

Report of the Interim Strategic Director

**NOTTINGHAMSHIRE ECONOMIC PROSPERITY COMMITTEE –
CHANGES TO THE TERMS OF REFERENCE**1. Purpose of report

To consider amendments to the Nottinghamshire Economic Prosperity Committee (the Economic Prosperity Committee or EPC) terms of reference (TOR). The EPC TOR state that the TOR 'can only be amended by resolution of each of the constituent authorities'.

2. Background

At its meeting on 7 January 2014 Cabinet agreed to the establishment of a joint committee of local authorities in the City of Nottingham and Nottinghamshire to drive future investment in growth and jobs within their areas.

3. Detail

Senior officers from Nottinghamshire County, Nottingham City, Ashfield District and Rushcliffe Borough Councils met in August 2018 to discuss the future of the EPC, which last met in March 2018. The officers recognised that the TOR needed to be updated to adapt to changes in the economic and political environment over the past four years and suggested changes to the TOR. The changes are included in appendix 1 and the full TOR are included in appendix 2.

The amendments were designed to reflect changes in the operating environment (such as the Midlands Engine and the EU Referendum) since the EPC was established. The main substantive addition would enable discussion at future EPC meetings of issues that cut across local authority boundaries and to agree to align activity where this would benefit the local authorities and local citizens.

Recommendation

Council is asked to RESOLVE that:

- 1. The amended terms of reference for the EPC be approved.**
- 2. The Council's Constitution be amended accordingly.**

Background papers

Nil

APPENDIX 1

1. Purpose

The purpose of the EPC is currently:

'To bring together local authority partners in Nottingham and Nottinghamshire in a robust, formally constituted arrangement which will drive future investment in growth and jobs in the City and County.'

It is proposed that this should be revised to:

'To bring together local authorities in Nottingham and Nottinghamshire to agree and promote the key aspects of economic prosperity across the area, with a specific focus on shared priorities and securing investment.'

2. Remit

The remit of the EPC is currently:

- a) *to act as a local public sector decision making body for strategic economic development, and to make recommendations to the D2N2 LEP on its investment and other priorities;*
- b) *to prioritise, commission and monitor both investment plans and all European Structural Investment Funds (SIF), and Single Local Growth Fund money that is available to Nottingham and Nottinghamshire via the D2N2 LEP and the EPC;*
- c) *to oversee the alignment of relevant local authority plans and ensure that they contribute to economic growth;*
- d) *to actively engage with a range of businesses in Nottingham and Nottinghamshire in relation to the EPC's decision making, and to engage with other stakeholders where appropriate;*
- e) *to consider and advise on the appropriateness and viability of alternative, successor economic governance arrangements;*
- f) *to ensure that potential benefits stemming from any overlaps with other LEPs are fully maximised.*

It is proposed that this should be changed to:

- a) *to act as the local public sector decision making body for strategic economic growth;*
- b) *to act as a conduit to other sub-regional and regional bodies such as the D2N2 Local Enterprise Partnership and the Midlands Engine;*
- c) *to oversee the alignment of relevant local authority plans for economic prosperity;*
- d) *to agree shared priorities and bids for funding to existing and new funding sources such as Local Growth Funds, European Funds (until the end of the Brexit transition period) and the Shared Prosperity Fund (at the end of the Brexit transition period);*
- e) *to monitor and evaluate projects and programmes of activity commissioned directly by the EPC;*
- f) *to agree, monitor and evaluate spending priorities for the Nottinghamshire Business Rates Pool. (Only those constituent authorities that are members of the Pool would participate in this);*

- g) *to communicate and, where unanimously agreed, to align activity across Nottingham and Nottinghamshire on a range of other key public priorities that affect citizens.*

The City of Nottingham and Nottinghamshire Economic Prosperity Committee

CONSTITUTION 2018- 2020

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1. **Purpose**

- 1.1 To bring together local authorities in Nottingham and Nottinghamshire to agree and promote the key aspects of economic prosperity across the area, with a specific focus on shared priorities and securing investment.

2. **Governance**

- 2.1 The Economic Prosperity Committee (“EPC”) will act as a Joint Committee under Section 9EB of the Local Government Act 2000 and pursuant to Regulation 11 of the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.
- 2.2 The EPC will comprise the local authorities within the Nottinghamshire area: Ashfield District Council, Bassetlaw District Council, Broxtowe Borough Council, Gedling Borough Council, Mansfield District Council, Newark and Sherwood District Council, Nottingham City Council, Nottinghamshire County Council and Rushcliffe Borough Council (“constituent authorities”).
- 2.3 Political Proportionality rules will not apply to the EPC as so constituted.
- 2.4 The EPC will be a legally constituted body with powers delegated to it by the constituent authorities in the following areas:

- 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.

