

REPORT OF THE LEADER OF THE COUNCIL**FIRST REVIEW OF THE COMMITTEE SYSTEM AFTER SIX MONTHS****Purpose of the Report**

1. To inform members of the feedback received as part of the six monthly review of the new governance arrangements.
2. To agree any changes required as a result of the review.

Information

3. The Council agreed to change its governance arrangements to a committee system on 29 March 2012. It was agreed at that time that after 6 months operation of the system a review would be undertaken by the Monitoring Officer.
4. As part of the review an analysis of the numbers and types of reports to committee and the length of meetings has been undertaken and is attached at **Appendix A**. Input to the review has been received from staff who were invited to comment on their experiences of the system. Additionally all elected members have been asked for their views on a group basis. As this review has been focused on the internal workings of the system, members of the public and partner organisations have not been invited to comment.

Frequency of Meetings

5. **Appendix A** shows that the average length of a committee meeting is 1 hour 15 minutes. Prior to launching the new system it was anticipated that meetings would last between 1 – 2 hours. The length of meetings is therefore as expected and suggests that the frequency of meetings is about right. In addition very few meetings have been cancelled through lack of business.

Number and Type of Committees

6. The Public Health function formally transfers to the Council in April 2013. Since May 2011 the Council has operated a Shadow Health and Wellbeing Board. The remit of this Board is strategic and covers the requirement to prepare a health and wellbeing strategy and promote integrated working. The Board is not charged with undertaking more operational issues. It is proposed that a new sub-committee of Policy Committee be established to deal with such in relation to Public Health. It is proposed that this Public Health Sub-Committee be chaired by the Deputy Leader. The membership of the Committee would be 9:

5 Conservative Group
2 Labour Group
1 Liberal Democratic Group
1 Independent Group

The suggested Terms of Reference for the Sub-Committee are attached at **Appendix B**.

The Work of Committees

7. Concern was expressed prior to the new arrangements coming into force that councillors would have less involvement in decision making than under executive arrangements. **Appendix A** shows that since the start of the new system in May up to 31st October, 181 decisions have been made by committees. During the same period in 2011 under executive arrangements, 167 decisions were made which if a committee system had been operational at that time would have been made by committee. This demonstrates that those concerns have not been realised.
8. Some concern was raised as part of this review that all important decisions were taken by Policy Committee and the content of agendas for other committees was as a result poor. This was not a universal view. The terms of reference for Policy Committee state that it is the Policy Committee's responsibility to "determine policies not reserved to Full Council." It is therefore inevitable that major decisions are made by this committee. The role of other committees is to implement the agreed policies of the Council, scrutinise the performance of services – including consideration of budgets, to contribute to the development of Policy and to make recommendations to Policy Committee on changes required to Policy.
9. Whilst some committees have received reports on operational decisions made by officers, on work of outside bodies and on the performance of services, this has not been consistent. Further work will be undertaken at officer level to ensure more uniform and regular reporting on these issues. In addition within Democratic Services, work will be undertaken to ensure that when committees agree recommendations that require further reports to be brought back to the committee, these reports back are scheduled in the Committee's Work Programme. This will not only act as a forward plan for the committee and departments, but as a means by which the public and parties can follow the work of the committee and the development of its policies and procedures.

