded vote will be taken if 10 or more Councillors request it by a show of hands and where required under the Annual Budget meeting rules in paragraph 108 below. The process will be as follows:
 - a. The Division Bell will be sounded.
 - b. The Chief Executive will then call the names of all Councillors and record the vote of each Councillor.
 - c. The Chairman will announce the result.
 - d. The minutes will record how each Councillor voted.
92. Whilst the recorded vote is being taken, Councillors must remain quiet, seated in their designated seat, and, when called by the Chief Executive, use the microphone provided to give their vote.
93. Any Councillor can require that the minutes of the meeting record how they voted on any decision taken.

REVERSING DECISIONS

94. Council decisions are final and should normally not be altered or amended for 6 months. However, where a decision proves to be unworkable for whatever reason a further report on the issue will be brought back to Full Council for further consideration with the agreement of the Council's Chairman and Vice-Chairman.

DISORDERLY CONDUCT

95. Councillors are expected to act in a reasonable and professional manner at Full Council, in accordance with the Code of Conduct for Councillors and Co-opted Members and in compliance with the Council's Procedure Rules. Councillors should not misbehave by persistently disregarding the Chairman's ruling, or by

behaving improperly or offensively, including by using offensive language or making personal remarks about individuals, or by obstructing the business of the Full Council.

96. If, at any meeting, any Councillor in the opinion of the Chairman of the County Council is in breach of paragraph 95 the Chairman will warn the Councillor about their behaviour.
97. If following any warning a Councillor continues to breach paragraph 95 the Chairman may move "that [the Councillor named] should not be further heard" and, if seconded, a vote will be taken without discussion.
98. If any Councillor continues the misconduct after a "should not be further heard" vote has been carried, the Chairman:
 - a. may request the Councillor to leave the meeting; or
 - b. may adjourn the meeting of the Full Council for any period considered necessary
99. In the event of a general disturbance which in the opinion of the Chairman makes business impossible, the Chairman may adjourn the meeting for any period considered necessary and/or order that the public or a specific individual/s leave. "General disturbance" may include any action or activity by the public which disrupts the conduct of the meeting or impedes other members of the public including in connection with the recording or reporting of the meeting.

ESTABLISHMENT OF COMMITTEES

100. Every committee set up by the Full Council will perform the functions given to them until the Full Council resolves otherwise. Full Council can revise the functions of committees at any time.

APPOINTMENT OF THE CABINET, COMMITTEES AND SUB-COMMITTEES

101. Subject to any statutory requirements, the Council at its first meeting after the regular four-yearly election shall appoint a Leader. The Leader once appointed shall have the powers to appoint a Cabinet of at least two but not more than nine additional Members (including a Deputy Leader). The Leader will also appoint up to seven Cabinet Support Members.
102. The Leader appointed under procedure rule 101 shall serve until the first meeting of the County Council after the next regular four-yearly election unless:
 - a) they resign from the office;
 - b) they are no longer a councillor;
 - c) they are removed from office by resolution of the Council

APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES OF COUNCIL

103. Subject to any statutory requirement, the Council, at its Annual Meeting
- a) shall resolve what regulatory, scrutiny and other committees and sub-committees will be established, the terms of reference and size of these committees and may appoint the chairman and vice-chairman of each committee.
 - b) may resolve that non-voting Members shall also be appointed to any such committee;
 - c) if they resolve to make any appointments under paragraph XXb above, shall specify what number of appointments are to be made;
 - d) may resolve what limitations shall be placed on the powers of any such committee to arrange for the discharge by a sub-committee of any functions which they may discharge;
 - e) may resolve, subject to confirmation by committees at their next meetings what sub-committees shall be appointed and of how many voting and non-voting Members each sub-committee shall consist.
104. The Council may at any time amend resolutions made under Procedure Rule 103 above.
105. Each committee set up under Procedure Rule 103 above and every sub-committee set up by such a committee, shall continue to discharge the functions committed to them until the Council or committee, as the case may be, resolve otherwise.
106. Every person appointed to be a member of a committee or sub-committee will remain a member of that committee until the first of the following events:
- a. they cease to be a Councillor
 - b. their resignation
 - c. changes to political balance necessitate changes to committee membership
 - d. removal by the Proper Officer at the request of their group
107. The Full Council is required to keep the allocation of seats to groups under review.
108. Whenever allocation of seats is considered by the Full Council the Chief Executive will submit a report showing what the allocation of seats should be in order to ensure committees reflect the overall political balance of the Council.

109. Democratic Services will ensure that all appointments to committees are reported to the next meeting of the appropriate committee.
110. Any permanent changes in membership must be notified to the Governance Team in Democratic Services no later than 4pm the working day before the relevant meeting. Substitution rules are set out in the Procedure Rules for Committee and Sub-Committee Meetings.

ANNUAL MEETING

111. Subject to any statutory requirements, the Full Council at its annual meeting:
 - a. Will elect the Chairman and Vice-Chairman of the County Council for the forthcoming year.
 - b. At the first meeting after the regular four-yearly election, appoint a Leader of the Council.
 - c. Will resolve what regulatory, scrutiny and other committees and sub-committees will be established, the terms of reference and size of these committees and may appoint the chairman and vice-chairman of each committee.
 - d. Will note any changes to the appointment of Cabinet Members and their Portfolios and any Executive delegations, as decided by the Leader.
 - e. Will note the membership of each group and their agreed officers.
 - f. Will receive the annual scrutiny report(s) (unless reported at another Full Council meeting)

ANNUAL BUDGET MEETING

112. The order of business for the annual budget meeting will usually be:
 - a. the choice of a person to preside if the Chairman and Vice-Chairman are absent
 - b. any business having priority by law
 - c. confirmation of the minutes of the last meeting of the Full Council
 - d. apologies for absence, including reasons
 - e. declarations of interest
 - f. Chairman of the County Council's business
 - g. reports for decision by the Full Council

113. To ensure the smooth flow of business the following provisions will operate for the Annual Budget meeting budget report:
- a. After the budget proposals have been moved and seconded any budget amendments will be moved and seconded. The seconders of the amendments may either speak to them when seconding or may reserve their speech for later in the debate.
 - b. With the exceptions below, no Councillor will speak more than once or for more than 10 minutes:
 - the Councillor who moves the budget proposals may speak for 30 minutes when moving the budget proposals and for 15 minutes when replying to the debate
 - the movers of any amendments may speak for 20 minutes when moving those amendments and for 10 minutes when summing up
 - c. There will be a single debate on the motion and any amendments.
 - d. At the conclusion of the winding-up speeches, recorded votes will be taken on amendments in the order determined by the Chairman then a recorded vote will be taken on the substantive motion. The process for recorded votes is set out in paragraph 91 above.

EXTRAORDINARY MEETINGS

114. An extraordinary meeting may be arranged if the Chairman of the Council, the Council Leader, or any five County Councillors request such a meeting. An extraordinary meeting can be held on any day of the week.
115. The only business permitted at an extraordinary meeting is that which the meeting has been called to consider.
116. The order of business for an extraordinary meeting will usually be:
- a. the choice of a person to preside if the Chairman and Vice-Chairman are absent
 - b. apologies for absence, including reasons
 - c. declarations of interest
 - d. the matters set out in the request to hold an extraordinary meeting

OTHER

117. Placards, banners, advertising materials, props and similar items are not permitted in any Council meeting and must be covered or removed.

118. Members of the public should remain seated in the public gallery during any debate and not do anything to endanger the health and safety of any person.
119. Members of the public may record proceedings and report all public meetings. Any person recording the meeting must not disrupt the good order of the meeting.
120. Meetings of the Council may be broadcast and made available to the public for viewing on the Council's website. When a meeting is broadcast, Members will sit in their allocated seats.
121. Mobile phones and other electronic devices must be switched to silent.

DRAFT

PROCEDURE RULES FOR COMMITTEE AND SUB-COMMITTEE MEETINGS

INTRODUCTION

1. These rules are designed to ensure meetings run smoothly and are conducted properly.
2. So far as the law allows any of these rules may be suspended at any meeting, either for the whole meeting or for a particular item on the agenda. In order to achieve this, a motion must be moved and seconded and a vote carried.

ARRANGEMENTS FOR MEETINGS

3. The agenda and papers for meetings must be available at least five clear working days before the meeting.
4. A special meeting is arranged if the chairman or vice-chairman of the relevant committee, or any 4 of its members request such a meeting.
5. If any issues arising at a meeting in relation to interpretation of the procedure rules, the Chairman's decision will be final.

MINIMUM ATTENDANCE (QUORUM)

6. The quorum of a Committee will be one third of the membership, **subject to** a minimum quorum of 3. Where the membership is not a multiple of three the quorum will be rounded up to the next whole number.
7. If the Chairman or the representative of the Proper Officer concludes that an insufficient number of Councillors is present after more than five minutes the meeting will not proceed and will be adjourned to a time fixed by the Chairman.

ORDER OF BUSINESS

8. The order of business will usually be:
 - a. at the first meeting after the annual Council meeting, appointing or noting the appointment of the Chairman and Vice-Chairman of the committee
 - b. the choice of a person to preside if the Chairman and Vice-Chairman are absent
 - c. confirmation of the minutes of the meeting of the committee
 - d. apologies for absence, including reasons
 - e. declarations of interest
 - f. business outstanding from the last meeting

- g. reports for decision by committee
- h. reports for information
- i. work programme (if applicable)

OTHER POINTS REGARDING THE ORDER OF BUSINESS

- 9. At any time during the meeting the Chairman can adjourn the meeting.
- 10. The order of business can be varied at the discretion of the Chairman.
- 11. The minutes of ordinary meetings will not normally be confirmed at special meetings.

APOLOGIES FOR ABSENCE

- 12. Apologies for absence will be categorised under the following headings:-
 - Other County Council Business
 - Medical / Illness
 - Other reasons

DECLARATIONS OF INTEREST

- 13. Where any Councillor has an interest in any matter to be discussed or decided, they will, in accordance with the Code of Conduct for Councillors and Co-opted Members, declare the existence and nature of that interest and whether the interest is a Disclosable Pecuniary Interest. Any declaration of interest will be recorded in the minutes of the meeting.
- 14. Where any Councillor has declared a Disclosable Pecuniary Interest in any matter, they will leave the room in which the meeting is being held while the matter is under consideration unless:
 - a. The Chief Executive has granted them a dispensation; or
 - b. The matter is only under consideration by the meeting as part of a report of the Minutes of a committee or sub-committee and is not itself the subject of debate.
- 15. If the Councillor has chosen to remain within easy reach, that Councillor will be recalled by an appropriate officer before any further business is started.
- 16. Subject to paragraph 17, any person or officer of the authority who is appointed to do anything in connection with the County Council which enables them to speak at meetings, will make the same disclosures of interest and will withdraw

from the room in which the meeting is being held on the same occasions as they would have to do if they were a County Councillor.

17. Paragraph 16 above does not apply to members of the public who are entitled to speak at Planning and Rights of Way Committee.

CONSIDERATION OF RECOMMENDATIONS IN REPORTS AND THE RULES OF DEBATE

18. The report recommendation should be 'moved' by one committee member and 'seconded' by another committee member. It then becomes a 'motion' which may be debated before a vote is taken. The mover and seconder of the motion may speak for a maximum of 10 minutes when moving the motion. Where a report contains more than one recommendation they will be moved as a single motion for debate.
19. Motions relating to the following may be moved and seconded without notice, the Chairman may require the motion to be put in writing to ensure clarity of the motion being considered:
 - a. alterations to motions
 - b. amendments to motions
20. If a Councillor wishes to speak they should indicate their intention by raising their hand.
21. The Chairman will decide the order in which speakers will be heard. Any committee member who wishes to speak will be given the opportunity to do so unless any of the exceptions contained in these procedure rules apply.
22. Councillors can speak for a maximum of 5 minutes each time they are entitled to speak during a debate subject to paragraph 18.
23. Councillors when speaking must address the Chairman. Other Councillors will be respectful of and not interrupt the Councillor who is speaking.
24. Councillors must speak strictly to the subject under discussion.
25. Councillors may speak once on any motion and once on each amendment.
26. If the motion has been amended since the Councillor last spoke, that Councillor may move a further amendment to the motion.
27. Where the Chairman stands during a debate the committee must be silent.
28. Any committee may at any time during a meeting request that the meeting be adjourned for a short period. The Chairman of the meeting has the discretion to decide whether to agree the request and, if agreed, to determine the length of any such adjournment.

29. The committee member who moved the original motion has a right of reply at the close of the debate on that motion including where it has been amended during the debate.
30. At the end of the debate on an amendment to a motion, the mover of the amendment has a right to make closing remarks before the Councillor who moved the original motion exercises their right of reply.

ALTERATIONS AND AMENDMENTS TO RECOMMENDATIONS AND MOTIONS

31. An alteration is where the motion is changed by or with the agreement of the mover and seconder of the motion. This can include where a proposal by another member to make a change to a motion is accepted by the mover of the motion which then alters the proposed motion without the need for a vote on the proposed change.
32. An amendment is a proposal by another member to change a motion being debated which is not accepted by the mover of the original motion.
33. An alteration can only be made if it would be accepted as a valid amendment. The Chairman may require the alternation to be put in writing to ensure clarity of the motion being considered. Alterations can be accepted:-
 - a. when the mover changes the motion whilst moving it
 - b. during the debate to update the motion to maintain accuracy
 - c. if the mover accepts a proposed amendment
 - d. to make the motion more acceptable to Councillors
34. Amendments to a motion can be moved or seconded by any committee member, following the process set out in paragraph 19 to leave out words, to add words or both provided that such changes must not have the effect of fundamentally altering the spirit or intention of, or directly reversing the spirit or intention of, the original proposal (for example to recommend approval instead of refusal) and must be relevant to the original motion.
35. Amendments must:-
 - a. be asking the Council to make a decision which is lawful;
 - b. be about matters for which the Council has a responsibility or which affects directly or indirectly residents or business of the County, it falls within the remit of committee and the Council has the power to implement;
 - c. not be defamatory, frivolous or offensive;
 - d. not reverse a decision taken by the Council in the past six months;

- e. not require disclosure of confidential information or exempt information; and
 - f. include appropriate and sufficient information to enable Councillors to make a lawful decision for example legal, financial, statutory or policy implications
36. The amendment may be rejected if it does not comply with the provisions set out in paragraph 35. The Chairman may adjourn the meeting to seek appropriate advice to confirm the validity of the amendment.
37. If a valid amendment is accepted by the mover of the original motion, no debate or vote will be required and it will become an alteration to the motion and will become the altered (substantive) motion.
38. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been voted on.
39. If a valid amendment is not accepted by the mover of the original motion, the following procedure will apply:-
- a. the amendment will be debated
 - b. a vote will then be taken on whether the amendment should become the amended motion (substantive motion)
 - c. debate will continue and further amendments may be moved
 - d. after all amendments have been dealt with using the procedure stated above then a vote will be taken on the final amended motion (substantive motion)

MOTIONS NOT REQUIRING PRIOR WRITTEN NOTICE

40. Motions can be moved and seconded orally at meetings including a reason for proposing the motion to ensure meetings run smoothly and are conducted properly. The following are examples of such motions:
- a. appointment of a Chairman for the meeting in the absence of the Chairman and Vice-Chairman
 - b. request to withdraw a motion
 - c. an amendment to a motion (the Chairman may require the amendment to be put in writing to ensure clarity of the amendment being considered)
 - d. that the matter be put to the vote (this can only be moved by a Councillor who has not yet spoken on the debate as set out in paragraph 41)
 - e. that the meeting be adjourned

- f. variation of the order of business
- g. suspension of a specific procedure rule (giving the procedure rule number to be suspended and the reason)
- h. exclusion of the public
- i. that a named committee member should not be heard further

BRINGING DEBATE TO EARLY CLOSURE

- 41. A committee member who has not already spoken on the matter may orally move a motion that a vote should be taken immediately. This must be seconded.
- 42. If the Chairman feels there has been sufficient discussion on the issue he may put the oral motion to the vote.
- 43. If the vote is carried the motion or amendment will be put to the vote following closing remarks as set out in the rules of debate.

POINTS OF ORDER AND PERSONAL EXPLANATIONS

- 44. With the consent of the Chairman any committee member may make a brief comment, ask a question designed to clarify a matter which has been raised, or indicate where they feel the procedure rules have not been followed. They may not introduce new material or make a speech on this.
- 45. The Chairman's ruling on this will be final and they may limit such exchanges to maintain the flow of debate.

VOTING

- 46. Votes in committee are to be determined by a show of hands.
- 47. When the vote is being called Councillors must remain seated and quiet, clearly hold their hand up to cast their vote and keep it up until Chairman tells Councillors the vote has concluded.
- 48. Where there is an equal number of votes for and against a motion the Chairman can exercise a second (casting) vote.
- 49. A recorded vote will be taken if 2 or more committee members request it by a show of hands. The process will be as follows:
 - a. The names of all committee members will be called and the vote of each member recorded.
 - b. The Chairman will announce the result.
 - c. The minutes will record how each committee member voted.

50. Whilst the recorded vote is being taken, Councillors must remain seated and quiet in the meeting room and, when called, use the microphone (if provided) to give their vote.
51. Any committee member can require that the minutes of the meeting record how they voted on any decision taken.

REVERSING DECISIONS

52. Committee decisions are final and should not normally be altered or amended for 6 months. However, where a decision proves to be unworkable for whatever reason a further report on the issue will be brought back to the original decision-making meeting for further consideration with the agreement of the Committee's Chairman and Vice-Chairman.

DISORDERLY CONDUCT

53. Councillors are expected to act in a reasonable and professional manner at committee meetings, in accordance with the Code of Conduct for Councillors and Co-opted Members and in compliance with the Council's Procedure Rules. Councillors should not misbehave by persistently disregarding the Chairman's ruling, or by behaving improperly or offensively, including by using offensive language or making personal remarks about individuals, or by obstructing the business of the meeting.
54. If, at any meeting, any Councillor in the opinion of the Chairman is in breach of paragraph 53 the Chairman will warn the Councillor about their behaviour.
55. If following any warning a Councillor continues to breach paragraph 53 the Chairman may move "that [the Councillor named] should not be further heard" and, if seconded, a vote will be taken without discussion.
56. If any Councillor continues the misconduct after a "should not be further heard" vote has been carried, the Chairman:
 - a. may request the Councillor to leave the meeting; or
 - b. may adjourn the meeting for any period considered necessary
57. In the event of a general disturbance which in the opinion of the Chairman makes business impossible, the Chairman may adjourn the meeting for any period considered necessary and/or order that the public or a specific individual/s leave. "General disturbance" may include any action or activity by the public relating to the recording or reporting of the meeting which disrupts the conduct of the meeting or impedes other members of the public.

ATTENDANCE OF OTHER COUNTY COUNCILLORS

58. Any County Councillor who wishes to attend a meeting of a committee or sub-committee of which they are not a member will be entitled to do so. With the consent of the Chairman they will be entitled to speak once and for a maximum of 5 minutes on any matter that is of primary importance to their electoral division or its inhabitants rather than a general matter, but not to vote.
59. A County Councillor who attends a meeting in this capacity will be entitled to remain in the meeting when a resolution to exclude the public is in force.
60. These provisions apply to Planning and Rights of Way Committee, subject to its Code of Best Practice, but not to any other committee or sub-committee that is exercising a function which is judicial in nature.

APPOINTMENTS TO COMMITTEES

61. Any permanent membership changes must be notified to the Governance Team in Democratic Services no later than 4pm the day before the relevant meeting.
62. Democratic Services will ensure that all appointments to committees are reported to the next meeting of the appropriate committee.

SUBSTITUTE MEMBERS

63. Where a council member of a committee is listed as a member of a Political Group of the Council for the purpose of allocating committee seats, all other listed eligible members of that Group who are not members of that committee are appointed as substitute members with entitlement to attend, speak and vote in the event that the appointed member is absent from the meeting. The substitute will not be able to exercise any special powers or duties exercisable by the person they are substituting.
64. Only the first eligible substitute to declare at the meeting may replace the absent member. The identities of the substitution and the absence member, and the reasons for apology from the absent member shall be declared at the outside of the meeting and recorded in the minutes.
65. Named substitutes will be required for the committees set out in **Section XX** of the Constitution, where there is a specific training requirement.