The EPC will not hold funds or monies on behalf of the constituent authorities.

- 2.5 The EPC's work plan and the outcome of any wider review into alternative governance may require a change in the delegated powers and terms of reference of the EPC and any such change would require the approval of all the constituent authorities.
- 2.6 These terms of reference should be reviewed two years after their adoption or after any amendments.

3. Remit

3.1 The remit of the EPC will be:

- a) to act as a local public sector decision making body for strategic economic growth;
- b) to act as a conduit to other sub-regional and regional bodies such as the D2N2 Local Enterprise Partnership and the Midlands Engine;
- c) to oversee the alignment of relevant local authority plans for economic prosperity;
- d) where appropriate, to agree shared priorities and bids for funding to existing and new funding sources such as Local Growth Funds, European Funds (until the end of the Brexit transition period) and the Shared Prosperity Fund (at the end of the Brexit transition period);
- e) to monitor and evaluate projects and programmes of activity commissioned directly by the EPC;
- f) to agree, monitor and evaluate spending priorities for the Nottinghamshire Business Rates Pool. (Only those constituent authorities that are members of the Pool would participate in this);
- g) to communicate and, where unanimously agreed, to align activity across Nottingham and Nottinghamshire on a range of other key public priorities that affect citizens.

4. Membership

- 4.1 One member from each constituent authority (such member to be the Leader/Elected Mayor or other executive member or committee chair from each constituent authority) and for the purposes of these terms of reference this member will be known as the principal member.
- 4.2 Each constituent authority to have a named substitute member who must be an executive member where the authority operates executive governance

arrangements. In those constituent authorities where governance is by committee, that alternate member shall be as per that authority's rules of substitution. All constituent authorities must provide no less than twenty four hours' notice to either the Chair or the Secretary where a substitute member will be attending in place of the principal member. Regardless of any such notification, where both the principal member and the substitute member attends a meeting of the EPC the principal member shall be deemed as representing their authority by the Chair or Vice Chair.

- 4.3 In the event of any voting member of the EPC ceasing to be a member of the constituent authority which appointed him/her, the relevant constituent authority shall as soon as reasonably practicable appoint another voting member in their place.
- 4.4 Where a member of the EPC ceases to be a Leader / Elected Mayor of the constituent authority which appointed him/her or ceases to be a member of the Executive or Committee Chair of the constituent authority which appointed him/her, he/she shall also cease to be a member of the EPC and the relevant constituent authority shall as soon as reasonably practicable appoint another voting member in their place.
- 4.5 Each constituent authority may remove its principal member or substitute member and appoint a different member or substitute as per that authority's rules of substitution, and by providing twenty-four hours' notice to the Chair or the Secretary. Co-options onto the Committee are not permitted.
- 4.6 Each constituent authority may individually terminate its membership of the EPC by providing twelve months written notice of its intent to leave the EPC to the Chair or the Secretary. At the end of these twelve months, but not before, the authority will be deemed to no longer be a member of the EPC.
- 4.7 Where an authority has previously terminated its membership of the EPC it may rejoin the EPC with immediate effect on the same terms as existed prior to its departure, where the EPC agrees to that authority rejoining via a majority vote.

5. **Quorum**

- 5.1 The quorum shall be 5 members. No business will be transacted at a meeting unless a quorum exists at the beginning of a meeting. If at the beginning of any meeting, the Chair or Secretary after counting the members present declares that a quorum is not present, the meeting shall stand adjourned.

6. **Chair and Vice Chair**

- 6.1 The Chair of the EPC will rotate annually between the principal member of the City of Nottingham and the principal member of Nottinghamshire County Council. The position of Vice Chair shall be filled by the principal member of one of the district/borough council members of the EPC and this role will rotate annually between district/borough councils. The Chair or in their absence the Vice Chair or in their absence the member of the EPC elected for this purpose, shall preside at any meeting of the EPC.

6.2 Appointments will be made in May of each year.

6.3 Where, at any meeting or part of a meeting of the EPC both the Chair and Vice Chair are either absent or unable to act as Chair or Vice Chair, the EPC shall elect one of the members of the EPC present at the meeting to preside for the balance of that meeting or part of the meeting, as appropriate. For the avoidance of doubt, the role of Chair and Vice Chair vests in the principal member concerned and in their absence the role of Chair or Vice Chair will not automatically fall to the relevant constituent authority's substitute member.