Constitutional Amendments

10. It has been clear that there are a few areas within the Constitution where due to drafting issues, there is a lack of clarity over the meaning of particular paragraphs. For example:
 - a. The committee procedure rules say that 'the meeting' can decide whether a Councillor can speak at a meeting where they are not a member of the committee. To ensure the procedure rules are consistent and that chairmen are responsible for all meeting management issues, it is proposed to change this to say the committee chairman may decide to allow a Councillor who is not a committee member to speak, provided that the issue under debate is of primary importance to the division the Councillor represents and not a general matter.
 - b. Council's procedure rules have previously stated that Councillors who are not committee members cannot attend and speak where the committee is dealing with matters that are judicial in nature. This is not considered necessary for Planning and Licensing Committee and Rights of Way Committee, and the Committees' Codes of Practice already allow for Councillors to speak. It is therefore proposed to make specific provision for these two committees in the procedure rules.
 - c. The term 'Councillor' is used throughout the procedure rules; this has caused some confusion as different rules apply to Councillors who are not also committee members. It is proposed to amend 'Councillor' to 'committee member' as appropriate to provide clarification.
 - d. The procedure rules currently state that amendments to motions cannot have the effect of reversing a proposal. It is possible for an amendment to fundamentally alter the spirit of a proposal without actually reversing it; therefore a drafting amendment is proposed for clarification:
 - 'Amendments to a motion can be moved or seconded by any [committee] member 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.'
 - e. The paragraph in the procedure rules regarding the ability to reverse decisions within 6 months requires improvement to add greater clarity:
 - 'Council/Committee 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 the original decision-making meeting for further consideration on a request from the Council's/Committee's Chairman and Vice Chairman.'
 - f. There has been some confusion around the delegation of authority to senior officers in relation to legal proceedings. It is proposed to cross-reference the two relevant paragraphs for greater clarity.

11. In order to ensure meetings run smoothly it is proposed to add a sentence to the procedure rules, for both Full Council and committees, stating that the relevant Chairman will determine any interpretation issues.
12. Policy Committee has responsibility for granting dispensations to Councillors and co-opted members from requirements relating to interests and their participation in meetings. On further consideration it is considered that this arrangement may prove impractical because dispensations will nearly always be requested at the last minute and the urgency procedure will need to be used. Council is asked to consider allocating this responsibility to the Chief Executive under the Scheme of Delegation to Officers.
13. In relation to Planning and Licensing Committee and Rights of Way Committee it is proposed to amend their terms of reference to include responsibility for responding to consultations relevant to them, in line with other committees.
14. The proposed amendments to the Constitution are set out in **Appendix C**.
15. Some members have raised concerns that they are only allowed to speak once on each item on the agenda. The purpose of this rule is to allow all committee members to contribute without turning debate into a conversation. Therefore, there are no proposals to change the current procedure rules in this regard.
16. A thorough review of the Council's Financial Regulations is being undertaken and a report on proposed amendments will be presented to Council in the New Year.

Other issues

17. There have been some concerns over the names under which reports are presented to committee. It is recommended that all reports to committees are in the name of the Corporate Director or Service Director directly relevant to the report. All reports to Policy Committee and Council should be in the name of the relevant Committee Chairman. Exceptions to the above would be staffing reports which would be in the name of the relevant Corporate Director, reports from the Monitoring Officer or Section 151 officer covering their statutory responsibilities and reports from the Chief Executive on matters of information, for example, outcome of elections.
18. The Police and Crime Commissioner (PCC) took up post on 22 November 2012. There is no statutory provision for Councils to be entitled to ask the PCC to attend and answer questions in the same way there was for the Chairman of the Police Authority to be required to attend. It is recommended that, in light of the establishment of the Police and Crime Panel and the Community Safety Committee, any questions to the Commissioner be raised through these two bodies. All references to the Police Authority and the Joint Committee on Appointments to the Police Authority will be removed from the Constitution.

Statutory and Policy Implications

This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATIONS

1. That Council notes the outcome of the review process.
2. That Council agrees to the establishment of a Public Health Sub Committee chaired by the Deputy Leader, and to the Terms of Reference as set out in the report.
3. That Council agrees the constitutional amendments as set out in Appendix C to the report.
4. That Council agrees the constitutional amendment as set out in paragraph 10(c) of the report; to change 'Councillor' to 'committee member' as necessary throughout the procedure rules for committee and sub-committee meetings.
5. That Council agrees that reports to service committees be in the name of the relevant Corporate Director or Service Director and reports to Policy Committee and Council be in the name of the relevant Committee Chairman with the exceptions as set out in the report.
6. That questions to the Chairman of the Police Authority be removed from the Council procedure rules and that any questions to the Police and Crime Commissioner be directed through the Police and Crime Panel or the Community Safety Committee.

Councillor Kay Cutts
Leader of the Council

For any enquiries about this report please contact:

Jayne Francis-Ward
Corporate Director and Monitoring Officer
Policy Planning and Corporate Services
jayne.francis-ward@nottsc.gov.uk, 0115 97 73478

Constitutional Comments (SLB 10/12/2012)

19. Full Council is required to agree any constitutional changes.

Financial Comments (MB 11/12/12)

20. There are no direct financial implications

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.