HEALTH AND WELLBEING BOARD

66. Substitute members can be appointed for the non-County Council representatives. Substitute members will have all the powers and duties of any ordinary member on the Board but will not be able to exercise any special powers or duties exercisable by the person they are substituting. Substitute members may attend meetings in this capacity only:

- a. To take the place of the ordinary member for whom they are substituting where the ordinary member will be absent for the whole of the meeting
- b. After the Proper Officer has been officially notified in writing by the organisation wishing to make the substitution.

PLANNING AND RIGHTS OF WAY COMMITTEE

67. The Committee will comply with its Code of Best Practice
68. The Committee's Code of Best Practice sets out who is entitled to speak at meetings of Planning and Rights of Way Committee.

GOVERNANCE AND ETHICS COMMITTEE

69. The Council's Procedure for Dealing with Conduct Allegations sets out who is entitled to speak on items relating to Councillor Conduct at meetings of Governance and Ethics Committee.

OTHER

70. Placards, banners, advertising materials, props and similar items are not permitted in any committee meeting and must be covered or removed.
71. Members of the public should remain seated during any debate and not do anything to endanger the health and safety of any person.
72. Members of the public may record proceedings and report all public meetings. Any person recording the meeting must not disrupt the good order of the meeting.
73. Meetings of the Council may be broadcast and made available to the public for viewing on the Council's website. When a meeting is broadcast, Members will sit in their allocated seats.
74. Mobile phones and other electronic devices must be switched to silent.

TERMS OF REFERENCE

THE FULL COUNCIL

1. The Full Council's primary responsibility is to adopt and approve the County Council's Budget and Policy Framework. The way in which changes to the Budget and Policy Framework are made is governed by the Budget and Policy Framework Procedure Rules in **Section XX**.
2. The County Council's policy framework sets out the major policies governing the Council's work and includes the following plans and strategies:-
 - Annual library plan/strategy
 - Crime and disorder reduction strategy (Community Safety Agreement)
 - Local transport plan
 - Plans and alterations which together comprise the Development Plan (including the approval of any drafts for public consultation)
 - Youth justice plan (Youth Crime Strategy)
 - The Council's Corporate Plan (The Nottinghamshire Plan)
 - Children and Young People's Plan
3. The Full Council is also responsible for setting the County Council's budget on an annual basis. This includes the allocation of financial resources to different services, proposed contingency funds, setting of the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.
4. Council approval is still required for any of the above documents in the event they, or part of them, need to be submitted to the Secretary of State or any Government Minister for final approval, including where they are to be submitted in draft form
5. The approval of changes to any plan or strategy referred to above, unless:-
 - that change is required by the Secretary of State or any Government Minister where the plan or strategy has been submitted to them for approval; or
 - Full Council specifically delegated authority in relation to these functions when it approved or adopted the plan or strategy

In addition to the above, the functions listed below are reserved to the Full Council and can only be discharged by the Full Council:	
a.	Adopting and making any changes to the Constitution, subject to the delegation to the Monitoring Officer to make minor and consequential amendments and to give effect to any permitted changes made by the Leader in relation to the executive arrangements as set out in Changes to the Constitution – Section One.
b.	Subject to the urgency procedures contained in the Urgency Procedure Rules in Section XX of this Constitution, making decisions about any matter

	in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would not be in line with the policy framework or budget
c.	Appointing and removing the Leader of the Council
d.	Establishing committees and deciding their terms of reference, size and composition
e.	Appointing the Chairman and Vice-Chairman of the County Council
f.	At their discretion, appointing and removing committee chairmen and vice-chairmen
g.	Authorising appointments to any joint committees
h.	Authorising appointments to the Nottinghamshire and City of Nottingham Fire Authority
i.	Authorising the appointment of Co-opted Members to Committees
j.	Approving a Members' Allowances Scheme including any provision for Chairman's and Vice Chairman's expenses
k.	Adopting or changing the Code of Conduct for Councillors and Co-opted Members
l.	Approving the annual Senior Officer Pay Policy Statement
m.	Designating, confirming the appointment of, and dismissing, the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer
n.	Making any request to the Local Government Boundary Commission for England for single-member electoral areas
o.	The passing of a resolution to change the County's electoral scheme
p.	Changing the name of the County
q.	Making an order to give effect to recommendations made in a community governance review
r.	Conferring the title of honorary alderman
s.	Making, amending, revoking, re-enacting and adopting byelaws and promoting and opposing the making of local legislation and personal bills in Parliament
t.	Any other function which, by law, must be reserved to the Full Council

CABINET AND CABINET MEMBERS

6. The exercise of the powers and functions in this section are delegated by the Leader to the Cabinet and individual Cabinet Members.
7. The following sets out the allocation of responsibilities to the Cabinet collectively and the individual portfolios of the Cabinet Members, subject to the Leader's authority to allocate and reallocate portfolios.
8. The portfolios are expressed in broad terms and these delegations should be interpreted widely to aid the smooth and effective operation of the Council.
9. The principles of responsibility are as follows:
 - Unless a function, power or responsibility is specifically reserved to the Council or a Committee, or is excluded from Executive functions by statute, the Executive is authorised to exercise the function, power or responsibility.

- All decisions will be recorded and published in accordance with the law and guidance issued from time to time by the Monitoring Officer.
 - Decisions should be taken in consultation with the appropriate officer.
10. If any decision comes within the remit of more than one decision maker, to avoid the matter being discussed at more than one place it shall be taken to the most appropriate decision maker. If this is not clear the Monitoring Officer will determine which decision maker shall consider the matter.

THE CABINET – TERMS OF REFERENCE

Terms of reference	
CA.1	Receive and respond to scrutiny reports
CA.2	Approve new policies, changes to existing policies with significant financial or other impacts, or where the policy falls within the remit of more than one Portfolio, subject to any necessary approval required by the Full Council
CA.3	*Any function under a local Act other than a function expressly reserved to Full Council
CA.4	*Make changes to the organisations on the list of Outside Bodies
CA.5	Respond to any consultations within the remit of more than one Portfolio as and when required
CA.6	Review annual reports / inspection reports not within the remit of any specific Portfolio or within the remit of more than one Portfolio
CA.7	To take any decision on any matter within the Executive’s role, notwithstanding that a Cabinet Member, Cabinet Committee or an Officer may also be authorised to make such decision

*Local Choice Functions

LOCAL CHOICE FUNCTIONS

11. The Full Council is responsible for determining responsibility for Matters which are termed ‘local choice’ functions under Section 13 of the Local Government Act 2000, as set out below:

Ref No	Function	Who will be responsible	Extent of responsibility
LCF1	The exercise of functions under local Acts (other than those not capable of exercise by the Executive)	Executive - Cabinet	

LCF2	The determination of an appeal (where a right of appeal exists either by law or where the Council has expressly determined there shall be a right of appeal) against any decision made by or on behalf of the Council	Non - Executive – Governance and Ethics Committee	In the absence of any existing appeals mechanism provided by the constitution or legislation Consultation with the Group Manager for Legal and Democratic Services and relevant Corporate Director
LCF3	The making of arrangements for the determination of the review of a decision to exclude pupils from maintained schools.	Non - Executive – Officer (Service Director responsible for Education)	The appeals themselves are heard by an independent panel appointed by Democratic Services
LCF4	The making of arrangements for the determination of school admission appeals.	Non - Executive – Officer (Service Director responsible for Education)	The appeals themselves are heard by an independent panel appointed by Democratic Services
LCF5	The making of arrangements for the determination of appeals by Governing Bodies against decisions made by or on behalf of the County Council to admit a child to whom Section 87(2) of the Schools Standards and Framework Act 1998 applies.	Non - Executive – Officer (Service Director responsible for Education)	In line with the Council's Fair Access Protocol
LCF6	Any function related to contaminated land	Executive – Cabinet Member Transport and Environment	
LCF7	Any function relating to the control of pollution or the management of air quality	Executive – Cabinet Member Transport and Environment	
LCF8	Obtaining information under	Non-Executive – various Officers in accordance	

	Section 330 of the Town and Country Planning Act 1990 as to interest in land.	with the Officers Scheme of Delegation	
LCF9	Obtaining particulars of persons interested in land; Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Non-Executive – various Officers in accordance with Officers Scheme of Delegation	
LCF10	The making of agreements for the Execution of highway works under s.278 of the Highways Act 1980	Non-Executive – Officers in Highways Services in consultation with Group Manager for Legal Services, in accordance with Officers Scheme of Delegation	
LCF11	The appointment of any individual— (a) to any office other than an office in which he is employed by the authority; (b) to any body other than— (i) the authority; (ii) a joint committee of two or more authorities; or (iii) to any committee or sub-committee of such a body, and the revocation of any such appointment	(a) Non-Executive – Head of Paid Service (b) Executive – Cabinet Member Business Management	Appointment of representatives to outside bodies to be made by the Cabinet Member Business Management (Cabinet will determine the organisations on the outside bodies list)
LCF12	The making of agreements with other local authorities for placing staff at the disposal of those other local authorities	Non-Executive – Officer (Head of Paid Service)	

LEADER OF THE COUNCIL

12. The Leader decides which executive decisions will be taken by Cabinet, by individual Cabinet Members and by Officers and has delegated the executive functions as set out in this section. The table below sets out the matters within the Leader's portfolio. Any executive functions not delegated elsewhere will be exercised by the Leader.
13. If for any reason the Leader is unable to act or the office of Leader is vacant there is provision for the Deputy leader to act in the Leader's place. If for any reason the Deputy Leader is also unable to act then Cabinet must act in the Leader's place or arrange for a Member of Cabinet to act in their place.

Terms of reference	
L.1	To be responsible for the Council's overall vision, strategy and budget setting and monitoring
L.2	To provide clear political leadership both within and outside the County Council to help advance all of the County Council's key outcomes.
L.3	To create effective internal and external relationships with key organisations both within Nottinghamshire, nationally and internationally
L.4	To source new funding and resources for Nottinghamshire to deliver the vision and ambitions of the Council Plan
L.4	To be accountable for the development and delivery of the Council's plans and strategies and to ensure that they are able to meet the outcomes required by the Council and Cabinet.
L.5	To appoint and hold Cabinet colleagues to account as they ensure accountability within their service areas including that the financial and operational performance in those areas meets the requirements of the Council Plan and Medium Term Financial Strategy (MTFS)
L.6	To hold Cabinet colleagues accountable for the delivery of the appropriate key projects/programmes including the delivery on time and budget and meeting the requirements of the Council Plan and the MTFS
L.7	To Chair meetings of the Cabinet
L.8	To be the County Council's representative on the Local Enterprise Partnership (LEP), unless otherwise delegated by the Leader
L.9	Undertaking the duties of, and exercising the powers of, any Cabinet Member for any reason including but not limited to circumstances where a Cabinet Member is temporarily unable to discharge those duties (1) for reasons of ill health; or (2) due to an unplanned or planned absence agreed with the Leader. Notification of the exercise of the delegation is to be given by the Leader to the Chief Executive, the Monitoring Officer and the appropriate Chief Officer(s)
L.10	Determining the Council's communications strategy and its implementation

DEPUTY LEADER AND CABINET MEMBER – TRANSFORMATION

14. The Cabinet Member shall be entitled to make decisions and has authority to do all things pertaining or incidental to or required in connection with matters within

their area of responsibility set out below, save that the Cabinet Member shall not be entitled to do anything which falls within the responsibility of another Cabinet Member's portfolio unless they are deputising for the Leader.

Terms of reference	
DL.1	Support the Leader of the County Council in their role and to deputise for the Leader when requested to do so or in the Leader's absence for reasons of ill-health or an unplanned or planned absence agreed between the Leader and Deputy Leader
DL.2	Maintaining and reviewing the overall performance of the County Council on a cross cutting basis
DL.3	Oversight of and monitoring the delivery of the vision and ambitions set out in the Council Plan (the Nottinghamshire Plan)
DL.4	Oversight of business planning processes
DL.5	Monitoring and driving the Council's Transformation and Change Programme, including responsibility for the Transformation Team and Strategic Insight Team
DL.6	Establish effective working relationships with other Members including other Cabinet Members, the Chairmen of Committees and relevant opposition spokespersons
DL.7	Establish effective working relationships with the Chief Executive, Corporate Directors, Monitoring Officer, Section 151 Officer and other key staff as appropriate to their Portfolio
DL.8	Assist the activities of the Overview Committee and Select Committees
DL.9	Policy development and approval in relation to their Portfolio (subject to any necessary approval by Cabinet or Full Council)
DL.10	Approve consultation responses relevant to their portfolio (except for planning consultation responses and day to day technical responses which are agreed by Officers and reported back to the Cabinet Member)
DL.11	Approval of additional budget as a result of changes in relevant staffing structures (within the budget and policy framework)
DL.12	Monitor performance of any services within their portfolio including relevant information about complaints

CABINET MEMBER – BUSINESS MANAGEMENT

15. The Cabinet Member - Business Management shall be entitled to make decisions and has authority to do all things pertaining or incidental to or required in connection with matters within their area of responsibility set out below, save that the Cabinet Member - Business Management shall not be entitled to do anything which falls within the responsibility of another Cabinet Member's portfolio.

Terms of Reference	
BM.1	Responsibility for establishing effective Member support/communication and information services to all Members of the Council
BM.2	Appointments to outside bodies

BM.3	Responsibility for authorising hospitality to be offered by the County Council except where the cost is to be covered by the Chairman of the County Council's individual budget
BM.4	Establish effective working relationships with other Members including other Cabinet Members, the Chairmen of Committees and relevant opposition spokespersons
BM.5	Establish effective working relationships with the Chief Executive, Corporate Directors, Monitoring Officer, Section 151 Officer and other key staff as appropriate to their Portfolio
BM.6	To assist the activities of the Overview Committee and Select Committees
BM.7	Policy development and approval in relation to their Portfolio (subject to any necessary approval by Cabinet or Full Council)
BM.8	Approve relevant consultation responses relevant to their portfolio (except for planning consultation responses and day to day technical responses which are agreed by Officers and reported back to the Cabinet Member)
BM.9	Approval of additional budget as a result of changes in relevant staffing structures (within the budget and policy framework)
BM.10	Monitor performance of any services within their portfolio including relevant information about complaints.

CABINET MEMBER - ADULT SOCIAL CARE AND PUBLIC HEALTH

16. The Cabinet Member for Adult Social Care and Public Health shall be entitled to make decisions and has authority to do all things pertaining or incidental to or required in connection with matters within their area of responsibility set out below, save that the Cabinet Member shall not be entitled to do anything which falls within the responsibility of another Cabinet Member's portfolio

Terms of reference	
APH.1	Responsibility for adult social care matters (eg. people aged 18 or over with eligible social care needs and their carers)
APH.2	Responsibility for promoting choice and independence in the provision of all adult social care
APH.3	Responsibility for all Public Health functions with the exception of functions reserved to the Health and Wellbeing Board
APH.4	Establish effective working relationships with other Members including other Cabinet Members, the Chairmen of Committees and relevant opposition spokespersons
APH.5	Establish effective working relationships with the Chief Executive, Corporate Directors, Monitoring Officer, Section 151 Officer and other key staff as appropriate to their Portfolio
APH.6	To assist the activities of the Overview Committee and Select Committees
APH.7	Policy development and approval in relation to their Portfolio (subject to any necessary approval by Cabinet or Full Council)
APH.8	Approve relevant consultation responses relevant to their portfolio (except for planning consultation responses and day to day technical

	responses which are agreed by Officers and reported back to the Cabinet Member)
APH.9	Approval of additional budget as a result of changes in relevant staffing structures (within the budget and policy framework)
APH.10	Monitor performance of any services within their portfolio including relevant information about complaints.

CABINET MEMBER - CHILDREN AND YOUNG PEOPLE

17. The Cabinet Member for Children and Young People shall be entitled to make decisions and has authority to do all things pertaining or incidental to or required in connection with matters within their area of responsibility set out below, save that the Cabinet Member shall not be entitled to do anything which falls within the responsibility of another Cabinet Member's portfolio

Terms of reference	
CYP.1	Undertake the role and discharge the responsibilities of Lead Member for Children's Services, pursuant to S19 The Children Act 2004, including attendance at any relevant conferences and appointment to any relevant body in relation to their statutory responsibilities
CYP.2	Responsibility for the strategic and operational effectiveness of the County Council's children's services to ensure they meet the needs of all children and young people, including the most disadvantaged and vulnerable
CYP.3	Responsibility for Council functions in relation to educational matters
CYP.4	Responsibility for overseeing the County Council's responsibilities as the corporate parent of children and young people in care and for championing their interests, including being a member of the Corporate Parenting Panel
CYP.5	Establish effective working relationships with other Members including other Cabinet Members, the Chairmen of Committees and relevant opposition spokespersons
CYP.6	Establish effective working relationships with the Chief Executive, Corporate Directors, Monitoring Officer, Section 151 Officer and other key staff as appropriate to their Portfolio
CYP.7	To assist the activities of the Overview Committee and Select Committees
CYP.8	Policy development and approval in relation to their Portfolio (subject to any necessary approval by Cabinet or Full Council)
CYP.9	Approval relevant consultation responses relevant to their portfolio (except for planning consultation responses and day to day technical responses which are agreed by Officers and reported back to the Cabinet Member)
CYP.10	Approval of additional budget as a result of changes in relevant staffing structures (within the budget and policy framework)
CYP.11	Monitor performance of any services within their portfolio including relevant information about complaints.

