
REPORT TO:	OVERVIEW COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	23 RD FEBRUARY 2004	CATEGORY: RECOMMENDED
REPORT FROM:	CHIEF EXECUTIVE	OPEN PARAGRAPH NO: N/A
MEMBERS' CONTACT POINT:	ANDREA McCASKIE (01283 595831)	DOC:
SUBJECT:	CONSTITUTION ACTION PLAN	REF:
WARD(S) AFFECTED:	ALL	

1.0 Reason for Exempt

1.1 N/A.

2.0 Recommendation

2.1 The Committee's instructions are requested on any recommendations to be made to the Council for amendments to the Constitution.

3.0 Purpose of Report

3.1 To consider outstanding issues on this Action Plan relating to the Overview and Scrutiny function.

4.0 Detail

4.1 A copy of the Constitution Action Plan is attached at Annexe 'A', from which Members will note that items 7, 8 and 9 relate to the Overview and Scrutiny function. These matters have now been discussed by the Chairs of the Scrutiny Committees, whose thoughts are set out in this report.

4.2 A copy of Article 6 relating to Overview and Scrutiny Committees is attached at Annexe 'B' and the Overview and Scrutiny Procedure Rules are attached at Annexe 'C'. Members are reminded that many aspects of the Overview and Scrutiny function have progressed significantly since the initial preparation of the Action Plan following the report of the Council's External Auditors in May 2002.

4.3 Terms of Reference (Action Plan item 7)

The terms of reference contained in Article 6.04 are now considered to cover all the necessary functions of each Committee.

4.4 Operation and Supporting Actions (Action Plan item 8)

- Effectively scrutinise performance – already in operation.
- Hold Policy Committees to account – it is felt that following a request from a Policy Committee or Full Council to review particular areas, the Overview and Scrutiny Committees should report their findings back within six months of the request. Likewise, Policy Committees should respond to any recommendations from Overview and Scrutiny Committees within six months of receipt.
- Further develop an outward-looking focus – already in operation (e.g. consideration has been given to the County Council's Best Value Review of Elderly People's Services and the NHS LIFT Project. The Community Scrutiny Committee has also been involved in the provision of a young people's skateboarding facility working in partnership with the Derbyshire Youth Service and a Meeting was attended by several young people utilising the facility. Meetings have also been attended by TACT representatives, Youth Service Officers and representatives of the Primary Care Trust).
- Ensure that Officers and all Members are clear about the roles and operation of scrutiny – already in operation.
- Ensure that staff resources are in balance with the work programme and Member expectations – already in operation.
- Review arrangements for substitution at Scrutiny Committee Meetings – Council Procedure Rule 4.2 provides that "For each Committee or Sub-Committee, Full Council will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that Committee or Sub-Committee, up to a maximum of 100% of the ordinary seats held." The Council has always felt that substitutions for Scrutiny Committees are inappropriate as due to the nature of the work, it would not be fair or correct to introduce a new Member into an ongoing scrutiny process on a particular matter, perhaps for only one Meeting. Accordingly, the Council has always chosen to appoint substitutes for Scrutiny Committees at a level of 0%, i.e nil.

4.5 Call-In (Action Plan item 9)

A copy of the proposed Call-In proforma is attached at Annexe 'D', which now incorporates a requirement to provide a full explanation of the reasons for Call-In. The opportunity should also be taken to clarify the timescale involved in the process. In particular, it should be made clear that following a Call-In, the necessary Meeting of the Overview Committee shall be **held** within 7 working days of the date of receipt of the Call-In (Overview and Scrutiny Procedure Rule 14 (d)). Similarly, the date on which a decision shall take effect under Overview and Scrutiny Procedure Rule 14 (g) should be corrected from 10 working days to 7 working days, to reflect the above period in which the Meeting of the Overview Committee must be held.

6.0 Financial Implications

6.1 None.

7.0 Corporate Implications

7.1 Any amendments to the Constitution must be approved by Full Council.

8.0 Community Implications

8.1 None.

9.0 Background Papers

9.1 Constitution Action Plan