Reports to County Council:

- 26 January 2012
<http://www.nottinghamshire.gov.uk/dms/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/2869/Committee/86/SelectedTab/Documents/Default.aspx>
- March 2012
<http://www.nottinghamshire.gov.uk/dms/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/2871/Committee/86/SelectedTab/Documents/Default.aspx>
- 17 May 2012
<http://www.nottinghamshire.gov.uk/dms/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/93/Committee/2/SelectedTab/Documents/Default.aspx>

Electoral Division(s) and Member(s) Affected

All

APPENDIX A

REPORTS TO NEW COMMITTEES, 21 MAY - 31 OCT 2012

<u>Meeting</u>	<u>Date</u>	<u>Length of mtg</u>	<u>Presentations</u>	<u>Noting</u>	<u>Decision</u>
Adult Social Care and Health Committee	11 June	2h15	1	1	6
	2 July	2h	1	3	4
	3 Sept	2h15	2	1	6
	1 Oct	2h10	1	6	5
	29 Oct	2h15	1	3	5
Sub-total			6	14	26
Children and Young People's Committee	18 June	1h05	1	2	4
	16 July	0h20	1	3	6
	10 Sept	0h55	1	2	3
	8 Oct	1h15	2	2	0
Sub-total			5	7	13
Community Safety Committee	29 May	3h	2	2	2
	10 July	1h40	2	4	2
	2 Oct	1h15	2	3	3
Sub-total			6	9	7
Culture Committee	29 May	2h	1	2	1
	26 June	1h	0	3	0
	4 Sept	1h	0	2	1
	2 Oct	0h45	0	2	1
	30 Oct	0h45	0	3	2
Sub-total			1	12	5
Early Years & Young People	3 July	1h05	1	2	1
	24 Sept	0h35	0	2	4

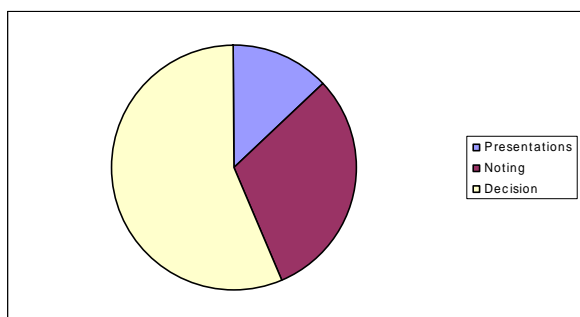
<u>Meeting</u>	<u>Date</u>	<u>Length of mtg</u>	<u>Presentations</u>	<u>Noting</u>	<u>Decision</u>
	17 Oct	0h40	1	4	1
Sub-total			2	8	6
Econ Dev Committee	26 June	1h45	0	2	1
	4 Sept	1h45	1	0	3
	30 Oct	2h05	1	2	2
Sub-total			2	4	6
Env & Sustainability Committee	31 May	2h	0	2	3
	28 June	1h05	1	1	1
	18 July	0h35	0	2	2
	13 Sept	0h25	0	0	2
	27 Sept	1h45	0	4	2
	30 Oct	0h30	0	1	3
Sub-total			1	10	13
Finance and Property Committee	28 May	0h55	1	0	7
	18 June	0h45	0	0	6
	9 July	0h55	1	1	11
	17 Sept	1h45	1	3	8
	15 Oct	0h17	0	1	3
Sub-total			3	5	35
Grant Aid Sub-Committee	19 July	2h	1	0	3
	11 Sept	1h20	1	2	2
Sub-total			2	2	5
Personnel Committee	13 June	1h10	0	3	2
	26 Sept	1h38	0	3	3
Sub-total			0	6	5
Policy Committee	23 May	0h40	0	2	1