CABINET MEMBER - COMMUNITIES

18. The Cabinet Member for Communities shall be entitled to make decisions and has authority to do all things pertaining or incidental to or required in connection with matters within their area of responsibility set out below, save that the Cabinet Member shall not be entitled to do anything which falls within the responsibility of another Cabinet Member's portfolio

Terms of reference	
COM.1	Responsibility for Culture, including libraries and archives, adult and community learning, arts, heritage, sports, country parks and green spaces
COM.2	Responsibility for support to communities including Community Hub and voluntary and community sector support (including funding)
COM.3	Responsibility for regulation and enforcement relating to Communities, including all Trading Standards functions and statutory duties and Public Protection (except for any matters reserved to Planning and Rights of Way Committee)
COM.4	Responsibility for all functions undertaken in relation to emergency planning including the safety of sports grounds (except for any matters reserved to Planning and Rights of Way Committee)
COM.5	Responsibility for the registration services for births, deaths and marriages (except for any matter reserved to Planning and Rights of Way Committee)
COM.6	Responsibility for all duties arising in relation to the Coroner's Service
COM.6	Responsibility for Traded Services relating to Communities including catering services and facilities management
COM.7	Responsibility for functions under the Crime and Disorder Act 1998
COM.8	To establish effective working relationships with other Members including the Chairs of the Council's Committees in relation to their Portfolio
COM.9	To establish effective working relationships with the Chief Executive, Directors, Monitoring Officer and other key staff
COM.10	To assist the activities of the Overview Committee and Select Committees
COM.11	Policy development and approval in relation to their Portfolio (subject to any necessary approval by Cabinet or Full Council)
COM.12	Approve relevant consultation responses relevant to their portfolio (except for planning consultation responses and day to day technical responses which are agreed by Officers and reported back to the Cabinet Member)
COM.13	Approval of additional budget as a result of changes in relevant staffing structures (within the budget and policy framework)
COM.14	Monitor performance of any services within their portfolio including relevant information about complaints

CABINET MEMBER - ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT

19. The Cabinet Member for Economic Development and Asset Management shall be entitled to make decisions and has authority to do all things pertaining or incidental to or required in connection with matters within their area of responsibility set out below, save that the Cabinet Member shall not be entitled to do anything which falls within the responsibility of another Cabinet Member's portfolio

Terms of reference	
EDAM.1	Responsibility for economic recovery and renewal, including employment and skills, business support, visitor economy, infrastructure and place
EDAM.2	Responsibility for infrastructure and growth including strategic infrastructure, Investing in Nottinghamshire and schools building
EDAM.3	Responsibility for development and delivery of major infrastructure and physical development programmes including highways schemes
EDAM.4	Responsibility for Highways development control
EDAM.5	Responsibility for making observations on relevant planning matters on which the County Council is consulted, in accordance with the agreed protocol
EDAM.6	Responsibility for the County Council Developer Contributions Strategy and its delivery
EDAM.7	Responsibility for Strategic Asset Management including capital assets including land and property, together with powers in respect of land promotion and the acquisition and disposal of interests in land of all kinds
EDAM.8	Responsibility for the provision of and procurement of property design and construction and related consultancy services for the Council and other public bodies and provision and procurement of building maintenance services and energy and utilities
EDAM.9	To establish effective working relationships with other Members including the Chairs of the Council's Committees in relation to their Portfolio
EDAM.10	To establish effective working relationships with the Chief Executive, Directors, Monitoring Officer and other key staff
EDAM.11	To assist the activities of the Overview Committee and Select Committees
EDAM.12	Policy development and approval in relation to their Portfolio (subject to any necessary approval by Cabinet or Full Council)
EDAM.13	Approval relevant consultation responses relating to their portfolio including planning consultations (in liaison with the Chairman of Planning and Rights of Way Committee where appropriate) (except for day to day technical responses which are agreed by Officers and reported back to the Cabinet Member)
EDAM.14	Approval of additional budget as a result of changes in relevant staffing structures (within the budget and policy framework)

EDAM.15	Monitor performance of any services within their portfolio including relevant information about complaints
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CABINET MEMBER - FINANCE

20. The Cabinet Member for Finance shall be entitled to make decisions and has authority to do all things pertaining or incidental to or required in connection with matters within their area of responsibility set out below, save that the Cabinet Member shall not be entitled to do anything which falls within the responsibility of another Cabinet Member's portfolio

Terms of reference	
FIN.1	Responsibility for the financial and commercial management of the Authority including preparation of the financial strategy, annual revenue budget, annual capital budget, and precept on billing authorities for consideration by the Cabinet in accordance with the budget and policy framework procedure rules
FIN.2	Responsibility for the development and operation of the Council's Risk Management Strategy including responsibility for the Risk and Insurance Team
FIN.3	Responsibility for monitoring, reviewing and developing the financial framework of the Council including its audit, investments, budgeting and accounting functions
FIN.4	Responsibility for corporate procurement
FIN.5	Responsibility for the Council's internal trading organisations except where reported elsewhere
FIN.6	Responsibility for ICT and considering performance reports in relation to the Council's ICT strategy
FIN.7	To establish effective working relationships with other Members including the Chairs of the Council's Committees in relation to their Portfolio
FIN.8	To establish effective working relationships with the Chief Executive, Directors, Monitoring Officer and other key staff
FIN.9	To assist the activities of the Overview Committee and Select Committees
FIN.10	Policy development and approval in relation to their Portfolio (subject to any necessary approval by Cabinet or Full Council)
FIN.11	Approve relevant consultation responses relevant to their portfolio (except for planning consultation responses and day to day technical responses which are agreed by Officers and reported back to the Cabinet Member)
FIN.12	Approval of additional budget as a result of changes in relevant staffing structures (within the budget and policy framework)
FIN.13	Monitor performance of any services within their portfolio including relevant information about complaints

CABINET MEMBER - PERSONNEL

21. The Cabinet Member for Personnel shall be entitled to make decisions and has authority to do all things pertaining or incidental to or required in connection with matters within their area of responsibility set out below, save that the Cabinet Member shall not be entitled to do anything which falls within the responsibility of another Cabinet Member's portfolio or falls within the responsibility of the Head of Paid Service

Terms of reference	
PER.1	Subject to the statutory responsibilities of the Head of Paid Service, responsibility for matters concerning employment policies and procedure where these do not relate to employee pay, terms and conditions and except for approving the annual Pay Policy Statement which is reserved to the Full Council
PER.2	Responsibility for oversight of effective employee engagement, employee relations and effective liaison with trades unions including dispute resolution in accordance with the Joint Disputes Resolution Procedure
PER.3	Responsibility for health and safety related matters in the Council's capacity as an employer including oversight of the effectiveness of the corporate health and safety management system and compliance with ISO 45001 (NB the Council's statutory responsibilities under Part 1 Health & Safety at Work Act 1974 sit with the Chief Executive)
PER.4	Reviewing and recommending Employment Procedure Rules to the Council for adoption
PER.5	Responsibility for oversight of performance in respect of HR issues including workforce availability, sickness absence, staff wellbeing etc and any associated action plans
PER.6	Responsibility for oversight of the Council's statutory workforce profile reporting and action plans developed to address issues identified and for oversight of statutory gender pay gap reporting and action plans to close the pay gap
PER.7	Receiving any reports relating to the overall staffing structure of the Council when reported by the Head of Paid Service
PER.8	Responsibility for the Council's People Strategy and Skills Development and Employment Opportunities Strategy and associated action plans to enable delivery of the Nottinghamshire Plan
PER.9	Responsibility for oversight of the Council's equality policy, application of the Public Sector Equalities Duties and associated equality issues and action plans and acting as Member Equalities Champion for the Council
PER.10	Responsibility for Human Resources, Business Support, the Business Services Centre, the Customer Services Centre, the Communications Team and the Complaints Team
PER.11	Responsibility for Information Governance including Data Protection
PER.12	Responsibility for Legal and Democratic Services
PER.13	To establish effective working relationships with other Members including the Chairs of the Council's Committees in relation to their Portfolio

PER.14	To establish effective working relationships with the Chief Executive, Directors, Monitoring Officer and other key staff
PER.15	To assist the activities of the Overview Committee and Select Committees
PER.16	Policy development and approval in relation to their Portfolio (subject to any necessary approval by Cabinet or Full Council)
PER.16	Approve relevant consultation responses relevant to their portfolio (except for planning consultation responses and day to day technical responses which are agreed by Officers and reported back to the Cabinet Member)
PER.15	Approval of additional budget as a result of changes in relevant staffing structures (within the budget and policy framework)
PER.16	Monitor performance of any services within their portfolio including relevant information about complaints

CABINET MEMBER - TRANSPORT AND ENVIRONMENT

22. The Cabinet Member for Transport and Environment shall be entitled to make decisions and has authority to do all things pertaining or incidental to or required in connection with matters within their area of responsibility set out below, save that the Cabinet Member shall not be entitled to do anything which falls within the responsibility of another Cabinet Member's portfolio

Terms of reference	
TE.1	Responsibility for Highways functions including Rights of Way (except those functions which form part of the terms of reference for Planning and Rights of Way Committee) including: <ul style="list-style-type: none"> • highways capital and revenue programmes (except where reported to Economic Development and Asset Management Portfolio) • the planning, management and maintenance of highways and pavements • traffic management including Traffic Regulation Orders • parking provision • integrated transport measures • road safety
TE.2	Responsibility for public transport and fleet management including: <ul style="list-style-type: none"> • local bus services • education and adult care transport • council fleet
TE.3	Responsibility for all matters relating to minerals and waste planning (not falling within the delegation of any other committee or Full Council) and to prepare and recommend to Full Council policy on matters relating to the environment, excluding that within the remit of other portfolio's including, but not limited to the: <p>Minerals Local Plan Waste Core Strategy/Waste Local Plan</p>
TE.4	Responsibility for all matters relating to Council's role as Waste Disposal Authority

TE.5	Responsibility for all matters relating to environment and sustainability including environment strategy, transition to Zero Carbon and air quality
TE.6	Responsibility for flood risk management
TE.7	Responsibility for conservation and archaeology
TE.8	To establish effective working relationships with other Members including the Chairs of the Council's Committees in relation to their Portfolio
TE.9	To establish effective working relationships with the Chief Executive, Directors, Monitoring Officer and other key staff
TE.10	To assist the activities of the Overview Committee and Select Committees
TE.11	Policy development and approval in relation to their Portfolio (subject to any necessary approval by Cabinet or Full Council)
TE.12	Approval relevant consultation responses within their portfolio (except for planning consultation responses and day to day technical responses which are agreed by Officers and reported back to the Cabinet Member)
TE.13	Approval of additional budget as a result of changes in relevant staffing structures (within the budget and policy framework)
TE.14	Monitor performance of any services within their portfolio including relevant information about complaints

COMMITTEE TERMS OF REFERENCE

1. Set out below are the terms of reference for each Committee of the Council. The membership of each committee can be found on the Council website – www.nottinghamshire.gov.uk/dms/committees.aspx
2. If any decision comes within the remit of more than one decision maker, to avoid the matter being discussed at more than one place it shall be taken to the most appropriate decision maker. If this is not clear the Monitoring Officer will determine which decision maker shall consider the matter.

GOVERNANCE AND ETHICS COMMITTEE – TERMS OF REFERENCE

3. The exercise of the powers and functions set out below are delegated by the Full Council to the Committee in relation to governance and ethics and are expressly excluded from the delegation of authority to the Executive.
 - a. All decisions listed in the Table below
 - b. Policy development and approval within the remit of the Committee, subject to any necessary approval by Cabinet or the Full Council
 - c. Approval of consultation responses within the remit of the Committee except for responses to day-to-day technical consultations which will be agreed with the Chairman and reported to the next available Committee following their submission
4. The Committee will be responsible for its own projects and may establish working groups to consider projects.

Table
Responsibility for advising Full Council on the adequacy of the Council's systems of internal control and overseeing the external auditor's annual audit of the accounts
Responsibility for approving the Annual Statement of Accounts
Responsibility for approving the Annual Governance Statement and keeping it under review on a regular basis
Responsibility for reviewing and maintaining the Council's Local Code on Corporate Governance
Responsibility for maintaining an overview of the Council's Financial Regulations and anti-fraud and anti-corruption strategies
Responsibility for ensuring high standards of conduct by the County Council, its Councillors and co-opted members
Responsibility for dealing with matters relating to alleged breaches of the Code of Conduct for Councillors and Co-opted Members (via the sub-Committee)
Responsibility for the oversight, implementation of and revision to Councillor Code of Conduct including relevant policies, protocols, procedures and schemes
Responsibility for the oversight and review of the Protocol for Councillor and Officer relationships

Responsibility for resolving any issues arising from the Members' Allowances Scheme
Approving all Councillor attendance at conferences, seminars and training events within the UK mainland for which a fee is payable including any expenditure incurred, except where in the remit of another Committee or the Cabinet, and to receive reports from Corporate Directors on departmental officer travel outside the UK
Responsibility for monitoring and reviewing the Councillors' Divisional Fund
Responsibility for approving the recruitment process for the Council's Independent Persons (the appointment of which is approved by Full Council)
Responsibility for oversight of the effectiveness of the Council's risk management framework
General oversight of complaint trends and themes and Local Government and Social Care Ombudsman complaints where remedial action is required or the Ombudsman has decided that a Public Report is made
Responsibility for functions relating to Local Democracy and Elections where not reserved to Full Council
Subject to the statutory responsibilities of the Head of Paid Service, responsibility for all policies and procedures relating to employee pay, terms and conditions which are expressly excluded from the delegation to the Cabinet Member for Personnel. Note: Responsibility for senior staffing appointments and certain matters relating to discipline and dismissal sit within the delegation to Senior Staffing Committee, subject to any statutory requirements relating to appeals which sit with Governance and Ethics Sub-Committee and statutory officer dismissals which are reserved to Full Council
Matters referred to the Committee by the Head of Paid Service in respect of health and safety matters outside the remit of the Cabinet Member for Personnel

GOVERNANCE AND ETHICS SUB-COMMITTEE – TERMS OF REFERENCE

5. Responsibility for formal hearings under the Council's Procedure for dealing with Conduct Allegations against Councillors and Co-opted Members, including deciding whether there has been a breach of the Code of Conduct, and if appropriate imposing any sanction available under the Procedure and the relevant legislation.
6. Responsibility for hearing appeals in respect of employment issues from Statutory Officers in accordance with the relevant statutory provisions.
7. In the absence of any other existing Council appeals mechanism, to determine appeals against any decision made by or on behalf of the Council (where a right of appeal exists either by law or where the Council has expressly determined there shall be a right of appeal).

HEALTH & WELLBEING BOARD – TERMS OF REFERENCE

8. To prepare, publish and maintain a joint strategic needs assessment.
9. To prepare, publish and maintain a Pharmaceutical Needs Assessment.

10. To prepare and publish a joint health and wellbeing strategy based on the needs identified in the joint strategic needs assessment and to oversee the implementation of the strategy.
11. To oversee the Better Care Fund Plan and to sign off the proposals for joint funding for the County area under the Better Care Fund.
12. Discretion to give Nottinghamshire County Council an opinion on whether the Council is discharging its statutory duty to have due regard to the joint strategic needs assessment and the health and wellbeing strategy.
13. To promote and encourage integrated working including joint commissioning in order to deliver cost effective services and appropriate choice. This includes providing assistance and advice and other support as appropriate, and joint working with services that impact on wider health determinants.
14. To discuss all issues considered to be relevant to the overall responsibilities of the Health and Wellbeing Board, and to perform any specific duties allocated by the Department of Health.
15. The Board will be responsible for its own projects and may establish working groups to consider projects.

LOCAL JOINT RESOLUTIONS COMMITTEE – TERMS OF REFERENCE

16. The exercise of the powers and functions set out below are delegated by the Full Council to the Committee:
 - a. Responsibility for considering any issues where agreement cannot be reached between management and the trade unions.

NOTE: The Committee will have no delegated authority; any recommendations will be referred either to the Cabinet Member Personnel, Cabinet or to the Full Council for approval as required. This Committee will meet only as and when required.

NOTTINGHAMSHIRE PENSION FUND COMMITTEE – TERMS OF REFERENCE

17. The exercise of the powers and functions set out below are delegated by the Full Council to the Committee in relation to pensions and are expressly excluded from the delegation of authority to the Executive:
 - a. Conduct its activities within the regulations which apply to the Local Government Pension Scheme including its fiduciary duties.
 - b. Policy development and approval in relation to pensions, subject to any necessary approval by Cabinet or the Full Council.
 - c. Review of performance in relation to the services provided on a regular basis.

- d. Review of day to day operational decisions taken by officers as appropriate
 - e. Approval of consultation responses except for responses to day-to-day technical consultations which will be agreed with the Chairman and reported to the next available Committee following their submission
 - f. Where funded by the Pension Fund, approving all Councillor attendance at conferences, seminars and training events within the UK mainland for which a fee is payable including any expenditure incurred, within the remit of this Committee and to receive quarterly reports from Corporate Directors on departmental officer travel outside the UK within the remit of this Committee
18. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to Officers.
19. The Committee will be responsible for its own projects and may establish working groups to consider projects.

Table
Administering the Nottinghamshire Pension Fund, including investments by and management of pension funds and the administration of the Pension Fund

NOTE: The County Council administers this Pension Fund on behalf of Nottinghamshire County Council, Nottingham City Council, the District and Borough Councils and other admitted bodies in Nottinghamshire.

SENIOR STAFFING COMMITTEE – TERMS OF REFERENCE

20. The exercise of the powers and functions set out below are delegated by the Full Council to the Committee in relation to senior staffing matters and are expressly excluded from the delegation of authority to the Executive:
- a. Responsibility for the appointment and dismissal of, and taking disciplinary action against, senior employees as set out in the Employment Procedure Rules
 - b. In relation to the Council’s Statutory Officers (Head of Paid Service, Monitoring Officer and Chief Finance Officer) exercising the function of the investigation and disciplinary committee under the relevant statutory provisions

NOTE: The Committee will be required to follow the Council’s Recruitment and Selection Code of Practice. The procedures the Committee is required to follow are set out in the Employment Procedure Rules.

PLANNING AND RIGHTS OF WAY COMMITTEE – TERMS OF REFERENCE

21. The exercise of the powers and functions set out below are delegated by the Full Council to the Committee in relation to planning and rights of way and are expressly excluded from the delegation of authority to the Executive:
- a. To carry out all County Council non-executive functions relating to town and country planning and development control as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (the Functions Regulations)
 - b. To exercise the Council's non-executive functions relating to highways, public rights of way and commons and village greens as set out in Schedule 1 to the Functions Regulations
 - c. To carry out any other licensing and registration or regulatory functions of the Council not assigned to any other body, including any which are not to be executive functions as defined in the Local Government Act 2000, the Functions Regulations, the Local Government and Public Involvement in Health Act 2007 and associated regulations or other relevant legislation.
 - d. Receiving reports on the exercise of powers delegated to officers in relation to functions for which this Committee is responsible
 - e. Approval of consultation responses relating to the Committee's functions (in liaison with the Cabinet Member Economic Development and Asset Management where appropriate), except for responses to day-to-day technical consultations which will be agreed with the Chairman and reported to the next available Committee following their submission
 - f. Within the remit of this Committee, approving all Councillor attendance at conferences, seminars and training events within the UK mainland for which a fee is payable including any expenditure incurred, and to receive quarterly reports from Corporate Directors on departmental officer travel outside the UK
22. The Committee will, from time to time, approve the criteria setting out the matters that must be referred to Committee for consideration and are excluded from delegations to Officers. Subject to the matters that must be referred to Committee, all the functions set out in paragraph 21 a to c above are also delegated to the Corporate Director Place.
23. The Committee is not responsible for the preparation, approval and adoption of Development Plans (under the Town and Country Planning Acts).

OVERVIEW, SELECT AND HEALTH SCRUTINY COMMITTEES

24. The Council has appointed an Overview Committee, three Select Committees and the Health Scrutiny Committee to undertake the Council's overview and scrutiny functions under section 21 of the Local Government Act 2000.

