



Cabinet

Tuesday, 12 February 2019

Revision to the terms of reference of the Economic Prosperity Committee

Report of the Chief Executive

Cabinet Portfolio Holder for Strategic and Borough Wide Leadership Councillor Simon Robinson

1. Purpose of report

- 1.1. On the 14 January 2014, Cabinet agreed to the establishment of an Economic Prosperity Committee, a Joint Committee of local authorities in the City of Nottingham and Nottinghamshire, (EPC) to drive future investment in growth and jobs within their areas. It is proposed to amend the terms of reference of the Committee, this report sets out the revised terms of reference and updates Cabinet on the costs associated with membership of the committee.
- 1.2. Cabinet is requested to approve the ongoing membership, the revised terms of reference and the cost of membership of the EPC.

2. Recommendation

It is RECOMMENDED that Cabinet:

- a) Agree the continued membership of the EPC;
- b) Agree the amended Constitution (Terms of Reference, Membership and procedures) of the EPC as set out at **Appendix A**; and
- c) Agree to Nottingham City Council continuing to host the Committee and providing all necessary secretarial, legal and financial support services, (including S151 and Monitoring Officer roles). The annual costs to be agreed by the constituent authorities and to be met in equal shares. The chairing of the committee may transfer to Nottinghamshire County Council in the future as is allowed for in the terms of reference.

3. Reasons for Recommendation

- 3.1 To support this Council's continued membership of the EPC.
- 3.2 To update Cabinet on the amendment to the terms of reference of the EPC.
- 3.3 To note the costs of membership of the EPC.

4. Supporting Information

- 4.1 On the 14 January 2014 this Council agreed to the establishment and membership of the EPC. In accordance with Section 9F of the Local Government Act 2000, this Council agreed to continue with its scrutiny

arrangements to review or scrutinise decisions made in connection with the exercise of functions of the EPC within the Council's existing scrutiny arrangements.

4.2 The terms of reference have been revised to support emerging priorities and economic growth through the LEP by constituent authorities in the County and City region. The unsuccessful combined authority bid presents an opportunity for constituent authorities to explore joint working through the EPC. Meetings shall be at least quarterly with Chairmanship alternating annually between the principal members of the City Of Nottingham and Nottinghamshire County Council.

4.3 The revised terms of reference have been agreed in principal by the chief executives of constituent authorities for adoption by the EPC.

5. Alternative options considered and reasons for rejection

None.

6. Risks and Uncertainties

6.1 The EPC was established as councils across Nottinghamshire recognised an opportunity to strengthen joint working and decision making. The establishment of the EPC continues to be supported as council Leaders across Nottingham and Nottinghamshire made a commitment to work more closely together to drive future investment in growth and jobs. The amendment of the terms of reference further enhances the EPC. Should this Council cease to be a member of the EPC it will lose the significant opportunity to support the drive for future investment, growth and jobs.

7. Implications

7.1. Financial Implications

7.1.1 There is a cost of £3,300 (plus expenses) per annum as a Council contribution towards the cost of servicing the EPC. This is met from existing budgets.

7.2. Legal Implications

7.2.1 Section 101(5) Local Government Act 1972 enables two or more local authorities to discharge any of their functions jointly and arrange for the discharge of those functions by a Joint Committee.

7.2.2 Section 9EB of the 2000 Local Government Act enables the Secretary of State to make Regulations permitting arrangements under Section 101 (5) where any of the functions are the responsibility of the executive of the authority. The relevant regulations are the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012/1019.

7.2.3 In accordance with Section 9F of the Local Government Act 2000, this Council will continue with its scrutiny arrangements to review or scrutinise decisions made in connection with the exercise of functions of the EPC and that the Council's existing scrutiny arrangements will apply.

7.2.4 Regulation 11 makes provision for joint arrangements to involve a joint committee under Section 101(5) of the 1972 Act. As all the functions being delegated to the EPC are executive functions, the Regulations and Council's constitution allow the decision to establish the EPC and determine the number of members to be appointed to the EPC and their terms of office to be made by the Leader or Executive Mayor or other relevant decision maker or body. The regulations also require that the members appointed to the EPC should be members of the Executive.

7.2.5 Regulation 12 covers membership of joint committees and confirms political balance would not apply, whereas in the case of the EPC, all the powers that are being exercised are executive functions, the regulations do not allow for any co-option by the constituent authorities operating under executive arrangements (although that power exists for the constituent authorities where the governance is by committee). A pragmatic approach would therefore be not to permit co-option to the committee. Where it is considered beneficial for non-members, for example a representative of D2N2 to contribute to the proceedings of the EPC, the Chair of the Committee may however invite members of the public to attend and speak.

7.2.6 Any Freedom of Information requests received by the EPC should be directed to the relevant constituent authority for it to be dealt 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. The host authority will co-ordinate responses to ensure that legislative deadlines are met.

7.3. **Equalities Implications**

7.3.1 Continued membership increases economic growth and employment opportunities for all residents of the borough and decisions made would have due regard to the Equality Act 2010.

7.4. **Section 17 of the Crime and Disorder Act 1998 Implications**

7.4.1 Not applicable.

8. **Link to Corporate Priorities**

- Delivering economic growth to ensure a sustainable, prosperous and thriving local economy
- Maintaining and enhancing our residents' quality of life

9. **Recommendations**

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agreed by the constituent authorities and to be met in equal shares. The chairing of the committee may transfer to Nottinghamshire County Council in the future as is allowed for in the terms of reference.

For more information contact:	Allen Graham – Chief Executive Tel: 0115 9148349 agraham@rushcliffe.gov.uk
Background papers available for Inspection:	Report to Cabinet 14 th January 2014 'Establishment of the City of Nottingham And Nottinghamshire Economic Prosperity Committee'
List of appendices:	Appendix A : The Economic Prosperity Committee Terms of Reference (Constitution 2018-2020)