<u>Meeting</u>	<u>Date</u>	<u>Length of mtg</u>	<u>Presentations</u>	<u>Noting</u>	<u>Decision</u>
	20 June	0h50	0	2	5
	18 July	1h47	0	2	6
	12 Sept	1h53	0	4	5
	17 Oct	1h55	0	2	6
Sub-total			0	12	23
Transport and Highways Committee	14 June	1h15	0	4	4
	12 July	1h15	0	3	15
	13 Sept	1h05	0	3	10
	18 Oct	2h05	1	0	8
Sub-total			1	10	37
TOTALS			29	99	181

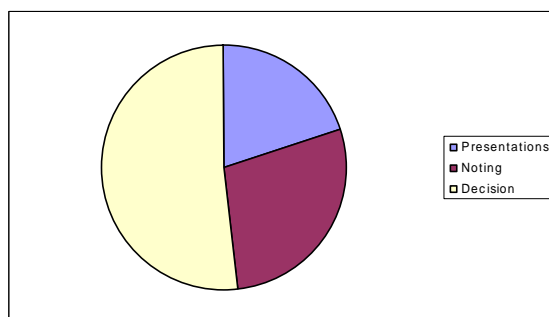
NB. Routine items (eg terms of reference, work programme) have not been included.

Committee sub-totals shown graphically:-

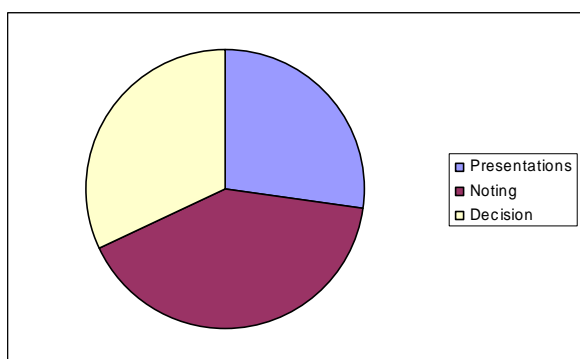
Adult Social Care & Health (46 items)



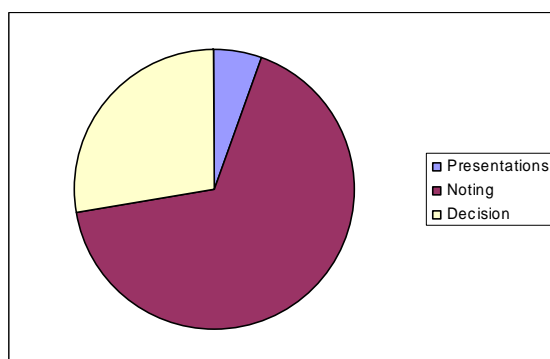
Children & Young People's (25 items)



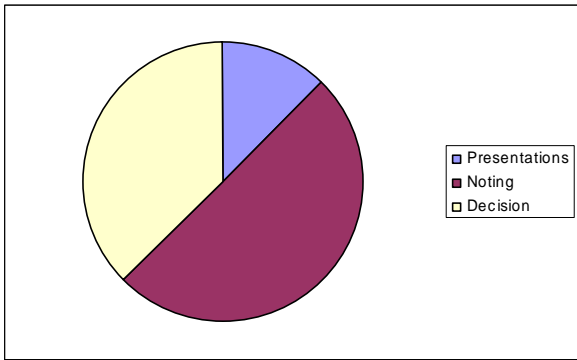
Community Safety (22 items)



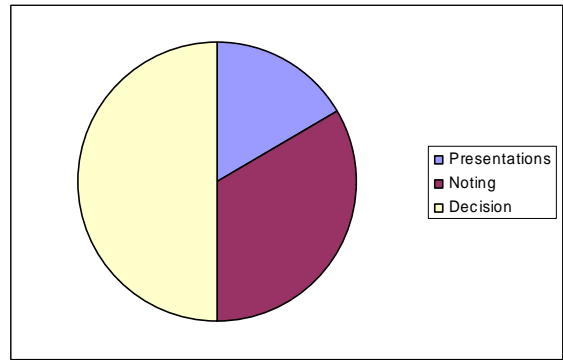
Culture (18 items)