OVERVIEW COMMITTEE – TERMS OF REFERENCE

25. The Overview Committee will discharge the functions below:
- a. Scrutinise and review any matter under the remit of the Chief Executive's Department
 - b. Oversee and co-ordinate the work of overview and scrutiny and its committees including an annual overview and scrutiny work programme, including for any sub-committees, so as to ensure the time of select committees is effectively and efficiently used
 - c. Ensure effective liaison across the work of the Overview, Select and Health Scrutiny Committees re: cross cutting issues including establishing cross Committee working groups where appropriate
 - d. Be a strategic driver of the overview and scrutiny function and may issue guidance, procedures and best practice to be followed by the Select Committees in undertaking their work
 - e. Establish appropriate liaison with the Executive in the interests of achieving common aims and continuous improvement for the Council
 - f. Encourage appropriate community involvement in the overview and scrutiny role
 - g. Consider the Council Plan ambitions and associated objectives and any annual plans and to monitor performance and delivery against these plans
 - h. Consider the Council's annual budget having assisted the Executive in the development of the Council's Budget and Policy Framework and to review and scrutinise budgetary management and any relevant policy issues
 - i. Assist the Executive in ensuring the provision of efficient and effective corporate management and support arrangements
 - j. Consider Call-in requests in accordance with agreed procedures
 - k. Consider Councillor Calls For Action (CCfA) within the remit of Overview Committee in accordance with agreed procedures

- l. Make reports and/or recommendations to Full Council/Cabinet/Committee or appropriate agencies in connection with the discharge of any functions
- m. May establish sub committees or working groups to undertake reviews where an issue merits in-depth scrutiny
- n. Approving all Councillor attendance at conferences, seminars and training events within the UK mainland in relation to scrutiny for which a fee is payable including expenditure incurred, within available budgets
- o. Report at least annually to Full Council on the workings of the overview and scrutiny function and any other matters of a general nature which it wishes to bring to the attention of Council

ADULT SOCIAL CARE AND PUBLIC HEALTH SELECT COMMITTEE – TERMS OF REFERENCE

26. The Adult Social Care and Public Health Select Committee will discharge the functions below within the remit of the Adult Social Care and Public Health Department:
- a. Scrutinise and review any matter that falls within the remit of the Adult Social Care and Public Health Department, except for those matters reserved to the Health Scrutiny Committee. With regard to health matters, the Committee will be responsible for general scrutiny of County Council health functions including any budget and policy related matters. Further detail is set out in the Overview and Select Committee Procedure Rules
 - b. Consider matters within their remit affecting the county of Nottinghamshire/its inhabitants
 - c. Assist in the development of the Budget and Policy Framework and analysis of policy issues as they affect the Select Committee
 - d. Work to engage communities in scrutiny and encourage community participation in policy development
 - e. Liaise with external organisations to ensure the interests of local people are enhanced by collaborative working
 - f. Review and/or scrutinise decisions made, or actions taken in connection with the discharge of the Council's functions
 - g. Review/scrutinise performance of the Council against policy objectives and performance targets
 - h. Consider Councillor Calls For Action (CCfA) within the remit of this Select Committee in accordance with agreed procedures

- i. Make reports and/or recommendations to Full Council/Cabinet/Committee or appropriate agencies in connection with the discharge of any functions
- j. May establish sub committees or working groups to undertake reviews where an issue merits in-depth scrutiny

CHILDREN AND YOUNG PEOPLE'S SELECT COMMITTEE – TERMS OF REFERENCE

27. The Children and Young People's Select Committee will discharge the functions below within the remit of the Children and Families Department:

- a. Scrutinise and review any matter which falls within the remit of the Children and Families Department
- b. Consider matters within their remit affecting the county of Nottinghamshire/its inhabitants
- c. Assist in the development of the Budget and Policy Framework and analysis of policy issues as they affect the Select Committee
- d. Work to engage communities in scrutiny and encourage community participation in policy development
- e. Liaise with external organisations to ensure the interests of local people are enhanced by collaborative working
- f. Review and/or scrutinise decisions made, or actions taken in connection with the discharge of the Council's functions
- g. Review/scrutinise performance of the Council against policy objectives and performance targets
- k. Consider Councillor Calls For Action (CCfA) within the remit of this Select Committee in accordance with agreed procedures
- h. Make reports and/or recommendations to Full Council/Cabinet/Committee or appropriate agencies in connection with the discharge of any functions
- i. May establish sub committees or working groups to undertake reviews where an issue merits in-depth scrutiny

PLACE SELECT COMMITTEE – TERMS OF REFERENCE

28. The Place Select Committee will discharge the functions below within the remit of the Place Department:

- a. Scrutinise and review any matter within the remit of the Place Department

- b. Statutory responsibility for crime and disorder scrutiny
- c. Statutory responsibility for flood risk management scrutiny
- d. Consider matters within their remit affecting the county of Nottinghamshire/its inhabitants
- e. Assist in the development of the Budget and Policy Framework and analysis of policy issues as they affect the Select Committee
- f. Work to engage communities in scrutiny and encourage community participation in policy development
- g. Liaise with external organisations to ensure the interests of local people are enhanced by collaborative working
- h. Review and/or scrutinise decisions made, or actions taken in connection with the discharge of the Council's functions
- i. Review/scrutinise performance of the Council against policy objectives and performance targets
- j. Consider Councillor Calls For Action (CCfA) within the remit of this Select Committee in accordance with agreed procedures
- k. Make reports and/or recommendations to Full Council/Cabinet/Committee or appropriate agencies in connection with the discharge of any functions
- l. May establish sub committees or working groups to undertake reviews where an issue merits in-depth scrutiny

HEALTH SCRUTINY COMMITTEE – TERMS OF REFERENCE

- 29. The Health Scrutiny Committee shall carry out health scrutiny in accordance with Section 244 (and Regulations under that section) of the National Health Services Act 2006 as amended by the Local Government and Public Involvement in Health Act 2007 (the 2007 Act) relating to local health service matters.
- 30. The Health Scrutiny Committee will discharge the functions below:
 - a. Responsibility for reviewing and scrutinising health matters in relation to service provision for residents living in the County Council's area
 - b. To make reports or recommendations to the Council or Cabinet with respect to the discharge of any health service provision which is the responsibility of the Council, subject to liaison with the Adult Social Care and Public Health Select Committee in accordance with the Overview and Select Committee Procedure Rules

- c. To make reports or recommendations to the Council or Cabinet or other agencies on health matters which affect the County Council's area or the inhabitants of the County
- d. To refer any matter to the Secretary of State for Health in accordance with the Overview and Select Committee Procedure Rules
- e. May establish sub committees or working groups to undertake reviews where an issue merits in-depth scrutiny

OTHER BODIES

NOTTINGHAMSHIRE LOCAL PENSION BOARD – TERMS OF REFERENCE

31. The exercise of the powers and functions set out below:
- a. Responsibility for assisting the Nottinghamshire Pension Fund Committee and its sub-committees:
 - To secure compliance with all legislation relating to the governance and administration of the Local Government Pension Scheme in Nottinghamshire and the requirements imposed by the Pensions Regulator, and
 - To ensure the effective and efficient governance and administration of the Local Government Pension Scheme in Nottinghamshire.
 - b. Authority to request information with regard to any aspect of the Council's function as Administering Authority of the Local Government Pension Scheme in Nottinghamshire, any such request to be reasonably complied with.
 - c. Authority to make recommendations to County Council or the relevant committee, any such recommendations being considered and a response made within a reasonable period of time.
 - d. Authority to escalate serious concerns relating to potential fundamental breach of legislation or governance failure to the relevant body.

BUS LANE ADJUDICATION SERVICE COMMITTEE

32. A joint committee with a number of other local authorities for the purpose of adjudicating services for bus lane enforcement

GREATER NOTTINGHAM LIGHT RAPID TRANSPORT ADVISORY COMMITTEE

33. A joint committee established with Nottingham City Council to advise on issues relating to the tram system

JOINT COMMITTEE FOR STRATEGIC PLANNING AND TRANSPORTATION

34. A joint committee established to advise the County and City Council's on strategic planning and transport matters for the whole of Greater Nottingham

CITY OF NOTTINGHAM AND NOTTINGHAMSHIRE ECONOMIC PROSPERITY COMMITTEE

35. A joint committee established to bring together local authority partners in Nottingham and Nottinghamshire in a robust, formally constructed arrangement which will drive future investment in growth and jobs in the City and County
36. The following powers delegated to this Committee are executive functions as set out in the Committee's Constitution:
- 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

<https://committee.nottinghamcity.gov.uk/documents/s80597/Enc.%201%20for%20Terms%20of%20Reference.pdf>

JOINT HEALTH SCRUTINY COMMITTEE (COMMISSIONERS WORKING TOGETHER)

37. A joint health scrutiny committee with the councils of Sheffield, Rotherham, Wakefield, Barnsley, Doncaster and Derbyshire to oversee the implementation of the CCG's working together programme to facilitate the efficient joint-provision of services

LGPS (LOCAL GOVERNMENT PENSION SCHEME) CENTRAL JOINT COMMITTEE

38. A joint committee established to provide oversight of the delivery of the objectives of LGPS Central, including the delivery of client service and the delivery against its business case, and to deal with common investor issues

Website: [Meetings and Agendas - Members \(cheshirepensionfund.org\)](https://meetingsandagendasmembers.cheshirepensionfund.org)

MENTAL HEALTH GUARDIANSHIP PANEL

39. A panel of five County Councillors established to make decisions on renewal and discharge of guardianship under the Mental Health Act 1983

NOTTINGHAMSHIRE AND CITY OF NOTTINGHAMSHIRE FIRE AUTHORITY

40. A body of Nottinghamshire County and Nottingham City Councillors responsible for ensuring Nottinghamshire Fire and Rescue Service has the resources needed to carry out its duties. Responsible for making decisions on key matters such as strategy, policy and budget

NOTTINGHAMSHIRE POLICE AND CRIME PANEL

41. A Panel to scrutinise the actions and decisions of the Police and Crime Commissioner for Nottinghamshire

PATROL (PARKING AND TRAFFIC REGULATIONS OUTSIDE LONDON) JOINT COMMITTEE

42. A joint committee with a number of other local authorities for the purpose of adjudicating services for parking enforcement

Website:

[PATROL – Parking and Traffic Regulations Outside London \(patrol-uk.info\)](http://patrol-uk.info)

CORPORATE PARENTING PANEL

43. A Panel to assist the Council in fulfilling its legal corporate parenting duties to ensure the Council and partner agencies act as effective corporate parents.

SCHEME OF DELEGATION TO OFFICERS

1. This Scheme sets out the delegated powers of officers of the County Council. For the purposes of the Constitution the term 'Corporate Director' includes all Corporate Directors, the Chief Executive, the Service Director Customers, Governance and Employees, the Service Director Finance, Infrastructure and Improvement and the Service Director, Transformation and Change.
2. Corporate Directors may delegate these powers to other officers and must ensure they appoint another officer to substitute in their absence.
3. Officers can only exercise delegated powers in accordance with the law and all of the rules, procedures, codes and protocols contained in the Council's Constitution, including the Budget and Policy Framework. Officers do not have any delegation for any matter reserved to the Full Council or for any matter which by law may not be delegated to an officer.
4. Cabinet Members and Committee Chairmen may request an officer not to exercise their delegated power in any particular case and, if so, the Chief Executive, in consultation with the Leader where appropriate, shall determine how the decision will be taken.
5. Appointments of staff below Service Director or equivalent level will be made by Officers. Any other appointment must be made by the Senior Staffing Committee.
6. Corporate Directors will agree with the Leader, any Cabinet Member and their relevant Committee Chairmen (or Vice-Chairmen in their absence) the nature and level of information they require regarding the exercise of officers' delegated powers.
7. Corporate Directors must ensure that adequate arrangements are in place to brief and consult the Leader, any Cabinet Member or Committee Chairmen (or Vice-Chairmen in their absence) within their service areas as agreed.
8. Corporate Directors will exercise their delegated powers in accordance with any requirements of the Chief Executive.
9. Corporate Directors must ensure that their department maintains a list of specific delegations to officers and make this available for public inspection. This is not necessary for decisions relating to management or day to day operational matters which fall within the responsibility of an officer's appointment/job description.
10. The Chief Executive, the Service Director Customers, Governance and Employees, the Group Manager Legal and Democratic Services Team Managers Legal Services and Senior Solicitors have authority to certify the fixing of the Common Seal of the Council to a document where this is required in order to

give effect to a decision. This includes affixing a seal by electronic means where permitted. It also includes the signing of any document as an authorised signatory on behalf of the Council where this is required and no other authority to sign the document exists.

11. The Group Manager for Legal Services is responsible for authorising the commencement or defence of, or participation in, any legal proceedings, including appearing in proceedings and signing documents necessary to any legal procedure, and authorising other officers to do so on behalf of the County Council, in consultation with other officers as necessary and subject to the requirements of the Financial Regulations in relation to Risk Management and Insurance, and Legal Claims and Settlements.
12. Certain delegated decisions made under this scheme must be recorded on the Delegated Decision Record in accordance with the Access to Information Procedure Rules at **Section xx**.
13. This Scheme should be interpreted widely to enable the smooth and effective operation of the Council.
14. Any delegations marked * are Local Choice Functions.

ALL CORPORATE DIRECTORS

15. The exercise of the responsibilities set out below are delegated by the County Council, the Leader or the Executive as appropriate:

Ref	Authority
GEN.1	To do anything that is required for the effective management of staff and other resources within their service
GEN.2	To determine ex-gratia claims of up to £1,000 in respect of employees or volunteers carrying out their duties who suffer damage to personal belongings
GEN.3	To settle Ombudsman complaints and to determine payments under the Payments for Maladministration Policy. Governance and Ethics Committee will receive regular reports on the operation of the Policy and payments made
GEN.4	To change the establishment of their departments within available budgets in accordance with the Employment Procedure Rules. Relevant Cabinet Member approval is required for any budgetary increases
GEN.5	To exercise the powers of the County Council in the event of an emergency or disaster including, but not limited to, making or approving any arrangements for the protection of persons or property. The Corporate Director will report back to the first available meeting of the Cabinet, Committee or Full Council as appropriate to the decision taken. in the event that this authority is exercised

NOTE Corporate Directors and certain other officers have delegated authority to take various financial decisions under the Financial Regulations set out in **Section XX**.

CHIEF EXECUTIVE

16. To be the Head of Paid Service and Proper Officer.
17. The exercise of the responsibilities set out below are delegated by the County Council, the Leader or the Executive as appropriate:

Ref	Authority
CEX.1	Taking all decisions necessary to secure the provision of services and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations across the Council
CEX.2	Making any decision normally reserved to any other decision maker in accordance with the Urgency Procedure Rules
CEX.3	Taking decisions whether to grant dispensations (including general dispensations) to councillors and co-opted members from requirements relating to interests and their participation in meetings
CEX.4	Taking any decision on any matter not reserved to another officer by law
CEX.5	Holding to account Corporate Directors for the performance of their departments
CEX.6	Subject to the Employment Procedure Rules to be responsible for all staffing matters
CEX.7	To be responsible for Health and Safety matters outside of the responsibility of the Cabinet Member for Personnel (under Part 1 of the Health & Safety at Work Act 1974) and to chair and oversee the Council's Compliance Board (Health & Safety) and the Risk, Safety and Emergency Management Board to ensure the effectiveness of the corporate health and safety management system and compliance with ISO 45001.
CEX.8	*Responsibility for the appointment of any individual (a) to any office other than an office in which he is employed by the authority
CEX.9	*Responsibility for the making of agreements with other local authorities for placing staff at the disposal of those other local authorities

CHIEF EXECUTIVE'S DEPARTMENT

Service Director Customers, Governance and Employees

18. To be the Monitoring Officer.
19. The exercise of the responsibilities set out below are delegated by the County Council, the Leader or the Executive as appropriate:

Ref	Authority
CGE.1	Taking all decisions necessary to secure the provision of services and/or the discharge of statutory functions, including the power to enter into

	contracts, in accordance with approved policies and Financial Regulations in relation to the following areas: <ul style="list-style-type: none"> • Legal, Democratic and Information Governance • Equalities • Communications and Marketing • Human Resources • Customer Services and Complaints • Health and Safety • Business Support Services
CGE.2	Holding officers to account for the performance of their service areas
CGE.3	Delegated authority from the Chief Executive for staffing matters in relation to their areas, including authorising other officers under their control to implement and exercise the day-to-day operational aspects of this delegation, eg recruitment to vacancies in accordance with the Employment Procedure Rules
CGE.4	Approving departmental officer travel outside the UK and providing a report for information to Governance and Ethics Committee
CGE.5	Taking all operational decisions necessary relating to the level and nature of support services for County Councillors
CGE.6	To approve the recruitment process for any Co-opted and Independent Members of committees and panels in the absence of any other agreed process
CGE.7	*Be responsible for obtaining information under Section 330 of the Town and Country Planning Act 1990 as to interest in land
CGE.8	*Be responsible for obtaining particulars of persons interested in land; Section 16 of the Local Government (Miscellaneous Provisions) Act 1976
CGE.9	To be the Senior Responsible Officer under the Regulation of Investigatory Powers Act 2000 (RIPA) and to nominate officers to act in accordance with the Council's RIPA Policy
CGE.10	To be the Senior Information Risk Owner in respect of information risk

Service Director Finance, Infrastructure and Improvement

20. To be the Chief Finance Officer (Section 151 Officer).

21. The exercise of the responsibilities set out below are delegated by the County Council, the Leader or the Executive as appropriate:

Ref	Authority
FII.1	Taking all decisions necessary to secure the provision of services and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations in relation to the following areas: <ul style="list-style-type: none"> • Financial Services • Procurement • Information and Communications Technology (ICT) • Risk and Assurance • Insurance

FII.2	Holding officers to account for the performance of their service areas
FII.3	Delegated authority from the Chief Executive for staffing matters in relation to their areas, including authorising other officers under their control to implement and exercise the day-to-day operational aspects of this delegation, eg recruitment to vacancies in accordance with the Employment Procedure Rules
FII.4	Approving departmental officer travel outside the UK and providing a report for information to Governance and Ethics Committee

Service Director, Transformation and Change

22. The exercise of the responsibilities set out below are delegated by the County Council, the Leader or the Executive as appropriate:

TC.1	Taking all decisions necessary to secure the provision of services and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations in relation to the following areas: <ul style="list-style-type: none"> • Programme and Project Management • Corporate Performance • Policy Development
TC.2	Holding officers to account for the performance of their service areas
TC.3	Delegated authority from the Chief Executive for staffing matters in relation to their areas, including authorising other officers under their control to implement and exercise the day-to-day operational aspects of this delegation, eg recruitment to vacancies in accordance with the Employment Procedure Rules
TC.4	Approving departmental officer travel outside the UK and providing a report for information to Governance and Ethics Committee

CORPORATE DIRECTOR ADULT SOCIAL CARE AND HEALTH

23. To be the designated Director of Adult Social Services under s6(A1) of the Local Authority Social Services Act 1970.

24. The exercise of the responsibilities set out below are delegated by the County Council, the Leader or the Executive as appropriate:

Ref	Authority
ASCH.1	Taking all decisions necessary to secure the provision of services and/or the discharge of statutory functions, including the power to enter into contracts and joint commissioning, in accordance with approved policies and Financial Regulations in relation to the following areas: Adult social care including (but not limited to): <ul style="list-style-type: none"> • Safeguarding • Mental health • Disability • Older people • Residential services • Day services

	Public Health (also see delegation to Director of Public Health)
ASCH.2	Holding officers to account for the performance of their service areas
ASCH.3	Delegated authority from the Chief Executive for staffing matters in relation to their areas, including authorising other officers under their control to implement and exercise the day-to-day operational aspects of this delegation, eg recruitment to vacancies in accordance with the Employment Procedure Rules
ASCH.4	Approving departmental officer travel outside the UK and providing a report for information to Governance and Ethics Committee

DIRECTOR OF PUBLIC HEALTH

25. To be the designated Director of Public Health.
26. The exercise of the responsibilities and all of the statutory functions of the Director of Public Health are delegated by the County Council, the Leader or the Executive as appropriate including:

Ref	Authority
DPH.1	To take responsibility for the management of the Council's Public Health Services and function, including preparing an annual report on the health of the local population
DPH.2	To provide leadership, expertise, advice and assurance to Senior Officers and Councillors on public health services and functions across the public health system in relation to planning for or responding to emergencies involving a risk to public health
DPH.3	Responsibility for fulfilling statutory requirements to work with local partners in promoting safer communities in line with the statutory functions of the Director of Public Health

CORPORATE DIRECTOR CHILDREN AND FAMILIES

27. To be the designated Director of Children Services in accordance with Section 19 of the Children's Act 2004.
28. The exercise of the responsibilities set out below are delegated by the County Council, the Leader or the Executive as appropriate:

Ref	Authority
CF.1	Taking all decisions necessary to secure the provision of service and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations in relation to the following areas: <ul style="list-style-type: none"> • Education • Special educational needs and disability • Safeguarding • Children's social care • Youth services • Early Years

CF.2	Holding officers to account for the performance of their service areas
CF.3	Delegated authority from the Chief Executive for staffing matters in relation to their areas, including authorising other officers under their control to implement and exercise the day-to-day operational aspects of this delegation, eg recruitment to vacancies in accordance with the Employment Procedure Rules
CF.4	*Responsibility for the making of arrangements for the determination of the review of a decision to exclude pupils from maintained schools
CF.5	*Responsibility for the making of arrangements for the determination of school admission appeals
CF.6	*Responsibility for the making of arrangements for the determination of appeals by Governing Bodies against decisions made by or on behalf of the County Council to admit a child to whom Section 87(2) of the Schools Standards and Framework Act 1998 applies
CF.7	Responsibility for approving school governor appointments for which the Council has responsibility
CF.8	Approving departmental officer travel outside the UK and providing a report for information to Governance and Ethics Committee

CORPORATE DIRECTOR PLACE

29. To be the designated Deputy Chief Executive.
30. The exercise of the responsibilities set out below are delegated by the County Council, the Leader or the Executive as appropriate:

Ref	Authority
PL.1	<p>Taking all decisions necessary to secure the provision of service and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations in relation to the following areas:</p> <ul style="list-style-type: none"> • Waste Disposal • Transport • Highways • Property • Catering and Facilities Management • Planning • Economic Development • Grant aid administration • Community Engagement • Conservation • Libraries • Country parks • Sport and Arts <p>Public protection including:</p> <ul style="list-style-type: none"> • Trading Standards • Emergency management • Registration services • Community Safety

PL.2	<p>Subject to any matters reserved to Planning and Rights of Way Committee</p> <p>a. To carry out all County Council non-executive functions relating to town and country planning and development control as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (the Functions Regulations)</p> <p>b. To exercise the Council's non-executive functions relating to highways, public rights of way and commons and village greens as set out in Schedule 1 to the Functions Regulations</p> <p>c. To carry out any other licensing and registration or regulatory functions of the Council not assigned to any other body, including any which are not to be executive functions as defined in the Local Government Act 2000, the Functions Regulations, the Local Government and Public Involvement in Health Act 2007 and associated regulations or other relevant legislation.</p>
PL.3	Holding officers to account for the performance of their service areas
PL.4	Delegated authority from the Chief Executive for staffing matters in relation to their areas, including authorising other officers under their control to implement and exercise the day-to-day operational aspects of this delegation, eg recruitment to vacancies in accordance with the Employment Procedure Rules
PL.5	*Be responsible for obtaining information under Section 330 of the Town and Country Planning Act 1990 as to interest in land
PL.6	*Be responsible for obtaining particulars of persons interested in land; Section 16 of the Local Government (Miscellaneous Provisions) Act 1976
PL.7	*Be responsible for the making of agreements for the Execution of highway works under s.278 of the Highways Act 1980
PL.8	Approving departmental officer travel outside the UK and providing a report for information to Governance and Ethics Committee

STATUTORY OFFICERS

31. There is a legal requirement to allocate some specific responsibilities to Officers and the Council has designated the following posts:

Head of Paid Service	Chief Executive
Proper Officer for all functions (except where delegated by the Chief Executive to other Officers)	Chief Executive
Monitoring Officer	Service Director Customers, Governance and Employees
Chief Finance Officer (also known as Section 151 Officer)	Services Director Finance, Infrastructure and Improvement

HEAD OF PAID SERVICE

32. The Council's Chief Executive is currently designated as the Head of Paid Service. The functions of the Head of Paid Service are:

Reporting to Full Council on the way in which the discharge of the Council's functions is managed
The number and grade of officers required for the discharge of these functions
The way in which the officers are structured into departments
Considering applications from officers for exemption from political restriction in respect of the post held by that officer

NOTE: The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

PROPER OFFICER

33. The Proper Officer refers to senior officers being designed for specific purposes under Local Government legislation.

