

Extract from the Paper to Regulatory & Audit Committee

Proposed changes to the Constitution.

Agenda Item 4: Appendix I, Article 6 – Overview & Scrutiny Committees



Regulatory and Audit Committee

Title: Proposed Changes to the Constitution

Date: 21 September 2007

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A SUMMARY

- 1 This report sets out proposed changes to the Constitution to create an additional Overview and Scrutiny Committee, to clarify the ability for Chairmen to invite external attendees to Committees, and to address the same, but to clarify that such attendees have no right to vote.

B RECOMMENDATIONS

- 1 **The Committee is asked to approve the proposed changes to the Constitution to implement the new Performance and Resources Overview and Scrutiny Committee;**
- 2 **Recommend to Council that the Constitution be changed to incorporate the description of the role of Director of Adult Services;**
- 3 **To note the clarification relating to external attendees at Committees.**

C NARRATIVE SETTING OUT THE REASONS FOR THE DECISION

- 2 The Monitoring Officer (the Head of Legal and Democratic Services) has a responsibility under the County Council's Constitution to keep the Constitution under continual review. The Monitoring Officer has been asked to draft the appropriate changes to the Constitution to create an Overview and Scrutiny Committee on Performance and Resources. The remit of the Committee will be to consider the Corporate Plan prior to Council agreement and the Medium Term Planning Processes, Budget proposals (both revenue and capital), Transformation, Customer First, Organisational Development, Countywide

partnerships such as the Bucks Strategic Partnership and Support Services covering people, property and financial issues. As a consequence to incorporate this Overview and Scrutiny Committee the Corporate Task Group presently constituted on page 210 of the Constitution, in Article 6, will be deleted.

3 The Head of Legal and Democratic Services is also aware that legislation requiring the County Council to appoint a Director of Children's Services is in force, and as consequence it is therefore necessary to change the Constitution to create the statutory role of Director of Adult Social Care, and the amendments in this report include proposals to create this role.

4 The Committee at its last meeting raised questions about the rights of Councillors of other Councils to attend Overview and Scrutiny Committees, even if not formally coopted. The Head of Legal and Democratic Services has therefore made amendments to Article 6 of the Constitution to confirm that the Chairman has discretion to agree to the attendance of visitors at such meetings, but clarifies that attendees have no right to speak unless invited or vote.

C THE OTHER OPTIONS AVAILABLE

4 It would be possible to make other changes to the Constitution if that was considered appropriate.

D RESOURCE IMPLICATIONS

5 The support of a new Committee will take marginal extra resources, provision for which has been made.

E LEGAL IMPLICATIONS

6 None arising directly from this report, although Scrutiny is a statutory function.

F PROPERTY IMPLICATIONS

7 None arising directly from this report.

G OTHER IMPLICATIONS

8 None arising directly from this report.

H FEEDBACK FROM CONSULTATION AND LOCAL MEMBERS VIEWS

9 Not applicable.

I COMMUNICATION ISSUES

10 Details of the new Overview and Scrutiny Committee will be available for the County Council meeting on 27 September 2007 and the Monitoring Officer will be available to answer any questions thereon.

H PROGRESS MONITORING

11 The Monitoring Officer will make changes if appropriate

Overview and Scrutiny Committee	Partnership and Service Areas
Performance and Resources Overview and Scrutiny Committee	Corporate Plan prior to Council agreement and Medium Term Planning Processes Budget proposals – revenue and capital Transformation Customer First Organisational Development County wide partnerships such as Bucks Strategic Partnership Support services, covering people, property and financial issues

Where a matter overlaps between two or more Overview and Scrutiny Committees or is a corporate issue, this will not limit the area of responsibility of any of the Committees, but the Chairmen of the respective Committees should agree on a programme of work to avoid duplication and may wish to consider a joint time-limited sub group. For the avoidance of doubt:

- i All matters relating to education for children will only be considered by the Children’s Services Overview and Scrutiny Committee.
- ii All matters relating to whole Council service or financial planning and performance should be considered by the Performance and Resources Overview and Scrutiny Committee.

6.2 Performance and Resources, Community and Environment Services, Adult Services and Children’s Services Overview and Scrutiny Committees

1 General Functions of the Committees

Within their terms of reference, Overview and Scrutiny Committees will:

- a review and/or scrutinise decisions made or to be made such as key decisions, the decision making process for Statutory Committees or formally constituted meetings or actions taken in connection with the discharge of any of the Council’s functions;
- b make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions;
- c consider any matter affecting the area or the well being of its inhabitants including the consideration of equality of access for all people in Buckinghamshire and any implications for race equality

- d exercise the right to call-in proposals for consideration, as well as the right to call in for reconsideration, decisions made by the Cabinet or an individual Cabinet Member but not yet implemented.
- e consider any matters referred to them by the Council, Cabinet or individual County Councillors.