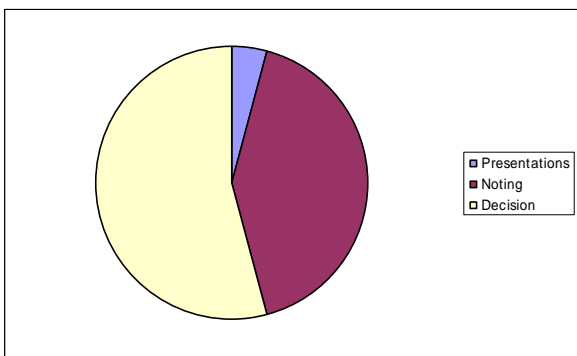
Early Years & Young People (16 items)



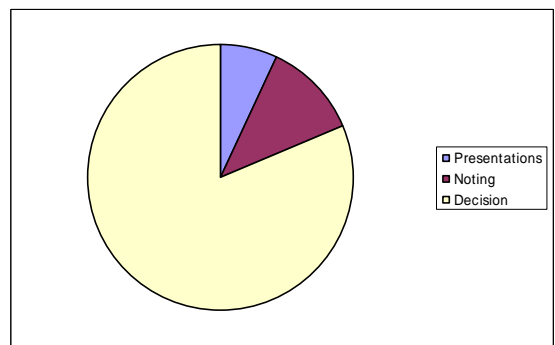
Economic Development (12 items)



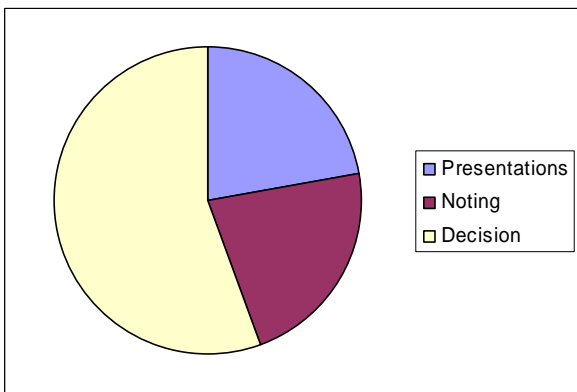
Environment & Sustainability (24 items)



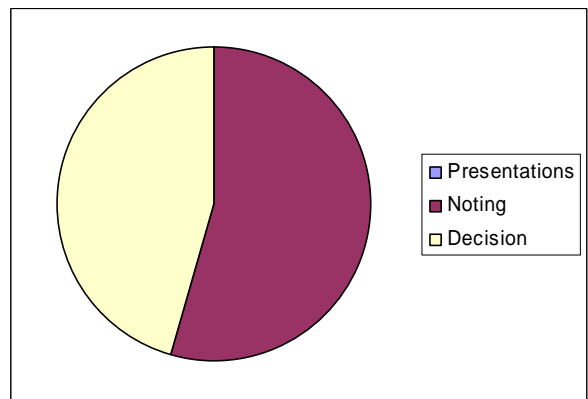
Finance & Property (43 items)



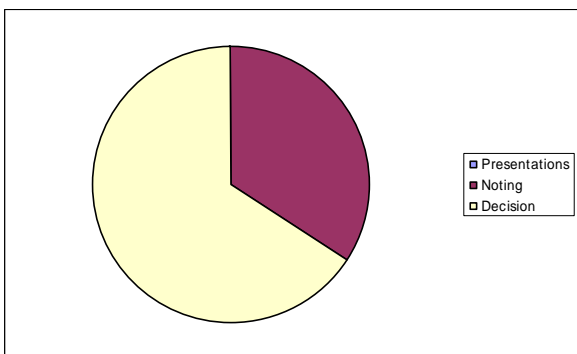
Grant Aid (9 items)



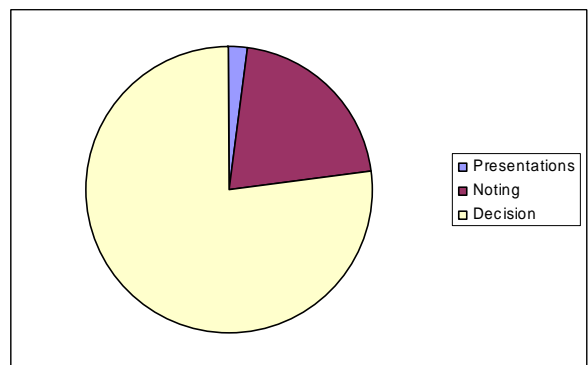
Personnel (11 items)