MONITORING OFFICER

34. The Council's Service Director, Customers, Governance and Employees is currently designated as the Monitoring Officer. The functions of the Monitoring Officer are:

Responsibility for maintaining the Constitution including authority to make amendments to the Constitution to keep it up to date with any permitted changes made by the Leader, make any minor and consequential amendments and corrections to the Constitution and to keep it up to date with legislation and/or to keep the whole constitution in line with Council decisions made from time to time
Responsibility for ensuring the lawfulness and fairness of decision making; this includes authority, after consulting with the Head of Paid Service and Chief Finance Officer, to report to the Full Council or the Executive if they consider that any proposal, decision or omission would give rise to unlawfulness or maladministration
Responsibility for contributing to the promotion and maintenance of high standards of conduct including monitoring adherence to the County Council's Members' Code of Conduct and dealing with any allegations of breaches of the code
Maintaining and publishing a register of Members' Disclosable Pecuniary Interests (and any other interests defined by the County Council), including deciding on the publication of sensitive interests

NOTE: The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

CHIEF FINANCE OFFICER (Section 151 Officer)

35. The Council's Service Director Finance, Infrastructure and Improvement is currently designated as the Chief Finance Officer (Section 151 Officer). The functions of the Chief Finance Officer are:

Responsibility for ensuring the lawfulness and financial prudence of decision making; this includes authority, after consulting with the Head of Paid Service and Monitoring Officer, to report to the Full Council if they consider that any proposal, decision or omission would give rise to unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully

Responsibility for the administration of the financial affairs of the Council

Responsibility for providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity

Providing financial information to the media, the public and the community

NOTE: The Chief Finance Officer cannot be the Monitoring Officer but may hold the post of Head of Paid Service.

SCRUTINY OFFICER

36. The Council is required to appoint a Scrutiny Officer. The functions of the Scrutiny Officer are:

To promote the role of the Council's scrutiny function and committees

To provide support to the Overview Committee and Select Committees and members of those committees

To provide support and guidance to councillors, Cabinet Members and officers of the Council in relation to the functions of the Council's Overview Committee and Select Committees

NOTE: the Scrutiny Officer cannot be the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.

DATA PROTECTION OFFICER

37. The Council is required to appoint a Data Protection Officer. The functions of the Data Protection Officer are:

To inform and advise the organisation and its employees about their obligations to comply with the General Data Protection Regulations (UK GDPR) and other data protection laws

To monitor compliance with the UK GDPR and other data protection laws, including managing internal data protection activities, advise on data protection impact assessments; train staff and conduct internal audits

To be the first point of contact for supervisory authorities and for individuals whose data is processed (employees, residents etc)

PART A – FINANCIAL AFFAIRS**BUDGET FRAMEWORK****BACKGROUND**

1. The Full Council is responsible for the approval of the Annual Budget. The Council's Cabinet is responsible for its implementation by discharging executive functions in accordance with it.

APPROVAL OF THE ANNUAL BUDGET

2. In accordance with the Budget and Policy Framework Procedure Rules, Cabinet will recommend to Full Council the proposed revenue and capital budget for the forthcoming financial year, inclusive of council tax to be levied.
3. The Full Council will be responsible for approving the annual budget.
4. In approving the annual budget, the Council will also specify the extent of virement (the limits for the transfer of budget provision from one budget head to another) within the budget and degree of in-year changes to the Annual Budget.
5. The annual budget must be approved by the end of February each year.

DECISIONS OUTSIDE THE ANNUAL BUDGET

6. Subject to the provisions regarding virement set out in the Financial Regulations, decision makers may take only those decisions which are in accordance with the Annual Budget and any decisions outside the annual budget need to follow the procedures in the Budget and Policy Framework.
7. Where an item of expenditure is not included in the approved budget and cannot be funded by an alternative source of finance, or where an overspending or reduction of estimated income cannot be met by a transfer from earmarked reserves or Contingency, the decision is deemed outside the Annual Budget and the virement provisions must be taken by Full Council.
8. In cases of urgency the Urgency Procedure set out in the Budget and Policy Framework Procedure Rules should be followed.

ANNUAL ACCOUNTS

9. The Council's Section 151 Officer is required to sign off the annual accounts by dates as determined by The Accounts and Audit Regulations 2015. The draft accounts will be presented to Full Council. Once the accounts are externally audited the final accounts will also be presented to Full Council in accordance with the Statutory deadlines.

FINANCIAL REGULATIONS 2022

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1. OVERVIEW

General

- 1.1 These Financial Regulations provide the framework of financial control and standards necessary to achieve the proper administration of the Council's financial affairs and are designed to safeguard the interests of both the Council and its employees. These Regulations cover the Council's main activities, its trading organisations and Pension Funds, and partnerships where the Council acts as the lead authority or where it acts as the accountable body.
- 1.2 If there is a conflict between the Council's Financial Regulations and other specific County Council regulations or codes of procedure, guidance should be sought from the Monitoring Officer as to which shall prevail.
- 1.3 All County Council records, whether electronic or paper-based, are subject to the Council's Information Management Policy which establishes key principles for the management, retention, security and disposal of these records. All financial records must be retained in line with this policy, and in accordance with any relevant legislative requirements.

Role of Chief Finance Officer

- 1.4 The Service Director Finance, Infrastructure and Improvement is the appointed Chief Finance Officer (also known as the Section 151 Officer) for the Council and is responsible for the proper administration of the Council's financial affairs and, subject to the Constitution and any resolutions of any Committee, the Cabinet or the Full Council, may do all things necessary to discharge this responsibility.
- 1.5 Where the Section 151 Officer considers that there is a likelihood of a significant overall overspending, or a significant overspending on a Portfolio or Committee budget or any unlawful expenditure, a report will be taken to Full Council.
- 1.6 As the Council's financial advisor, the Section 151 Officer will prepare a budget showing the sources of income and proposed expenditure in each financial year. The Section 151 Officer will also keep the Cabinet informed of the Council's overall financial performance, compared with the approved budget(s).
- 1.7 The Section 151 Officer, after consulting with the Group Manager for Legal Services where appropriate, may vary, waive or suspend any financial regulation.
- 1.8 Where reference is made in these regulations to specific officers, they may nominate other officers to act on their behalf provided that they keep appropriate up-to-date written records of the nominated officers and the limits to their delegated powers.
- 1.9 The Section 151 Officer shall add financial comments to all reports being submitted to a Cabinet Member, the Cabinet, a Committee or Full Council regarding the financial consequences of any proposed action. This will include ensuring the adequacy of the financial implications presented within individual delegated decision reports made by officers.
- 1.10 These comments may include the sufficiency of the budget to finance the proposals being made or set out the action to be taken to make the necessary finance available. These reports must be submitted to the Section 151 Officer or his/her representative, at least 3 working days before the distribution of papers to pre-agenda.

- 1.11 There are statutory requirements relating to Key decisions. A Key Decision is defined as an Executive Decision which is likely to:
- 1.11.1 Result in the Council incurring expenditure, or making savings which are significant having regard to the Council's budget for the service or function to which the decision relates; or
 - 1.11.2 Be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions within the area of the Council.

For this Council, the financial value of the term significant has been set at £1 million (£1,000,000) for both capital and revenue related expenditure. These items must be included in the Forward Plan before any decisions are taken (subject to urgency requirements if the decision needs to be taken urgently). The financial threshold does not apply to decisions under delegated authority in relation to Treasury Management or Pension Fund activity.

Role of Corporate Directors

- 1.12 For the purposes of the Financial Regulations the term 'Corporate Director' includes the Chief Executive, the Service Director - Customers, Governance and Employees and the Service Director - Finance, Infrastructure and Improvement.
- 1.13 Corporate Directors have delegated responsibility for the financial management of their services. They are responsible for ensuring that employees and consultants in their departments are both aware of and comply with these Financial Regulations and that failure to comply may result in disciplinary action.
- 1.14 Corporate Directors must consult the Section 151 Officer on any matter which is liable to affect the finances of the Council before any provision or other commitment is incurred or before reporting to Full Council, the Cabinet, Cabinet Member or Committee. The Section 151 Officer has the right to be represented at meetings with partnerships or outside bodies where matters of financial significance are to be discussed.
- 1.15 Each Corporate Director is responsible for the observance of Financial Regulations and for compliance with the decision-making process defined in the Constitution.

2. FINANCIAL PLANNING AND BUDGETARY CONTROL

- 2.1 In February of each year, Full Council will approve an annual revenue budget, Capital Programme, Capital Strategy, Treasury Management Strategy and Policy, Medium Term Financial Strategy and Council Tax precept.
- 2.2 It is the responsibility of all Corporate Directors, in consultation with the relevant Cabinet Member, to monitor and control their budgets approved for the year. The Cabinet and individual Cabinet Members will ensure that the annual budget approved by Full Council is implemented and will receive reports from the Section 151 Officer and Corporate Directors to enable them to discharge this responsibility.
- 2.3 Amounts provided under each heading of the approved annual revenue estimates must not be diverted to other purposes except as allowed by Financial Regulations at paragraph 3.3 [Virements].

- 2.4 The inclusion of items in the approved revenue estimates constitutes authority to incur expenditure, subject to the regulations for commissioning and procurement of Goods, Services and Works (section 8), except where the Council, Cabinet, or Financial Regulations of the Council have placed a restriction on any item. Expenditure on special items may only be incurred subject to the regulations at paragraph 3.4.
- 2.5 Where expenditure is required on items not included within the approved budget, and which cannot be funded within the regulations for virement (see paragraph 3.3) Corporate Directors must seek advice from the Section 151 Officer as approval may be required from Full Council.
- 2.6 Where external funding is available to cover additional revenue expenditure, Corporate Directors must obtain approval in line with the regulations for virement (see paragraph 3.3);
- 2.7 Capital expenditure is not authorised unless the regulations set out in section 4 have been complied with.
- 2.8 Where a decision maker wishes to take a course of action which has financial implications contrary to the advice provided by the Section 151 officer, a report on the issue must be taken to Cabinet for determination.
- 2.9 The Section 151 Officer will report monthly to the Corporate Leadership Team and Cabinet Member for Finance and quarterly to the Cabinet on the overall projected outturn position of the Authority with an explanation of significant variances against the approved budget.
- 2.10 All budget underspends will transfer to General Fund Balance.
- 2.11 The annual surpluses and deficits of trading organisations will be carried forward in an 'Earmarked Reserve'. The level of these reserves will be kept under review by the Section 151 Officer and reported annually to Cabinet and Full Council.
- 2.12 The Section 151 Officer must submit a report to the Full Council on each year's final accounts as soon as practicable, and in accordance with the statutory Accounts and Audit Regulations.

3. REVENUE EXPENDITURE

3.1 Preparation of Revenue Budgets

- 3.1.1 Revenue budgets must be prepared in accordance with the process set out annually by the Section 151 Officer, and the resource allocation limits prescribed by Full Council.
- 3.1.2 Detailed annual revenue budgets must be prepared in accordance with all instructions on budgeting issued by the Section 151 Officer. It is the responsibility of Corporate Directors to ensure that detailed budget preparation takes place, that the amounts included are realistic, and that there has been correct application of budget conventions and procedures for their service.
- 3.1.3 Where there is uncertainty about the proper approach to be adopted in preparing a budget, guidance should be sought from the Section 151 Officer.

- 3.1.4 The Section 151 Officer will, during the year, make or seek approval for allocations from the General Contingency based on limits prescribed in paragraph 3.3 [Virements].
- 3.1.5 Where external income arises from a set scale of charges, fees etc., the Corporate Director must review the level of fees at least once a year in consultation with the Section 151 Officer, having regard to any relevant statutory provisions for such charges, fees etc. Revised fees must be agreed by the relevant Cabinet Member.

3.2 Control of Revenue Budget

- 3.2.1 Corporate Directors and Cabinet Members are responsible for controlling expenditure within approved budgets. To assist them with this, virement of budget provision from one budget head to another may be permitted as described in paragraph 3.3.
- 3.2.2 Corporate Directors must ensure that budgets are monitored via the Council's Business Management System. Budget monitoring reports should be submitted at least quarterly to their Cabinet Member(s) inclusive of explanations of significant variations and proposals for avoiding any continuing budget problems.
- 3.2.3 Where new policies or significant variations to existing policies or practices are proposed, a report must be presented to Cabinet by the Cabinet Member as appropriate providing details of the financial implications of the proposed policies for the current year and two further years.
- 3.2.4 A Corporate Director's authority to incur expenditure, for which provision has been made in the detailed annual revenue budget and which is in accordance with Council policies, is subject to the regulations in section 8 and the conditions in paragraph 3.4 below.

3.3 Virement

- 3.3.1 In consultation with the Section 151 Officer, Corporate Directors (or budget managers within the appropriate Directorate) may transfer (vire) any revenue budget within their responsibility and control for any lawful purpose relating to the Directorate for which they are responsible, provided it does not involve a change in existing policy, a reduction in service provision or an increased future funding commitment that cannot be contained within existing resources .
- 3.3.2 Should any other Portfolio be affected (where a budget transfer between budgets is controlled by more than one Portfolio holder), the transfer will require approval subject to the thresholds detailed in paragraph 3.3.3 below.
- 3.3.3.1 **up to £500,000** by the Section 151 Officer
- 3.3.3.2 **up to £1 million** by the relevant Cabinet Member/s, following consultation with the Cabinet Member for Finance, relevant Corporate Directors and Section 151 Officer.
- 3.3.3.3 **Over £1 million by Cabinet**

- 3.3.4 Authorisation to finance expenditure from earmarked reserves or contingency will be subject to the thresholds detailed in 3.3.3 unless alternative arrangements were agreed when the reserve or contingency was established.
- 3.3.5 Any proposed virement to revenue budgets will be subject to the advice of the Section 151 Officer. Following approval, the virement of revenue budgets will be recorded in the Business Management System.
- 3.3.6 Virement limits are considered as cumulative within a financial year, therefore when transferring budget from a heading, all previous virements from this heading must be considered when deciding the level of approval required, ensuring the highest level of approval has been/ will be sought.

3.4 Special Items

3.4.1 Leases

- 3.4.1.1 All leases or credit arrangements **over £10,000** which are not for Land and Buildings must be approved by the Section 151 Officer before they are entered into.
- 3.4.1.2 For leases of Land and Buildings the regulations at section 17 must be followed.
- 3.4.1.3 Depending on the circumstances leases or credit arrangements may be classified as Capital Expenditure.

3.4.2 Grant Aid

- 3.4.2.1 Council discretionary grants to individuals and the voluntary and community sector (e.g. The Local Communities Fund) are managed through the Communities Grant Team and will be reported to the Cabinet Member for Communities. The Communities Grant Team will manage the application process and take both legal and financial advice as necessary, including advice on subsidy control.
- 3.4.2.2 All other grant schemes, including Central Government funded initiatives, will be managed by the relevant department and will be reported to the relevant Cabinet Member. The relevant department will take both legal and financial advice as necessary, including advice on subsidy control.

3.4.3 Loans and Guarantees to External Bodies and Financial Support in Relation to Properties

- 3.4.3.1 All proposals for loans or guarantees or financial support in relation to properties to individuals or outside bodies should be **accompanied by an appropriate risk assessment** and must be approved by the Section 151 Officer.

Note that further approval may be required if the Section 151 Officer considers the proposal to be a Key Decision and as such would need to be published on the Forward Plan.

Also see paragraph 3.4.5 on Subsidy Control.

3.4.4 Investment in Equities

3.4.4.1 All investments in equity stock must be approved by the Section 151 Officer.

Note that further approval may be required if the Section 151 Officer considers the proposal to be a Key Decision and as such would need to be published on the Forward Plan.

3.4.5 Subsidy Control

3.4.5.1 A subsidy is financial aid or other advantage to a business or organisation from a public body such as a local authority. Grants, loans or guarantees to business may constitute a subsidy in some cases. In all circumstances, advice should be sought from Legal Services.

3.4.6 Emergency Expenditure

3.4.6.1 A Corporate Director may incur expenditure which is essential to meet any immediate needs created by a sudden emergency, subject to this action being reported immediately to the Chief Executive and the Section 151 Officer, and to the next Cabinet meeting. Corporate Directors must keep a separate record of the essential expenditure incurred.

4. CAPITAL EXPENDITURE AND OTHER MAJOR PROJECTS

4.1 Inclusion of schemes in the Capital Programme

4.1.1 The Council has a Capital Programme which is considered annually through an Annual Review Process. This programme is approved by Full Council and includes the capital schemes for the forthcoming financial year and the three years following.

4.1.2 The processes by which a capital scheme can be added to the Capital Programme are shown in the attached decision tree.

4.1.3 All proposals for capital expenditure that require additional borrowing should be considered initially by the Corporate Asset Management Group (CAMG) who will advise on the relative priority of future capital schemes, in accordance with the agreed prioritisation criteria within the Capital Strategy. Approval must then be obtained as follows:

4.1.3.1 for schemes being considered through the Annual Review process, CAMG will make recommendations to the Cabinet Member for Finance and, in turn consult with the Corporate Leadership Team (CLT). A report will then be taken to Cabinet for approval in principal and inclusion within the annual budget for approval by Full Council (see decision tree route a);

4.1.3.2 for schemes arising during the budget year on an ad-hoc basis, CAMG will consider and advise the Cabinet Member for Finance and, in turn,

will seek approval from the relevant approving body – see paragraph 4.1.4 (see decision tree routes b and c).

