

REPORT OF THE LEADER OF THE COUNCIL**AMENDMENTS TO THE COUNCIL'S CONSTITUTION****Purpose of the Report**

1. To seek Council's approval to amend terms of reference for committees and procedure rules for meetings.

Information and Advice**Rights of Way Committee**

2. The annual report to Council appointing committees recommends that Rights of Way Committee is dissolved. In the event this recommendation is approved, the Committee's responsibilities will need to be re-assigned.
3. It is proposed to transfer responsibility for gating orders to Community Safety Committee. No amendments are proposed to the terms of reference.
4. Culture Committee is responsible for country parks, open spaces and other countryside services and it is proposed to amend its terms of reference to include common land and town or village greens. It is also proposed to transfer responsibility for land management and permissive path agreements, and non-statutory public access routes to Culture Committee.
5. The remaining Rights of Way Committee functions relate to public rights of way and cycle tracks. It is proposed to allocate responsibility for these areas to Planning and Licensing Committee which has arrangements for public speaking similar to Rights of Way Committee.
6. Draft amendments to the Constitution are set out in **Appendix 1**. In addition, the existing terms of reference for Rights of Way Committee will be deleted and there are minor amendments to pages 1-12, 4-2, 5-14, 5-18, 5-19 and 6-67 of version 1.9 of the 2012 Council's Constitution as a consequence of this change.

Procedure Rules for meetings of the Full Council

7. It is proposed to remove provision for constituency speeches from the procedure rules. When the Council operated executive arrangements these speeches enabled Councillors to raise issues in a public forum. The Council now operates a committee system and it is considered that there is adequate opportunity for Councillors to raise issues of concern at the relevant committee. The proposed amendments are shown in **Appendix 2**.

8. In order to ensure the process for Questions at meetings of Council is used properly and not abused it is proposed to add a procedure rule regarding the resubmission of questions that are withdrawn at a meeting, or which fall because the Councillor due to ask the question is not present at the meeting. The proposed addition is set out in **Appendix 3**.

Health Scrutiny

9. The Council's Health Scrutiny Committee has responsibility for scrutinising health services accessed primarily by residents of Nottinghamshire. Services that are accessed by both City and County residents fall within the remit of the Joint Health Scrutiny Committee.
10. It is proposed to amend the terms of reference for each Committee in order to ensure the Joint Committee only scrutinises services which are accessed by both County and City residents. The proposed amendments are set out in **Appendix 4**. Amendments to the Joint Committee's terms of reference are subject to approval by Nottingham City Council also.

Other Options Considered

11. Councillors may prefer to allocate all Rights of Way Committee functions to a single committee, and/or may wish to consider Transport and Highways Committee as an alternative to Planning and Licensing Committee as it is the budget holding committee.

Reason/s for Recommendation/s

12. To re-allocate Rights of Way Committee responsibilities to the most appropriate Committee in respect of existing functions and budget allocation.
13. To ensure meetings of Full Council run smoothly and efficiently.
14. To ensure the Joint City/County Health Scrutiny Committee only considers matters that affect residents of both areas.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) To amend the Council's Constitution, by removing references to Rights of Way Committee and reassigning that Committee's responsibilities, as set out in Appendix 1.
- 2) To amend the procedure rules for Full Council as set out in Appendices 2 and 3.

- 3) To amend the terms of reference for the Health Scrutiny Committee and Joint City/County Health Scrutiny Committee as set out in Appendix 4.

Councillor Alan Rhodes
Leader of the Council

For any enquiries about this report please contact:

Jayne Francis-Ward
Corporate Director Policy Planning and Corporate Services and Monitoring Officer
0115 9773478

Constitutional Comments (SJE 25/04/2014)

16. Full Council is the appropriate body to consider the content of this Report; it is responsible for establishing committees and deciding their terms of reference, and for adopting and changing the Council's Constitution.

Financial Comments (SEM 25/04/2014)

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

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.

- None

Electoral Division(s) and Member(s) Affected

- All