

## 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](http://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. <b>Note:</b> 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

- i. 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.