- 4.1.4 Where proposals are made for additional schemes during the year, or for cost variations to existing schemes that require additional borrowing, decisions can be taken as follows:
- 4.1.4.1 schemes, or variation increases, **up to £500,000** by the Section 151 Officer;
 - 4.1.4.2 schemes, or variation increases, **over £500,000 and up to £1 million** by the Section 151 Officer in consultation with the Cabinet Member for Finance;
 - 4.1.4.3 schemes, or variation increases, **over £1 million** by Cabinet.
- 4.1.5 The Section 151 Officer may approve requests to add or amend schemes within the capital programme providing that they are funded fully from external sources, there is no overall increase in future revenue costs and there is no change in overall policy. These variations will be reported subsequently to Cabinet as part of the on-going budget monitoring process. In any particular circumstance, the Section 151 Officer may decline to give approval and instead refer the proposal to Cabinet.
- 4.1.6 The transfer of approved schemes between years of the capital programme will not be considered as a budget change provided that there is no long-term impact on the Council's capital programme funding. There is, therefore, no requirement for prior approval by Cabinet or Full Council. These transfers can be made by the Section 151 Officer. In some cases, the amounts involved may be substantial and changes will be reported subsequently to Cabinet as part of the on-going budget monitoring process.
- 4.1.7 After approvals have been obtained under paragraphs 4.1.3, 4.1.5 or 4.1.6 above, Latest Estimated Cost (LEC) reports should be prepared and presented (see paragraph 4.3) after detailed design has been undertaken.
- 4.1.8 Where major projects are being procured through a 'Public Private Partnership' (PPP) or equivalent arrangement, an options appraisal report should be prepared and approval must be obtained in accordance with the governance arrangements set out in the approved Capital Strategy before tenders are invited.

4.2 Feasibility Studies

- 4.2.1 The appropriate project manager/ technical officer can carry out feasibility work on any scheme not in the approved capital programme subject to:
- 4.2.1.1 the relevant Corporate Director agreeing to the cost being met from its revenue budget for the year; and
 - 4.2.1.2 prior approval from the Section 151 Officer has been obtained if the estimated cost of the feasibility study is **over £25,000**.

- 4.2.2 Detailed design work must not take place on schemes which are not included within the approved capital programme unless written approval has been obtained from the Section 151 Officer.
- 4.2.3 The appropriate project manager/technical officer can carry out preparatory work on any scheme included in the approved capital programme. The costs of this work must be charged to that scheme. If for any reason the scheme does not go ahead, then the costs of preparatory work undertaken must be charged to the revenue budget of the relevant Directorate, which will need to make available sufficient budget provision. This means that the project manager/ technical officer should not carry out preparatory work unless an undertaking has been secured for the funding of any abortive costs from the service department and the appropriate budget identified.

4.3 Project Management and reports on "Latest Estimated Costs" of Proposed Schemes

- 4.3.1 All projects should be managed in accordance with the principles of good project governance and management. Projects **over £250,000** should be governed, managed and delivered using best practice project management techniques. Where significant risks have been identified, they should be included in the Corporate Risk Register.
- 4.3.2 Corporate Directors must take a report setting out the latest estimated costs of all proposed capital schemes where the capital cost is **over £500,000** to the decision maker that approved the initial variation to the capital programme. The report must be made after detailed design work has been completed and should contain:
- 4.3.2.1 Capital costs analysed into:
- 4.3.2.1.1 land acquisition costs and associated liabilities;
 - 4.3.2.1.2 construction costs;
 - 4.3.2.1.3 acquisition of plant, equipment and furniture;
 - 4.3.2.1.4 professional fees (including legal fees) and project management costs;
 - 4.3.2.1.5 any other relevant costs.
- 4.3.2.2 Revenue costs identified and analysed into:
- 4.3.2.2.1 staffing costs;
 - 4.3.2.2.2 energy costs;
 - 4.3.2.2.3 other running costs;
 - 4.3.2.2.4 financing costs;
 - 4.3.2.2.5 lifecycle maintenance costs.

In addition to total costs, their phasing over each financial year should be shown. If the costs exceed the existing capital programme provision for that scheme, the

report must contain a statement on how these extra costs can be contained within the approved total capital programme or, if further capital funds are required, approval to increase the capital programme (the capital variation) must be obtained as set out in paragraph 4.1 above.

4.4 Budgetary approval prior to Contract Award

- 4.4.1 Where the latest estimated costs exceed approved budgets, Corporate Directors must submit a revised LEC report and obtain all necessary approvals for the additional expenditure needed before progressing with the project.
- 4.4.2 The award of contracts must comply with the procedures for the procurement of Goods, Services and Works set out in section 8 and the guidance must be sought from the Procurement Centre and Legal Service.

4.5 Final Accounts

- 4.5.1 The Section 151 Officer shall, where considered necessary, examine any scheme final accounts and is entitled to make such enquiries and receive such information and explanations as may be required to confirm the completeness and accuracy of the accounts.

4.6 Capital Financing

- 4.6.1 The Section 151 Officer will make arrangements for the financing of capital expenditure in accordance with the CIPFA 'Prudential Code for Capital Finance' and the annual budget report approved by Full Council.
- 4.6.2 Corporate Directors must notify the Section 151 Officer prior to committing to leases or hire purchase arrangements for vehicles, equipment or land/buildings where the value will exceed £10,000 (see paragraph 3.4.2 and section 17).

5. ACCOUNTING SYSTEMS

- 5.1 All staff must comply with accounting instructions issued from time to time by the Section 151 Officer. Any new accounting systems and changes to such systems must be approved by the Section 151 Officer.
- 5.2 The Council adheres to the CIPFA Code of Practice on Local Authority Accounting and the CIPFA Service Expenditure Reporting Code of Practice and the supporting guidance statements.
- 5.3 All interim or final claims in respect of Government grant and reimbursements or contributions from outside bodies, other than where an invoice has been raised, must be signed by the Section 151 Officer.
- 5.4 Corporate Directors are responsible for ensuring that appropriate systems and procedures are in place for the proper transfer of all financial records and assets, e.g. stocks, stores, imprest accounts, inventories, valuables, cash, etc., when responsibility is to transfer from one officer to another.

- 5.5 The accounting control systems of the Council must include:
- 5.5.1 measures to promptly and accurately record all financial transactions of the Council;
 - 5.5.2 measures to prevent and detect inaccuracies and fraud, and reconstitute any lost records promptly and at reasonable cost;
 - 5.5.3 identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers.
- 5.6 At the end of each financial year, Corporate Directors must notify the Section 151 Officer of all outstanding expenditure relating to the previous financial year in such detail and by such date as may be required by the Section 151 Officer so that accounts can be prepared to meet statutory reporting requirements (known as the accruals process).

6. ASSETS

Assets include land and buildings (see section 17) stocks and stores (see paragraph 6.1 below) and cash, equipment and furniture (see paragraph 6.2 below).

6.1 Stocks, Stores and Inventories

- 6.1.1 Corporate Directors are responsible for ensuring that appropriate systems and procedures are in place for the safe custody and physical control of the stocks and stores in their Department. They must arrange for periodic stocktaking by an independent person to ensure that all items are checked at least once per annum or at such other frequency as the Section 151 Officer may agree. Test checks should be carried out from time to time.
- 6.1.2 Inventories of the Department's assets must be prepared and kept up to date by each Corporate Director. Records of material assets and the method and frequency of inventory checks will be determined by the Section 151 Officer.
- 6.1.3 Corporate Directors must notify the Section 151 Officer each year of the value of stock held by their Department as at 31 March and must supply such other information relating to stocks and stores as may be required by the Section 151 Officer.
- 6.1.4 Discrepancies revealed at a stock taking may be adjusted by the Corporate Director provided that it is **under £1,000 in aggregate**. Discrepancies **over £1,000** must be reported to the Section 151 Officer who may authorise the necessary adjustment or refer any item to Internal Audit.
- 6.1.5 Departments should not hold excessive stocks and Corporate Directors must ensure that a periodic review of stock turnover and stock levels of all items is undertaken and that action is taken to reduce/dispose of excessive or obsolete stocks.
- 6.1.6 Corporate Directors must satisfy themselves that the stocks, stores or materials cannot be re-used elsewhere in the Council. Any surplus stocks, stores or materials must be disposed of in accordance with the procedures below set out in paragraph 6.4.

6.2 Cash, Equipment and Furniture

- 6.2.1 Corporate Directors are responsible for maintaining appropriate security for all cash, furniture and equipment etc. under their control. The Council's property must not be removed from its usual location or used for unofficial purposes except with the permission of the relevant Group Manager.
- 6.2.2 Money held at premises must be placed in a cash box which must be kept locked and put in a secure place.
- 6.2.3 Safes must be kept locked and the key removed. Keys to safes, strong rooms and similar locked areas are to be stored securely at all times. The loss of such keys must be reported to the Section 151 Officer immediately. Master keys and spare safe keys should be stored securely at a separate location.
- 6.2.4 Where several officers use the same safe, each officer must use a separate lockable cash box for the monies they are responsible for.

6.3 Protection of Private Property

- 6.3.1 Where an officer assumes responsibility for items belonging to a private person, s/he must ensure that a formal inventory is prepared promptly, and where possible, in the presence of two officers who must sign and date the inventory to certify its accuracy. The property must be held securely.
- 6.3.2 All valuables such as jewellery, watches and other small articles of a similar nature and financial documents or property documents of title must be kept in a safe.
- 6.3.3 All reasonable steps must be taken to return the private property to its rightful owner. Where a significant cost has been incurred by the Council in providing safe custody, the cost should be recovered before the property is returned and an official receipt provided for monies received.

6.4 Disposal of Assets (including Stocks, Stores or Materials)

- 6.4.1 Where land or buildings are concerned, the Council's disposal policy must be complied with (see section 17).
- 6.4.2 Where ICT equipment is concerned, disposal must comply with the policies and procedures set by the Section 151 Officer.
- 6.4.3 Before disposing of any asset, officers should consult with the Section 151 Officer and must satisfy themselves that the asset has not been leased.
- 6.4.4 Having satisfied themselves that the assets (including stocks, stores or materials) cannot be economically re-used elsewhere in the Council, surplus assets must be disposed of in accordance with the procedures below:
 - 6.4.4.1 items estimated to realise **less than £500** – at the Corporate Directors' discretion;
 - 6.4.4.2 items estimated to realise **between £500 and £10,000** - competitive quotations must be sought (and copies retained on file);

6.4.4.3 items estimated to realise **more than £10,000-** advice must be sought from the Section 151 Officer on the appropriate method of disposal to ensure that the most advantageous price is obtained. Where tenders are used, an appropriate number must be sought (and copies retained on file)

6.4.5 Assets which have been sold may be released to the purchaser once cleared funds have been received by the Council.

7. SALARIES, WAGES AND PENSIONS

- 7.1 The payment of salaries, wages, pensions or other benefits will be made only by the Service Director – Customers, Governance and Employees . Each Corporate Director must notify the Service Director, as soon as possible, and in the form prescribed, of all matters affecting an officer's pay.
- 7.2 All time-records or other pay input documents must be in a form prescribed or approved by the Service Director – Customers, Governance and Employees . Officers authorised to approve pay input documents must comply with the relevant employment procedure rules and any directions issued by the Service Director – Human Resources and Customer Services.
- 7.3 Overtime claims must be submitted promptly. Where these claims are over three months in arrears, they will only be paid with the approval of the Service Director – Customers, Governance and Employees .
- 7.4 No employee should be paid by the Council unless they have a valid contract of service with the Council.
- 7.5 For income tax purposes, where consultants, contractors, or temporary staff meet the test of 'Employed' as set out in paragraph 8.12.1 they shall be treated as employees and paid through payroll.

8. COMMISSIONING AND PROCUREMENT OF GOODS, SERVICES AND WORKS

8.1 General

- 8.1.1 All procurement documentation, including contracts, must be in a form approved by the Group Manager for Procurement, Legal Services and Section 151 Officer.
- 8.1.2 All procurement must be performed in accordance with all applicable laws, the rules set out here and the guidance provided by the Procurement Centre in consultation with Legal Services. In particular all procurement activity should follow the principles set out in the current Procurement Strategy. The laws, rules and guidance are intended to ensure the following objectives are met:
- 8.1.2.1 **Probity and Openness:** Honesty, integrity and openness in all dealings (subject to reasonable requirements of confidentiality) and the avoidance of corruption.
- 8.1.2.2 **Best Value:** The optimum outcome for the Council and the residents of Nottinghamshire including the consideration of best value with regard to social, economic and environmental factors.

- 8.1.2.3 **Equal Treatment of Suppliers:** Fair and equitable treatment for all potential suppliers.
- 8.1.2.4 **Officer Protection:** Avoidance of situations which may lead to accusations of officer impropriety.
- 8.1.3 All procurement undertaken by the Council with a contract value greater than the relevant Public Procurement Thresholds is subject to the Public Contract Regulations 2015.
- 8.1.4 The Procurement Centre **must** be involved in all procurement over £10,000. Budget holders must therefore contact the Procurement Centre before commencing a new procurement exercise where it exceeds £10,000.
- 8.1.5 The Procurement Centre will seek advice from Legal Services at the commencement of any procurement. The Procurement Centre and Legal Services must be involved in the entire process for all complex or non-standard procurement projects or where detailed advice is required on procurement law.
- 8.1.6 If contracts arranged through the Procurement Centre already exist then these must be used. If not, Government or other public body frameworks must be used unless they do not meet service delivery needs.
- 8.1.7 Where a Council department provides goods, services or works of a particular kind that department must be given the opportunity to provide the required goods, services or works. Where the goods, services or works are obtained from in-house sources, there is no requirement to obtain quotations and tenders. Discussion with the Procurement Centre and the service area and prior approval from the Section 151 Officer must be obtained where external suppliers are to be used to obtain goods, services or works that are available from in-house providers. The reasons for not using the in-house provider will be retained on file for review and audit purposes by the relevant Department.
- 8.1.8 All necessary budgetary approvals must already have been obtained before commencing with your procurement.
- 8.1.9 The current thresholds and how to conduct your procurement is set out in the table below:

Contracts for Supplies and Services				
Estimated Total Contract Value	Minimum Procurement Requirements	Advertising	Contract Signatory	Procurement and Legal Services involvement
Up to £10,000	Written quotation to be sought if deemed necessary by the Corporate Director or GM Procurement	Request quotes and local advert	Budget Holder	Procurement Centre to be informed Legal Services to be contacted

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				regarding contract terms
£10,001 to £25,000	Three written quotations must be sought	Request quotes and local advert As sector appropriate	Budget Holder	Procurement Centre advice to be sought
£25,001 to PCR 2015 Threshold* for Supplies and Services	A tender process approved by Corporate Procurement	Find A Tender	Budget Holder for contracts up to £50k. Budget Holder and Officer of equal or senior status to the budget holder for contracts above £50k.	Procurement Centre advice to be sought
Above PCR 2015 Threshold for Supplies and Services	Public Contract Regulations 2015 procurement rules must be complied with	Find a Tender	Budget Holder and Officer of equal or senior status to the budget holder	Procurement Centre advice to be sought
Over £1 Million	Public Contract Regulations 2015 procurement rules must be complied with	Find A Tender	Must be executed as a deed under seal	Procurement Centre advice to be sought Legal Services will need to apply the seal to the contract

Contracts for Works

Estimated Total Contract Value	Minimum Procurement Requirements	Advertising	Contract Signatory
Up to £10,000	Written quotations must be sought from more than one supplier	Request quotes and local advert	Must be executed as a Deed under Seal
£10,001 to £25,000	Three written quotations must be sought	Request quotes and local advert	Must be executed as a Deed under Seal
£25,001 to £250,000	Three tenders must be invited	Find a Tender	Must be executed as a Deed under Seal

£250,001 to PCR 2015 Threshold for Works (£4,104,394 as at January 2016)	Five tenders must be invited	Find a Tender	Must be executed as a Deed under Seal
Above PCR 2015 Threshold for Works	PCR 2015 procurement rules must be complied with	Find a Tender	Must be executed as a Deed under Seal

Supplementary Notes

Quotations and Tenders:

Procurement Centre, Information Governance and Legal Services must be informed of the details of the procurement. Details of all quotations and tenders sought and received, including supplier details and pricing information, must be kept on the file by the relevant Department for review and audit purposes. Signed copies of contracts must be provided to the Procurement Centre. Whenever possible and appropriate SME's and local suppliers should be encouraged to submit a quotation or tender.

Thresholds:

The current thresholds are set out in the table above, however, valuation of contracts is not always straightforward. Splitting of contracts in order to avoid the Public Contract Regulations 2015 rules is not allowed. Advice and guidance should be sought from the Procurement Centre.

Allowed Exceptions:

Where the contract value is **less than the Public Contract Regulations 2015 threshold** there are limited circumstances where obtaining quotations / tenders is not required:

- a. The work to be executed or the goods or materials to be supplied consist of repairs to, or parts for, existing proprietary machinery, where such repairs or parts are specific to that machinery or upgrades to existing software packages.
- b. Works, supplies or services are urgently needed for the immediate protection of life or property, or to maintain the immediate functioning of a public service for which the Council is responsible. In such cases the contract must only last as long as is reasonably necessary to deal with the specific emergency
- c. The Corporate Director, in consultation with the Group Manager for Procurement, decides that special circumstances make it appropriate and beneficial to negotiate with a single firm or that a single tender be invited and that best value for the Council can be achieved by not tendering

In all cases where the value is over £10,000 but below the PCR 2015 thresholds prior approval via a Financial Regulations Waiver Request Form (available on the intranet) must be obtained for all exceptions to these Financial Regulations.

Advertising:

All Find a Tender notices are managed by the Procurement Centre for publication.

Corporate Contracts:

Where there is no single budget holder then the Budget Holder signatory role may be undertaken by the Group Manager for Procurement.

Building Works

Property Services should be contacted for any contracts that impact upon the Authority's property portfolio.

8.2 Joint Procurement

- 8.2.1 The Council may procure goods, services and works through collaborative procurement exercises or joint commissioning in partnership with other public sector organisations. The organisations involved in the exercise must decide which of them is to act as the lead and the procurement procedures of the lead body must be followed.
- 8.2.2 Where the Council acts as lead authority it must carefully assess the risks involved, ensure that it does not take on liabilities of other public bodies by acting as lead and must follow any procedural safeguards as advised by the Group Manager for Legal Services and financial arrangements determined by the Section 151 Officer to protect the Council's position.

8.3 Public Sector to Public Sector Commissioning

- 8.3.1 The Council may choose to commission services from another Public Sector body. If under consideration, advice must be sought from the Procurement Centre, Legal Services and in discussion with the Section 151 Officer.

8.4 Tender Principles

- 8.4.1 Unless expressly approved in writing by the Group Manager for Procurement, all procurement must be undertaken using the Council's electronic system and procedures determined by the Section 151 Officer in consultation with the Group Manager for Legal Services.
- 8.4.2 If the specification for any tender is developed by or in conjunction with any consultant or supplier, then that consultant or supplier shall be excluded from a future tendering exercise for those services, supplies or works for as long as that specification is in use.

- 8.4.3 Councillors and Officers who have a financial or personal interest in a contract or other procurement decision must ensure they comply with the appropriate codes of conduct and must not be supplied with or given access to any tender documents, contracts or other relevant related information without the authority of their Line Manager and the Group Manager for Procurement. Advice can be sought from Legal Services if necessary.
- 8.4.4 Where a contract contains onerous obligations for the Council, such as an indemnity or guarantee, advice must be sought from the Group Manager for Legal Services.
- 8.4.5 Where ICT equipment, software and services to be purchased or for upgrades to software approval must be given by the Head of Technology and Digital Service, ICT Services. This includes Cloud and online/ web services.
- 8.4.6 The Council's information management policies and procedures should be followed in respect of retention of records and disclosure of information relating to contracts and tenders. This includes carrying out a Data Protection Impact Assessment where necessary.
- 8.4.7 The Corporate Director must ensure that where any officer who is not an employee of the Council is responsible for the letting, administration and management of a contract on the Council's behalf, they must:
- retain all relevant documentation on the Council's approved systems.
 - retain all relevant original records (see paragraph 8.4.6) and provide it to the Corporate Director or Section 151 Officer on request and in any event prior to the end of their contract with the Council.
 - provide all the appropriate drawings, including the final 'as built' drawings, together with all project and contract documentation to the Corporate Director and in any event within three months of completion of the works.
 - Complete any relevant Data Protection Impact Assessment and seek advice from the Data Protection Officer where required.
- 8.4.8 Subject to any statutory requirements relating to disclosure, the names of, prices contained in or other confidential information from any tender must not be divulged to other bidders, or individuals not properly connected with the tender process.