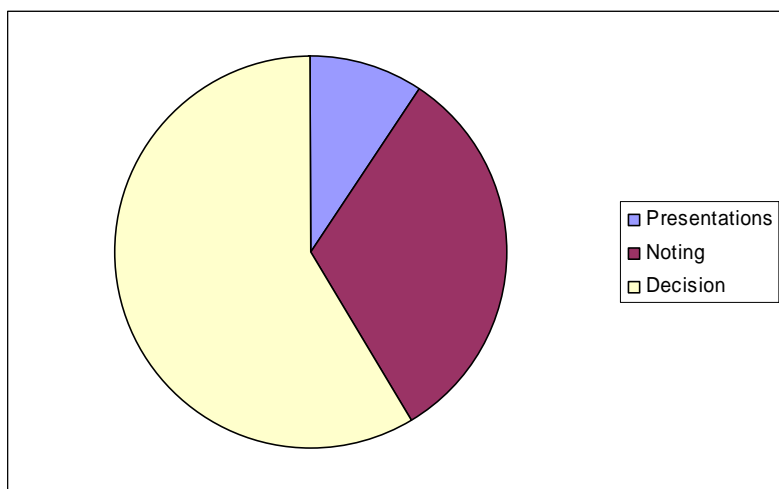
Policy (35 items)



Transport & Highways (48 items)



Total for all the above committees (309 items)



**Delegated Decisions taken between 19 May and 31 Oct 2011
(including Cabinet decisions)**

Total number of decisions	210
Of which these would now have been taken by Committee:	167 approx
And these would not:	43 approx

APPENDIX B

PUBLIC HEALTH SUB-COMMITTEE – TERMS OF REFERENCE

1. This is a sub-committee of the Policy Committee.
2. The exercise of the powers and functions set out below are delegated in relation to Public Health:
 - a. All decisions within the control of the Council including but not limited to those listed in the Table below
 - b. Policy development in relation to Public Health, subject to approval by the Policy Committee or the Full Council
 - c. Review of performance on at least a quarterly basis
 - d. Review of day to day operational decisions taken by Officers
 - e. Approval of consultation responses
 - f. Approval of relevant staffing structures as required
3. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.
4. As part of the detailed work programme the Sub-Committee will receive reports on the exercise of powers delegated to Officers.
5. The Sub-Committee will be responsible for its own projects but, where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the most appropriate committee.

Table
Responsibility for Public Health with the exception of functions reserved to the Health and Wellbeing Board

APPENDIX C

AMENDMENTS TO THE CONSTITUTION

Constitution Page 4-13 (Terms of Reference)

PLANNING AND LICENSING COMMITTEE – TERMS OF REFERENCE

The exercise of the powers and functions set out below are delegated by the Full Council:

- a. Responsibility for the regulatory functions of the Council in relation to planning, monitoring, enforcement and licensing.
- b. Responsibility for all licensing functions given to the Authority by law, except safety of sports grounds.
- c. Receiving reports on the exercise of powers delegated to officers in relation to functions for which this Committee is responsible.
- d. [Approval of consultation responses relating to the Committee's functions.](#)

RIGHTS OF WAY COMMITTEE – TERMS OF REFERENCE

The exercise of the powers and functions set out below are delegated by the Full Council:

- a. Responsibility for discharging the Council's regulatory powers relating to:
 - public rights of way
 - cycle tracks
 - gating orders on recommendation from the relevant committee or as necessary
 - common land
 - town and village greens
 - non-statutory public access routes
 - land management agreements
 - permissive paths
- b. Receiving reports on the exercise of powers delegated to officers in relation to functions for which this Committee is responsible
- c. [Approval of consultation responses relating to the Committee's functions.](#)

Constitution Page 4-20 (Scheme of Delegation to Officers)