7. Voting

7.1 One member, one vote for each constituent authority.

7.2 All questions shall be decided by a majority of the votes of the members present, the Chair having the casting vote in addition to their vote as a member of the Committee. Voting at meetings shall be by show of hands.

7.3 On the requisition of any two Members, made before the vote is taken, the voting on any matter shall be recorded by the Secretary so as to show how each Member voted and there shall also be recorded the name of any Member present who abstained from voting.

8. Sub-Committees and Advisory Groups

8.1 The EPC may appoint sub-committees from its membership as required to enable it to execute its responsibilities effectively and may delegate tasks and powers to the sub-committee as it sees fit.

8.2 The EPC may set up advisory groups as required to enable it to execute its responsibilities effectively and may delegate tasks as it sees fit to these bodies, which may be formed of officers or members of the constituent authorities or such third parties as the EPC considers appropriate.

9. Hosting and Administration

9.1 The EPC will be hosted by the same authority as the Chair. The Director of Legal and Democratic Services from that authority shall be Secretary to the Committee ("the Secretary"). The Host Authority will also provide s151 and Monitoring Officer roles and legal advice to the EPC. The administrative costs of supporting the committee will be met equally by the constituent authorities, with each authority being responsible for receiving and paying any travel or subsistence claims from its own members.

9.2 The functions of the Secretary shall be:

- a) to maintain a record of membership of the EPC and any sub-committees or advisory groups appointed;
- b) to publish and notify the proper officers of each constituent authority of any anticipated "key decisions" to be taken by the EPC to enable the

- requirements as to formal notice of key decisions as given under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to be met;
- c) to carry out such notification to and consultation with members of any appointing constituent authority as may be necessary to enable the EPC to take urgent “key decisions” in accordance with the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012;
 - d) to summon meetings of the EPC or any sub-committees or advisory groups;
 - e) to prepare and send out the agenda for meetings of the EPC or any sub-committees or advisory groups; in consultation with the Chair and the Vice Chair of the Committee (or sub-committee/ advisory group);
 - f) to keep a record of the proceedings of the EPC or any sub-committees or advisory groups, including those in attendance, declarations of interests, and to publish the minutes;
 - g) to take such administrative action as may be necessary to give effect to decisions of the EPC or any sub-committees or advisory groups;
 - h) to perform such other functions as may be determined by the EPC from time to time.

10. Meetings

10.1 The EPC will meet no less than quarterly and meetings will be aligned where necessary with deadlines for decisions on resources and investment plans.

10.2 Meetings will be held at such times, dates and places as may be notified to the members of the EPC by the Secretary, being such time, place and location as the EPC shall from time to time resolve. Meeting papers will be circulated five clear working days in advance of any meeting. The Chair may choose to accept or reject urgent items that are tabled at any meeting.

10.3 Additional ad hoc meetings may be called by the Secretary, in consultation, where practicable, with the Chair and Vice Chair of the Committee, in response to receipt of a request in writing, which request sets out an urgent item of business within the functions of the EPC, addressed to the Secretary:

- (a) from and signed by two members of the EPC, or
- (b) from the Chief Executive of any of the constituent authorities.

10.4 Urgent, virtual meetings facilitated via teleconference, video conferencing or other remote working methodologies may be called by the Secretary, in consultation, where practicable, with the Chair and Vice Chair of the EPC, in response to receipt of a request in writing, which request sets out an urgent item of business within the functions of the EPC, addressed to the Secretary:

- (a) from and signed by two members of the EPC; or
- (b) from the Chief Executive of any of the constituent authorities.

Any such virtual meeting must comply with the access to information provisions and enable public access to proceedings.

- 10.5 The Secretary shall settle the agenda for any meeting of the EPC after consulting, where practicable, the Chair or in their absence the Vice Chair; and shall incorporate in the agenda any items of business and any reports submitted by:
- (a) the Chief Executive of any of the constituent authorities;
 - (b) the Chief Finance Officer to any of the constituent authorities;
 - (c) the Monitoring Officer to any of the constituent authorities;
 - (d) the officer responsible for economic development at any of the constituent authorities; or
 - (e) any two Members of the EPC.
- 10.6 The EPC shall, unless the person presiding at the meeting or the EPC determines otherwise in respect of that meeting, conduct its business in accordance with the procedure rules set out in paragraph 13 below.