8.5 Invitation to Tender

- 8.5.1 Every invitation to tender must state that a tender will only be considered if it is submitted in accordance with the instructions to tenderers. The invitation to tender must also state that tenders which do not comply fully may be rejected.
- 8.5.2 All invitations to quote/tender must specify that the Council is not bound to accept the lowest or any quotation or tender.
- 8.5.3 Tenders may be evaluated on the basis of price, or a mixture of price and quality criteria. The basis on which the tender will be evaluated must be determined before tenders are invited and included as part of the invitation to tender information.

- 8.5.4 Where prior advertisement has not specified the award criteria, the invitation to tender must state the award criteria together with the weighting for each of the chosen criteria.
- 8.5.5 The invitation to tender must include the Council's contract terms for that contract.
- 8.5.6 The invitation to tender for contracts above Public Contract Regulation 2015 thresholds must contain information for tenderers about the way the standstill period will be applied where applicable (see paragraph 8.9.2).
- 8.5.7 Subject to prior discussion with the Procurement Centre and Legal Services, approval shall be sought from the Section 151 Officer regarding whether:
- 8.5.7.1 provision should be made for liquidated and/or ascertained damages in the contract, where the contract is for the supply of goods or materials by a particular date or series of dates and if required, the amount of such damages shall be determined by the appropriate technical officer in consultation with the Group Manager for Legal Services
- 8.5.7.2 security in the form of a bond and/or parent company guarantee is required for the due performance of a contract, where:
- The total value of the contract exceeds £1 million.
- or**
- The total value of the contract is less than £1 million but the Corporate Director, appropriate technical officer or the Section 151 Officer considers that the Council is at particular risk.
- 8.5.7.3 in the case of construction and maintenance contracts provision should be made for a payment retention (normally 5%) to be withheld for an appropriate period to allow for the rectification of faults and defects.
- 8.5.8 The release of any security must be authorised by the appropriate technical officer in consultation with the Section 151 Officer.
- 8.5.9 If a performance bond or other security is required the nature and amount of the security to be given must be set out in the specification.

8.6 Receipt and Opening of Tenders

- 8.6.1 Receipt and opening of tenders must be undertaken using the Council's approved electronic system.

8.7 Clarification and Negotiation following tender submission

- 8.7.1 Where examination of tenders reveals errors which would affect the tender figure in an otherwise successful tender, the tenderer must be notified of such errors and be given the opportunity to clarify and confirm or withdraw their tender. Under no circumstances must the clarification process be used to attempt to seek an adjustment of prices or other changes to the specification tendered.

8.7.2 The Public Contract Regulations 2015 (PCR) only allow for negotiations under specific circumstances where the procurement is above PCR thresholds, they are:

- competitive procedure with negotiation, no negotiation is permitted after receipt of final tenders.
- the Innovation Partnership Procedure all tenders except final tenders can be negotiated
- Competitive Dialogue allows limited negotiation with the preferred bidder to confirm financial commitments or other terms of the tender. This negotiation is permitted provided that it does not have the effect of materially modifying essential aspects of the tender.

In these circumstances advice must be sought from the Procurement Centre and Legal Services.

8.7.3 For procurement below PCR thresholds, guidance must be sought from the Procurement Centre about the circumstances in which negotiations are permissible and the procedure for the relevant contract procurement must be followed.

8.8 Tender Evaluation

8.8.1 All tenders must be evaluated by relevant skilled and experienced officers in accordance with the published evaluation criteria set out in the contract notice or the invitation to tender. Records of evaluators scores and comments must be retained.

8.9 Contract Award

8.9.1 A tender may be accepted as the winning tender by the appropriate Corporate Director using a form of acceptance letter approved by the Group Manager for Legal Services and the Group Manager for Procurement.

8.9.2 For contracts above the PCR thresholds, where applicable there will be a minimum standstill period of at least 10 clear calendar days between communicating the award decision to all tenderers and candidates, and contract conclusion. A 10-day standstill period is also required before awarding a contract after a stand-alone e-auction is closed or at the end of an e-auction run within a Dynamic Purchasing System.

8.9.3 All tenderers and candidates must be notified of the result of the procurement as soon as possible after the award decision.

The notification must contain:

- The award criteria;
- The reasons for the decision
- The tenderer's score;
- The winning tenderer's score
- The name of the winning tenderer

- A statement outlining the standstill period before the Council will enter into the contract or conclude the framework agreement

Further guidance is available from the Procurement Centre.

8.9.4 Successful tenderers must be informed that no work may start on site or goods, services or materials ordered until either

- An official order has been issued;

or

- A formal contract (and, where applicable, a completed bond) has been completed by all parties.

8.9.5 Within 48 days of awarding a contract, a Contract Award Notice, in the prescribed form, must be published on Find a Tender if above PCR Threshold. All Contract Award Notices must be published on Contracts Finder.

8.10 Contract Administration

8.10.1 Corporate Directors are responsible for ensuring that contracts are managed and monitored by suitably experienced officers with knowledge of the relevant contract terms and conditions.

8.10.2 All contracts must be performance managed by the commissioning department in accordance with best practice, the Corporate Contract Management Framework and any applicable performance management requirements including relevant Cabinet Member/Committee oversight. Any significant contract management concerns or issues should be reported to the Section 151 Officer, the Departmental Group Manager responsible for the contract and Legal Services and the relevant Procurement Category Manager.

8.10.3 Contractors may only be paid for matters which fall within the terms of the contract. Any claims for payment falling outside the terms of the contract must be referred to the Group Manager for Legal Services for consideration of the Council's legal liability as soon as possible. Where the Group Manager for Legal Services considers it necessary, these claims must also be referred to the Section 151 Officer for consideration before any settlement is reached.

8.10.4 Contractor claims for loss and expense arising from delays and disruption must be notified to the Group Manager for Legal Services where they are likely to exceed £100,000 or for any amount where there is a possibility of legal proceedings, including arbitration or alternative dispute resolution procedures provided by the contract.

8.10.5 Where there is provision in the contract for liquidated and/or ascertained damages, these rights must be enforced where contracts are not completed within the original contract period (plus any extensions of time granted in accordance with the contract) unless otherwise agreed in writing by the Section 151 Officer and the Group Manager for Legal Services.

8.11 Procurement and Ordering

- 8.11.1 Purchase Orders must be in the form approved by the Group Manager for Procurement and Group Manager for Legal Services.
- 8.11.2 Corporate Directors are responsible for the control of all official orders issued from their Department.
- 8.11.3 No work shall be carried out or goods, materials or services ordered or a consultant appointed unless there is adequate budget available. In cases of emergency, the consent of the Section 151 Officer should be sought in advance.
- 8.11.4 For all goods, services or works an official purchase order should be raised before they are received .

All orders should be raised via the Council's Business Management System (BMS) unless the use of Purchase Card, Petty Cash or Legacy system has been approved. Within BMS the limit for system approvals is as follows:

Estimated Value	Level of Approval Required
Under £200	No additional approval required
£200 to £100,000	Senior Practitioner or Team Manager
£200 to £200,000	Group Manager
£200 to £2 Million	Service Director
Unlimited	Corporate Director / Chief Executive

- 8.11.5 Purchase Card purchases must only be made by authorised officers. Purchase Card application forms are available on the intranet and must be approved by the Group Manager for Procurement.
- 8.11.6 Petty cash (Imprest Accounts) purchases must only be made by authorised officers and in accordance with the requirements set out under section 10.4.

8.12 Use of Consultants, Interim Managers and Specialist Contractors

CONSULTANTS, INTERIM MANAGERS AND SPECIALIST CONTRACTORS ARE TIME LIMITED OR AD HOC, AND DO NOT FORM PART OF 'BUSINESS AS USUAL' OPERATIONS. CONSULTANCY SHOULD BE DISTINGUISHED FROM OUTSOURCING AND STAFF SUBSTITUTION, WHICH ARE NOT REGARDED AS CONSULTANCY.

- 8.12.1 Consultants, interim managers, individuals as contractors or specialist advisors may be engaged provided that there is sufficient budget provision and an annual report is made to Cabinet Member on the use of this discretion. Approval may be by:

- approval from the appropriate Cabinet Member or Cabinet (E.g.as part of an approved capital programme or project); or
- if the estimated value of the contract is **below £50,000** prior approval must be obtained from the Corporate Director or
- if the estimated value of the contract is **over £50,000** or is extended beyond £50,000 (and for any subsequent extension) prior approval must be obtained from the Section 151 Officer.

All requests for approval must be submitted on the 'Request to procure a Consultant Form'.

- 8.12.2 Regardless of value, all consultants must be procured in accordance with the procurement procedures set out in section 8. A "Request to procure a Consultant Form" must be sent to the Procurement Centre for signature before the consultant undertakes any work.
- 8.12.3 When engaging individuals as consultants, contractors or specialist advisors, Corporate Directors must determine whether the nature of their employment is 'Employed' or 'Self Employed' as set out in the guidance note IR35 issued by HM Revenue and Customs. The Council has produced guidance and a form to help with this assessment. If a Consultant or Contractor is deemed to be 'Employed' the Corporate Director must arrange for them to be paid through the Council's payroll. HR advice should be sought.
- 8.12.4 The Corporate Director must ensure that any consultant, interim manager or specialist contractor appointed to manage a contract or procurement process on behalf of the Council be notified of and require compliance with:
- The Council's Financial Regulations; and
 - The Code of Conduct for Officers and
 - The Protocol for Involvement in Outside Bodies.
- 8.12.5 The use of other types of contingent labour, i.e. agency workers, should be dealt with under the existing provisions of the vacancy control process and in accordance with the contracted managed service arrangements.

9. PAYMENT FOR GOODS, SERVICES AND WORKS

- 9.1 Payment for goods, services and works relating to approved orders in BMS do not need further approval. See separate guidance on raising, approving and making variations to purchase orders in BMS on the Council's BMS webpages.
- 9.2 For BMS non-purchase order related payments before authorising an official purchase invoice, or any process that may lead to a payment, officers must:
- 9.2.1 ensure they are authorised to process the payment (see BMS limits for system approvals set out in paragraph 8.11.4);
- 9.2.2 satisfy themselves that the goods/services/works are a proper charge on the funds under their control.

- 9.2.3 satisfy themselves that the goods/services/works have been received, conform in all respects with the official order and are acceptable in every way.
- 9.2.4 ensure that amounts are correct and include all discounts due.
- 9.3 Where payment is made by Purchase Card, charge card or credit card, it may not be possible to comply with paragraph 9.2.3 above but officers must ensure compliance with paragraphs 9.2.1, 9.2.2, and 9.2.4 and with the guidance for the use of Purchase Cards (see separate guidance on use of Purchase Cards on the Council's BMS webpages).
- 9.4 The Council's normal method of payment of monies owed is by BACS, cheque or Purchase Card.
- 9.5 Direct Debits must not be set up on any of the Council's bank accounts, including imprest accounts, without the prior written approval of the Section 151 Officer.
- 9.6 Direct Debits must be cancelled promptly when the related goods or services are no longer being received. All Direct Debits must be reviewed annually to confirm they are still appropriate.
- 9.7 An officer initiating payment should ensure that the account has not previously been passed for payment and that it is coded to the correct accountancy code for which prior approval has been obtained from the budget holder.
- 9.8 The duties of ordering, receiving goods and certifying invoices for payment must not be performed by the same officer without prior agreement of the Section 151 Officer. Where alternative electronic procurement systems to BMS have been approved, these systems may allow single officers to do this, provided that they have suitable security protocols to the satisfaction of the Section 151 Officer.
- 9.9 VAT invoices must not be amended. A credit note or replacement invoice must be obtained from the supplier.
- 9.10 Invoices must not be made out by officers of the Council except in the case of recurring or other items, e.g. rent where no invoice is normally receivable, when a payment request form may be used. An officer must not add any additional item or items to an invoice received by the Council.
- 9.11 Contract Payments**
- 9.11.1 Where contracts provide for payment to be made by instalments, the appropriate Corporate Director must ensure that a record of the payments made is maintained on the project file. The record(s) must show the state of account on each contract between the Council and the contractor together with any other payments and the related professional fees.
- 9.11.2 Payments to contractors in instalments must be made only on provision of a certificate showing the total amount of contract, the value of the work executed to date, retention monies, the amount paid to date and the amount now certified. These certificates should be issued by the appropriate Corporate Director or by their authorised nominee.

- 9.11.3 The approved sum payable to the contractor is the tender sum as accepted under the procedure at paragraph 8.9 plus such additional sums due under the contract as have also been properly incurred and approved by the relevant budget holder.
- 9.11.4 As soon as it becomes apparent that the approved sum will be exceeded, a report must be presented to the Section 151 Officer, who may also require a report to be submitted to Cabinet/the appropriate Cabinet Member.
- 9.11.5 Where claims for payment are submitted for amounts which exceed the approved sum the Section 151 Officer only has authority to pay such claims where the amounts can be justified as being in the best interest of the Council, having regard to the procedures in paragraph 8.5.
- 9.11.6 In respect of variable price contracts, such as PFI or PPP contracts which have complex variation procedures, the appropriate Corporate Director must periodically review the cost and report to the Section 151 Officer if the approved budget over the life of the contract is likely to be exceeded. These reports must be made whenever significant increases are identified up to completion of the contract. .

10. INCOME, BANKING AND IMPREST ACCOUNTS (Known as Petty Cash)

10.1 Income and Receipts

- 10.1.1 The Council has nominated the Section 151 Officer as its anti-money-laundering officer. The Council's anti-money-laundering policy and guidance is available on the intranet. Corporate Directors must ensure compliance with this policy.
- 10.1.2 Cash payments of more than £1,000 must not be accepted for a single transaction without the written approval of the Section 151 Officer.
- 10.1.3 The following requirements apply to all income received:
- 10.1.3.1 all income must be recorded and accounted for immediately it is received. Where appropriate, an official receipt must be provided.
 - 10.1.3.2 the transfer of money from one employee to another must be properly recorded and acknowledged.
 - 10.1.3.3 income must be banked intact and not used to finance expenditure.
 - 10.1.3.4 encashment of personal cheques is forbidden.
 - 10.1.3.5 income must be held securely until suitable arrangements for banking it are made – see paragraphs 6.2 and 10.1.7.
- 10.1.4 Where income is received by cheque, it must be cross-referenced on the bank paying-in slip to the drawer, either by receipt number or name. In addition, the reverse of each cheque must show the department, office or establishment that paid the cheque into the bank.
- 10.1.5 For establishments with access to the BMS cash receipting system all income must be recorded by the end of the business day. The income must be recorded

before it is banked, and the total shown on the bank paying-in slip must equal the total value entered onto the system.

- 10.1.6 All monies received must be banked intact, and as promptly as possible and at least weekly.
- 10.1.7 Where there is a main collection e.g. school meals money, all monies must be banked, or lodged with the approved collector, on the day of the collection.
- 10.1.8 If an officer fails to comply with the above guidelines and a loss occurs, the Section 151 Officer may, where appropriate, seek restitution from the officer concerned in accordance with the Personnel Handbook, section D36.
- 10.1.9 Money received by officers which is held in trust (i.e. on behalf of someone else) but not being official Council money must be properly recorded in a form agreed by the Section 151 Officer.
- 10.1.10 All procedures to receive payments by credit card, direct debit, standing order, or other e-payment methods must be first approved by the Section 151 Officer.
- 10.1.11 Prior approval of the Section 151 Officer is required before procuring an e-payments on-line solution or electronic point of sale device. The Section 151 Officer will require details of the provider and PCI compliance certificate.

10.2 Accounts Receivable

- 10.2.1 The Council will seek to recover all debt owed to it in accordance with the approved payment terms. Corporate Directors must ensure all invoices comply with the Council's corporate invoicing standards and are raised within 10 working days of the goods and/or services being provided unless otherwise approved by the Section 151 Officer.
- 10.2.2 Sales invoices should not normally be raised to cover sums due to the Council of **LESS THAN £30**. Wherever possible small sums should be collected in advance.
- 10.2.3 Accounts for sums due to the Council at fixed intervals e.g. rents, wayleaves, etc., must be issued promptly in accordance with the Council's approved systems.

10.3 Write-Offs

- 10.3.1 Corporate Directors must seek approval from the Section 151 Officer for the write-off of any debt. Amounts **over £1,000** may be written-off by the Section 151 Officer after consultation with the Group Manager for Legal Services.
- 10.3.2 A summary of all write-offs must be included in the financial monitoring report to Cabinet.
- 10.3.3 Where a sales invoice requires cancellation, a credit note must be raised complete with a cross-reference to the original sales invoice. The credit note must be authorised by the relevant budget holder.

10.4 Imprest Accounts (known as Petty Cash)

- 10.4.1 Corporate Directors must operate imprest accounts in accordance with the guidance provided and arrangements between their department and the Section 151 Officer.
- 10.4.2 The Section 151 Officer will control the opening and closing of imprest accounts in line with overall banking arrangements at the request of the appropriate Corporate Director.
- 10.4.3 The Section 151 Officer will determine the appropriate level of the imprest, based on the average monthly level of petty cash expenditure in the establishment concerned.
- 10.4.4 The nominated imprest holder must ensure that all transactions are recorded promptly and that monthly statements are submitted to the Section 151 Officer.
- 10.4.5 The nominated imprest holder must ensure that the imprest account is not overdrawn.
- 10.4.6 Income received on behalf of the Council must not be paid into an imprest account.
- 10.4.7 Payments from an imprest account should normally be limited to minor or urgent items of expenditure, or payments via charge cards. Each payment must be supported by a receipt which should be appended to the subsequent reimbursement claim.
- 10.4.8 All imprest accounts are subject to Council audit. The nominated officer in charge of the account will be required to give the Section 151 Officer a certificate as to the state of the imprest account on request.
- 10.4.9 Where a nominated officer responsible for an imprest account leaves the Council, the Corporate Director concerned must notify the Section 151 Officer as soon as possible that the officer is no longer responsible for that account and notify an alternative nominated officer.

10.5 Banking

- 10.5.1 The Section 151 Officer must operate banking accounts in accordance with the bank contract approved by the Cabinet Member for Finance. All bank accounts must have a title which incorporates the Council's name and in no circumstances should a bank account be opened or operated in the name of an individual.
- 10.5.2 All payments to and from Council bank accounts must be made under the direction of the Section 151 Officer.
- 10.5.3 All cheques drawn on the Council's main bank accounts must bear the printed signature of the Section 151 Officer. Where required by the Council's bank mandate, cheques must also be countersigned by a second officer who is authorised to do so by the Section 151 Officer. The Section 151 Officer must ensure a register of authorised cheque signatories is maintained.

- 10.5.4 All payments by CHAPS must be authorised by a senior officer nominated by the Section 151 Officer. Request for CHAPS payments and guidance on such payments is obtained from the Group Manager – Financial Strategy & Compliance.