13. Corporate Directors have authority to decide whether or not to commence or defend proceedings within their areas of responsibility. This includes decisions on settlements which must be made in consultation with the Group Manager, Legal and Democratic Services and the Chief Finance Officer. Policy Committee will receive regular reports on settlements. [This is not the same as authorising the formal commencement or defence of, or participation in, any legal proceedings, including appearing in proceedings and signing documents necessary to any legal procedure. The Corporate Director Policy, Planning and Corporate Services is responsible for this \(see paragraph 21b below\).](#)

Constitution Page 4-21 (Scheme of Delegation to Officers)

CHIEF EXECUTIVE

17. The exercise of the responsibilities set out below are delegated by the County Council:

- a. Taking all operational 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 Authority.
- b. Making any decision normally reserved to committee or another officer in accordance with the Urgency Procedure Rules.

[c. Taking decisions whether to grant dispensations to Councillors and co-opted members from requirements relating to interests and their participation in meetings.](#)

~~d.~~ Taking any decision on any matter not reserved to another officer by law.

~~e.~~ Holding to account Corporate Directors for the performance of their departments.

Constitution Page 4-23 (Scheme of Delegation to Officers)

CORPORATE DIRECTOR POLICY, PLANNING AND CORPORATE SERVICES

- b. 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. [This is not the same as deciding whether to commence or defend proceedings and making decisions on settlements. The relevant Corporate Director is responsible for this \(see paragraph 13 above\).](#)

Constitution Page 5-2 (Procedure Rules for meetings of the Full Council)

INTRODUCTION

1. These rules are designed to ensure meetings of the Full Council run smoothly and are conducted properly.
2. 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.

3. If any issues arise at a meeting in relation to interpretation of the procedure rules, the Chairman's decision will be final.

3.4. For the annual budget meeting some procedure rules will be suspended and alternative rules applied. See paragraph 87 below.

Constitution Page 5-8 (Procedure Rules for meetings of the Full Council)

AMENDMENTS TO RECOMMENDATIONS AND MOTIONS

60. Amendments to a motion can be moved or seconded by any Councillor in the following situations:

- a. to refer a subject of debate to a committee for further consideration
- b. to leave out words, to add words or both ~~provided that.~~ However such changes must not have the effect of reversing 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.

Constitution Page 5-10 (Procedure Rules for meetings of the Full Council)

REVERSING DECISIONS

76. ~~Normally any decision by the Full Council and its committees cannot be reversed for 6 months. However, in exceptional circumstances and on a motion proposed by a majority of the membership of the relevant committee/Council, a further report will be brought for the matter to be reconsidered. 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 on a request from the Council's Chairman and Vice Chairman.~~

Constitution Page 5-13 (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.
3. If any issues arise at a meeting in relation to interpretation of the procedure rules, the Chairman's decision will be final.

Constitution Page 5-16 (Procedure Rules for committee and sub committee meetings)

AMENDMENTS TO RECOMMENDATIONS AND MOTIONS

33. Amendments to a motion can be moved or seconded by any Councillor-committee member 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~~reversing a~~ proposal (for example to recommend approval instead of refusal) and must be relevant to the original motion.

Constitution Page 5-18 (Procedure Rules for committee and sub committee meetings)

REVERSING DECISIONS

45. ~~Normally any decision by the Full Council and its committees cannot be reversed for 6 months. However, in exceptional circumstances and on a motion proposed by a majority of the membership of the relevant committee/Council, a further report will be brought for the matter to be reconsidered. Committee 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 the original decision-making meeting for further consideration on a request from the Committee's Chairman and Vice Chairman.~~

Constitution Page 5-18 (Procedure Rules for committee and sub committee meetings)

ATTENDANCE OF OTHER COUNTY COUNCILLORS

49. 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 meeting Chairman they will be entitled to speak once and for a maximum of 20 minutes on any matter affecting that is of primary importance to their electoral division or its inhabitants rather than a general matter, but not to vote.

50. A County Councillor who attends a meeting in this capacity will be entitled to remain in the meeting when a resolution excluding the public is in force.

51. These provisions ~~do not apply where a~~ apply to Planning and Licensing Committee and Rights of Way Committee but not to any other committee or sub-committee that is exercising a function which is judicial in nature.