11. Access to Information

- 11.1 Meetings of the EPC will be held in public except where confidential or exempt information, as defined in the Local Government Act 1972, is being discussed.
- 11.2 These rules do not affect any more specific rights to information contained elsewhere under the law.
- 11.3 The Secretary will ensure that the relevant legislation relating to access to information is complied with. Each constituent authority is to co-operate with the Secretary in fulfilling any requirements.
- 11.4 Any Freedom of Information or Subject Access Requests received by the EPC should be directed to the relevant constituent authority(s) for that authority to deal with in the usual way, taking account of the relevant legislation. Where the request relates to information held by two or more constituent authorities, they will liaise with each other before replying to the request.

12. Attendance at meetings

- 12.1 The Chair may invite any person, whether a member or officer of one of the constituent authorities or a third party, to attend the meeting and speak on any matter before the EPC.
- 12.2 Third parties may be invited to attend the EPC on a standing basis following a unanimous vote of those present and voting.
- 12.3 Where agenda items require independent experts or speakers, the Officer or authority proposing the agenda item should indicate this to the Secretary and provide the Secretary with details of who is required to attend and in what capacity. The participation of independent experts or speakers in EPC meetings will be subject to the discretion of the Chair.

13. Procedure Rules

13.1 Attendance

13.1.1 At every meeting, it shall be the responsibility of each member to enter their name on an attendance record provided by the Secretary from which attendance at the meeting will be recorded.

13.2 Order of Business

13.2.1 Subject to paragraph 13.2.2, the order of business at each meeting of the EPC will be:

- i. Apologies for absence
- ii. Declarations of interests
- iii. Approve as a correct record and sign the minutes of the last meeting
- iv. Matters set out in the agenda for the meeting which will clearly indicate which are key decisions and which are not
- v. Matters on the agenda for the meeting which, in the opinion of the Secretary are likely to be considered in the absence of the press and public

13.2.2 The person presiding at the meeting may vary the order of business at the meeting.

13.3 Disclosable Pecuniary Interests

13.3.1 If a Member is aware that he/she has a disclosable pecuniary interest in any matter to be considered at the meeting, the Member must withdraw from the room where the meeting considering the business is being held:

- (a) in the case where paragraph 13.3.2 below applies, immediately after making representations, answering questions or giving evidence;
- (b) in any other case, wherever it becomes apparent that the business is being considered at that meeting;
- (c) unless the Member has obtained a dispensation from their own authority's Standards Committee or Monitoring Officer. Such dispensation to be notified to the Secretary prior to the commencement of the meeting.

13.3.2 Where a member has a disclosable pecuniary interest in any business of the EPC, the Member may attend the meeting (or a sub –committee or advisory group of the committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

13.4 Minutes

13.4.1 There will be no discussion or motion made in respect of the minutes other than except as to their accuracy. If no such question is raised or if it is raised then as soon as it has been disposed of, the Chair shall sign the minutes.

13.5 Rules of Debate**13.5.1 Respect for the Chair**

A Member wishing to speak shall address the Chair and direct their comments to the question being discussed. The Chair shall decide the order in which to take representations from members wishing to speak and shall decide all questions of order. Their ruling upon all such questions or upon matters arising in debate shall be final and shall not be open to discussion.

13.5.2 Motions / Amendments

A motion or amendment shall not be discussed unless it has been proposed and seconded. When a motion is under debate no other motion shall be moved except the following:

- i. To amend the motion
- ii. To adjourn the meeting
- iii. To adjourn the debate or consideration of the item
- iv. To proceed to the next business
- v. That the question now be put
- vi. That a member be not further heard or do leave the meeting
- vii. To exclude the press and public under Section 100A of the Local Government Act 1972

13.6 Conduct of Members

13.6.1 Members of the EPC will be subject to their own authority's Code of Conduct.

14. Application to Sub-Committees

14.1 The procedure rules and also the Access to Information provisions set out at paragraph 11 shall apply to meetings of any sub-committees of the EPC.

15. Scrutiny of decisions

15.1 Each constituent authority which operates executive arrangements will be able to scrutinise the decisions of the EPC in accordance with that constituent authority's overview and scrutiny arrangements.

16. Winding up of the EPC

16.1 The EPC may be wound up immediately by a unanimous vote of all constituent authorities.

17. Amendment of this Constitution

17.1 This Constitution can only be amended by resolution of each of the constituent authorities.