11. RISK MANAGEMENT AND INSURANCE

- 11.1 The Council's approach to risk management is detailed in its Risk Management Strategy and the Corporate Risk Register contains the key risks facing the Council and how these risks will be managed. Corporate Directors are responsible for ensuring that risk management is applied appropriately within their Department and for notifying the holder of the Corporate Risk Register of all appropriate risks in accordance with the Risk Management Strategy.
- 11.2 The Section 151 Officer is responsible for arranging all necessary insurance cover and for reviewing the adequacy of this cover regularly, in consultation with Corporate Directors. The Section 151 Officer will also keep Corporate Directors informed of claims experience.
- 11.3 Corporate Directors are responsible for notifying the Section 151 Officer of all material changes in insurance risks and must submit insurance claims in accordance with the arrangements made by the Section 151 Officer.
- 11.4 In the event of buildings, contents, motor vehicles etc. being lost, stolen or damaged, contact must be made with the Risk and Insurance Section on the same day, or if the incident is outside of office hours, immediately on the following day.
- 11.5 Where there is death or serious injury to an employee or other person arising from County Council operations (including the use of vehicles), the Risk and Insurance Section must be contacted as soon as possible for appropriate insurance advice.
- 11.6 Liability must not be admitted in connection with accidents involving a third party other than with the authority of the Risk and Insurance Section.
- 11.7 The Risk and Insurance Team Manager may negotiate and agree settlements on any insured loss / claim up to the individual policy excess. Above this limit, the Risk and Insurance Team Manager must consult the Section 151 Officer and agree settlements as appropriate, in consultation with the Council's insurers and loss adjusters. Reports related to significant claims settled will be submitted to the Cabinet Member for Finance.
- 11.8 Where costs are incurred by the Council's insurance fund in the settlement of civil claims, decisions to pursue their recovery from third parties are taken by the Section 151 Officer, in consultation with the Risk & Insurance Team Manager and key stakeholders.

12. WORK FOR EXTERNAL BODIES (INCLUDING PARTNERSHIP WORKING)

12.1 General Requirements

- 12.1.1 The Council has the power under the Local Authorities (Goods and Services) Act 1970 to undertake and tender for the work of other public bodies. Other powers introduced in the Local Government Act 2003 and the Localism Act 2011 enable the Council to:

- 12.1.1.1 charge for discretionary services subject to certain rules; and

- 12.1.1.2 trade for a profit provided that a separate company is set up.
- 12.1.2 In all cases where a Department wishes to explore the possibility of working for, or trading with, external bodies, Corporate Directors must consult with the Group Manager for Legal Services and the Section 151 Officer. This applies to new types of sold service or working for bodies not previously subject to consultation.
- 12.1.3 Where work is carried out for external bodies, officers must seek guidance from the Procurement Centre and Legal Services
- 12.1.4 Before entering into any contract or agreement to work for, or trade with, external bodies, Corporate Directors must present a report to, and obtain prior approval from the relevant Cabinet Member, including consideration of a business case where trading for a profit is proposed. See paragraph 12.3.2 below. This applies to new types of sold service or working for bodies not previously subject to a report.
- 12.1.5 All new contracts to supply services under the legislation listed in this section must be approved by the Group Manager for Legal Services and Section 151 Officer.

12.2 Charging for Discretionary Services

- 12.2.1 The Council is able to charge for services which it has the power to provide, but is not obliged to provide to the public, i.e. discretionary services.
- 12.2.2 The Council is under a duty to ensure that, taking one year with another, the charges made do not exceed the cost of providing the services. Charges can be set so that different people are charged different amounts or are not charged for the service at all.
- 12.2.3 The person receiving the service must have agreed to receive the service and pay for it.
- 12.2.4 The power does not override any other legislation which expressly prohibits the Council from charging for a discretionary service.
- 12.2.5 Where charges are made for discretionary services arrangements should be put in place, and fully documented in a form approved by Legal Services, to provide the recipient of the service with:
- 12.2.5.1 the terms and conditions for the provision of the service.
 - 12.2.5.2 information about charges, including discounts and annual increases.
 - 12.2.5.3 billing and payment arrangements.
- 12.2.6 Careful consideration must also be given by the relevant department to the following issues:
- 12.2.6.1 the risks to the Council as a whole of engaging in such activity.
 - 12.2.6.2 the need to ensure appropriate skill and expertise is in place before offering to undertake work.

- 12.2.6.3 the need to ensure that the proposals are properly costed before agreeing to supply the goods, works or services.
- 12.2.6.4 the type of warranties and/or indemnities that may be required from the Council regarding the quality of work/service provided (this is especially likely when tendering for work for other bodies).
- 12.2.6.5 the provision of adequate insurance arrangements to cover the Council for any liability in negligence or contract for the work undertaken.
- 12.2.6.6 due consideration being given to the impact of such arrangements on the Council's core duties, functions and obligations to prevent any adverse impact on them.
- 12.2.6.7 ensuring that the Council is not at risk from bad debts and to seek, where possible, advance payment.
- 12.2.6.8 ensuring that no contracts for external bodies are subsidised by the Council from public funds.
- 12.2.6.9 Any other considerations relevant to the particular activity.

12.3 The power to trade

- 12.3.1 This power allows the Council to trade for a commercial purpose (i.e. for profit) through a company.
- 12.3.2 All work for, or trade with, external bodies for profit must be conducted through a separate incorporated company which has been formally set up for the purpose. It should be noted that when the company has been established it will be a separate legal entity from the Council.
- 12.3.3 Where it is intended to trade for profit, Corporate Directors must prepare a sound business case for the proposed activity, based on a genuine risk-based approach. The business case must be a robust commercial assessment which explains why trading through a company is desirable and will provide best value for the Council.
- 12.3.4 Consideration within the business case will be required for each of the matters listed in paragraph 12.2.5 and 12.2.6 above plus such issues as:
 - 12.3.4.1 the need to transfer staff and consideration of the Transfer of Undertakings (Protection of Employment) regulations (TUPE);
 - 12.3.4.2 the impact on the trading activities of the service, as it may no longer be possible for the Council to award work directly to the company, instead it may have to bid for it via a competitive tender process.
 - 12.3.4.3 pensions implications.
 - 12.3.4.4 premises requirements.
 - 12.3.4.5 taxation implications.

- 12.3.5 The approval of Cabinet will need to be sought to exercise a power to trade and to set up the company.

12.4 Pricing, Charging and Accounting Issues

- 12.4.1 As a general principle, the charge for any work performed for an external organisation should cover the estimated full cost of undertaking the work. The full cost would include the direct cost of undertaking the work (e.g. based on the number of days of staff time the work is likely to take, any associated travelling expenses, printing costs etc.) and a contribution towards overheads (e.g. office expenses, management overheads, accommodation costs etc.). Any deviation from this principle must be approved by the Section 151 Officer.
- 12.4.2 Charging, accounting and monitoring arrangements should be as follows:
- 12.4.2.1 income should be collected in accordance with these regulations.
 - 12.4.2.2 invoices should be rendered promptly and normally within one month of supply or in accordance with the contractual arrangements.
 - 12.4.2.3 the income arising from the performance of work for external organisations must be identified separately within the relevant service's accounts and it should be possible to determine associated direct expenditure.
 - 12.4.2.4 appropriate arrangements should be devised to monitor resource inputs, e.g. if the contract price is based on person-days, the number of person-days actually taken should be monitored;
 - 12.4.2.5 for External Audit requirements it is important to be able to identify work carried out for external organisations separately in the Council's accounts. Further guidance on accounting and monitoring should be sought from the relevant Senior Finance Business Partner.
- 12.4.3 Corporate Directors must produce an annual report on the work carried out for external organisations for the relevant Cabinet Member.

13. INVESTMENT AND BORROWING

- 13.1 The Section 151 Officer is responsible for arranging the investment of Council funds and the Pension Fund in accordance with approved Council policies.
- 13.2 Each year Full Council will approve the Treasury Management Strategy and Policy.
- 13.3 The Section 151 Officer is responsible for arranging the borrowing and lending of money on the best available terms taking into account:
- 13.3.1 present and anticipated economic conditions.
 - 13.3.2 projected flow of funds, and;
 - 13.3.3 the approved Treasury Management Strategy and Policy.

- 13.4 The Council has accepted the CIPFA Prudential Code for Capital Finance, and the Code of Treasury Management. The Section 151 Officer must report any significant variations to the Prudential Indicators, with any necessary explanations to the Cabinet Member for Finance and to Cabinet where appropriate as soon as practical.

14. LEGAL CLAIMS AND SETTLEMENTS

14.1 Corporate Directors must

- 14.1.1 Refer all potential legal claims for recovery of sundry debt collection matters to the corporate team responsible for debt recovery.
- 14.1.2 Refer all potential or actual legal claims in relation to insured losses to the Risk and Insurance team.
- 14.1.3 Seek advice from Legal Services on all other matters where the Council might have a legal claim against a third party and where there is likelihood that the Council will be sued by an outside body or individual or where legal proceedings are threatened or commenced. In addition, Corporate Directors must inform the Section 151 Officer where the Council's finances might be affected and must cooperate with and provide all information requested by Legal Services.

- 14.2 Corporate Directors, in consultation with the Group Manager for Legal Services, the head of the corporate team responsible for debt recovery or the Risk and Insurance Team Manager as appropriate, have the power to settle such claims in order to avoid litigation and/or to achieve best value for the Council subject to the provisions in relation to write-offs set out in paragraph 10.3.1 and the provisions in relation to insured losses set out in paragraph 11.7.

15. PROTECTING PUBLIC FUNDS AND ASSETS

- 15.1 The Council has a responsibility to protect its public funds and assets and has developed a Counter Fraud and Counter Corruption Policy/Strategy together with a Fraud Response Plan to protect public funds and assets. These can be found on the Council's website.

16. AUDIT

- 16.1 The Section 151 Officer is responsible for arranging the continuous independent internal audit of the Council. The role of the Internal Audit Service is set out in the Internal Audit Charter in compliance with the Public Sector Internal Audit Standards and the Accounts and Audit Regulations.
- 16.2 Internal Audit focuses on the Council's corporate governance, risk management and control environment and independently appraises the internal controls present in financial and other systems. The arrangements made by Corporate Directors for secure, economic, efficient and effective use of resources are also reviewed. Internal Audit reports are produced containing recommendations which must be responded to formally in writing. The results of Internal Audit work contribute to the Council's Annual Governance Statement.
- 16.3 Internal Audit staff have the right of access to such records, assets, premises and personnel, and are entitled to receive such information and explanation, as they think necessary for the proper fulfilment of their duties.
- 16.4 If an irregularity occurs or is suspected, which may involve financial loss it must be reported in accordance with the Fraud Response Plan.

- 16.5 The Internal Audit Service reports on relevant audit issues on a regular basis to the Council's Governance and Ethics Committee. Frequent liaison also occurs between Internal Audit and the Council's external auditors who rely upon the work of Internal Audit when forming their opinion on the Council's key financial and other systems.

17. LAND AND BUILDINGS

17.1 Introduction

- 17.1.1 The Cabinet Member for Economic Development and Asset Management is responsible for all property related functions including the acquisition and disposal of land and buildings.
- 17.1.2 The Service Director for Property must maintain a record of all land and buildings owned or occupied by the Council and shall publish prescribed details as required by regulation.
- 17.1.3 Details of all land and buildings transactions must be notified promptly to the Section 151 Officer in order that the transactions may be properly recorded in the financial records.

17.2 General

- 17.2.1 Councillors and officers who have any pecuniary or other private interest in any property transaction relating to any Council land or buildings must ensure that they comply with the appropriate codes of conduct and shall not be supplied with or given access to any tender documents, contracts or other information without the authority of their line manager and the Group Manager for Procurement. Legal Services can provide advice as needed.
- 17.2.2 The Service Director for Property will report periodically to the Cabinet Member for Economic Development and Asset Management on all operational property transactions, summarising key transactional information, including how value for money was achieved.
- 17.2.3 The Cabinet Member for Economic Development and Asset Management shall on an annual basis agree with the Service Director for Property the operational decision-making boundaries for officers for all property transactions.

17.3 Acquisition

- 17.3.1 Funding for the acquisitions of land or buildings (including entering into leases of property) is dealt with under the rules governing capital expenditure and other major projects (see section 4).
- 17.3.2 The purchase price should be confirmed by a valuation.
- 17.3.3 The Section 151 Officer should be consulted if the purchase price increases above the valuation or budget envelope.

17.4 Disposal (including granting rights and interests)

- 17.4.1 The Council is under a statutory obligation when disposing of land or buildings to obtain the best price reasonable obtainable on the open market. Therefore,

consideration must be maximised including, where appropriate, sharing in any increase in value of the land arising from future development (“overage provision”). Value for money is demonstrated by reference to the most current market valuation for the asset being disposed.

- 17.4.2 When selling land the effect on the value and use of the Council’s retained land must be considered and appropriate value must be obtained.
- 17.4.3 When granting rights or interests in land the effect on the value and use of the Council’s retained land must be considered and appropriate value must be obtained.
- 17.4.4 Subject to Secretary of State approval, the approval of the Cabinet Member for Economic Development and Asset Management is required in all cases where the disposal or granting of an interest in land does not meet the current market value (a disposal at an undervalue).

17.5 Methods of Disposal

17.5.1 Disposals must be by one of the methods outlined below:

- 17.5.1.1 Formal Tender
- 17.5.1.2 Informal Tender
- 17.5.1.3 Public Auction
- 17.5.1.4 Private Treaty Disposal to One Party

The process to follow for each of these methods is set out in the Property Strategy.

17.5.2 Collaboration Agreements

- 17.5.2.1 Where the Council is considering entering into a collaborative partnership which may ultimately result in the disposal of land advice must be sought from the Group Manager for Legal Services and the Section 151 Officer prior to entering into detailed negotiations.
- 17.5.2.2 Approval must be sought from Cabinet Member for Economic Development and Asset Management before entering into a collaborative partnership or land development agreement.

17.6 Completion of Sale

- 17.6.1 Once a sale has been agreed a reasonable period (not exceeding six months) will be allowed for completion of the transaction (or exchange of conditional contracts), except where a longer period is agreed at the time the transaction is approved.
- 17.6.2 If completion has not taken place by the end of the agreed period, the Service Director for Property will undertake a fresh valuation of the asset/interest being disposed of and if the value has increased shall report to the appropriate decision maker and the Section 151 Officer recommending that either further negotiations take place or that sale proceedings be started afresh.

17.7 Cancellation

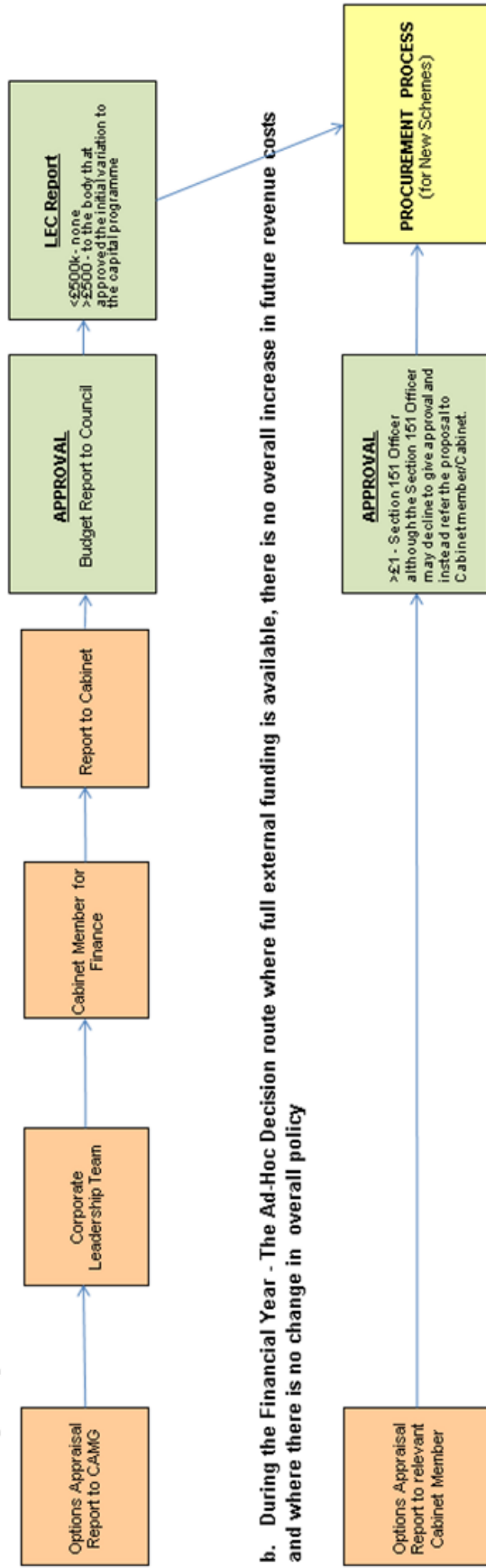
- 17.7.1 Every contract for the disposal of land or property must include a clause to allow the Council to cancel the contract and to recover from the purchaser the amount of any loss resulting from the cancellation if there is evidence of bribery, fraud, contravention of the Bribery Act 2010, or other misfeasance.

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4.2.1 DECISION TREE - HOW TO GET A SCHEME INTO THE CAPITAL PROGRAMME

All capital expenditure requires approval by the relevant approval body. All County Council projects requiring County Council funds should be appraised and prioritised by the Corporate Asset Management Group (CAMG). Proposed expenditure on land acquisitions and capital contributions may be exempted from the CAMG process if determined by the Section 151 Officer.

a. At the beginning of a Financial Year - The Annual Review Process



b. During the Financial Year - The Ad-Hoc Decision route where full external funding is available, there is no overall increase in future revenue costs and where there is no change in overall policy



c. During the Financial Year - The Ad-Hoc Decision route where County Council funding is required



Glossary

BMS	The Council's SAP Business Management System.
CHAPS	Clearing House Automated Payment System – bank-to-bank payment system that provides irrevocable, settlement risk-free, and efficient payments.
CIPFA	Chartered Institute of Public Finance and Accountancy
Corporate Asset Management Group (CAMG)	A group of senior officers tasked with ensuring that the County Council has a clear and cohesive strategy for managing its physical assets (including property, highway assets, IT assets and vehicles) and to oversee the development and delivery of the County Council's Capital Programme in support of that strategy
Corporate Risk Register	<p>The Council has a procedure for managing corporate risks. The procedure is intended to identify, record, and communicate risks in terms of their comparative importance to the Council. The risk register helps the Council to:</p> <ul style="list-style-type: none"> • understand the nature of the risks it faces. • be aware of the extent of those risks. • identify the level of risk that that it is willing to accept. <p>recognize its ability to control and reduce risk.</p>
General Contingency	A centrally held budget provided to cover redundancy costs, delays in efficiency savings, changes in legislation and other eventualities
MTFS	Medium Term Financial Strategy
PCI	Payment Card Industry
Prudential Indicators for Capital Finance	The Prudential Code for Capital Finance, developed by the Chartered

	Institute of Public Finance & Accountancy (CIPFA), sets out a number of prudential indicators that indicate how capital expenditure will be financed by borrowing in an affordable, prudent and sustainable way
Section 151 Officer	Chief Finance Officer as set out in the Local Government Finance Act 1972
Treasury Management Strategy & Policy (TMS&P)	Approved annually by Full Council these documents are prepared in accordance with relevant regulations, guidance and codes of practice to support the Council's MTFS

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Meeting	Number of Councillors	Other appointees	Approx. frequency of meetings
Cabinet	10		Approx. 10 meetings a year
Overview Committee	11		Min. 6 meetings a year
Adult Social Care and Public Health Select Committee	11		Min. 4 meetings a year
Children and Young People's Select Committee	11	4 Statutory co-optees	Min. 4 meetings a year
Place Select Committee	11		Min. 4 meetings a year
Health Scrutiny Committee	11		Min. 4 meetings a year
Governance and Ethics Committee	11		6 weekly
Governance and Ethics Sub-Committee	5		As required
Nottinghamshire Pension Fund Committee	11	10 non-voting co-optees	6 weekly
Planning and Rights of Way Committee	13		6 weekly
Health and Wellbeing Board*	5	Plus other members**	6 weekly
Local Joint Resolutions Committee	6		As required
Senior Staffing Committee	5		As required
Greater Nottingham Light Rapid Transit Advisory Committee***	5	5 City Council Members	4 meetings a year
Joint Committee on Strategic Planning and Transport***	4	4 City Council Members	4 meetings a year

* In accordance with the decision of the Health and Wellbeing Board, every other meeting will be a non-public workshop

** Other members as follows: 7 District/Borough Councillors, 6 NHS CCG representatives, 1 Healthwatch, 1 NHS England, the Police and Crime Commissioner, Corporate Direct Adult Social Care and Health, Corporate Director Children and Families and Director of Public Health

*** A joint committee between Nottinghamshire County Council and Nottingham City Council

