

Date of meeting:	19 May 2023
Title of Report:	Amendments to the Council's Constitution
Proper Officer:	Emma Jackman, Monitoring Officer
Author:	Ross Jago, Head of Governance, Performance and Risk
Contact Email:	Ross.jago@plymouth.gov.uk
Your Reference:	AGM23/C
Key Decision:	No
Confidentiality:	PART I

Purpose of Report

This report details changes to the Constitution to amend the requirements for Chairpersons of Overview and Scrutiny Committees.

Constitutional amendments as appended to this report will give effect to an update to Part D, Overview and Scrutiny Committees to reflect changes to allow the largest opposition party to hold the position of Chair on two of the four Committees with the party in administration to hold the Chair on the remaining committees.

Recommendations and Reasons

That Council agrees to amend the constitution to enable –

1. The largest opposition group to Chair the Growth and Infrastructure Overview and Scrutiny Committee and the Performance Finance and Risk Overview and Scrutiny Committee.
2. The group in administration to Chair the Education and Childrens' Social Care Overview and Scrutiny Committee and the Health and Adult Social Care Overview and Scrutiny Committee.

Alternative options considered and rejected

Best practice indicates that opposition groups should retain the Chair role on a proportion of scrutiny committees, the specific allocation of which is at the discretion of the Council.

Relevance to the Corporate Plan and/or the Plymouth Plan

Effective decision and good governance impacts upon all aspects of the Corporate Plan. Proposed changes to the constitution best practice approach to scrutiny.

An in-depth review of the Constitution will be considered at the Audit and Governance Committee in the coming municipal year.

Implications for the Medium Term Financial Plan and Resource Implications:

As an administrative change there are no direct financial implications as a result of this report.

Carbon Footprint (Environmental) Implications:

No direct carbon/environmental impacts arising from the recommendations.

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

No other implications.

Appendices

*Add rows as required to box below

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	PLYMOUTH CITY COUNCIL CONSTITUTION AMENDMENT PART D: OVERVIEW AND SCRUTINY FUNCTIONS & PROCEDURES							

Background papers:

*Add rows as required to box below

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are **unpublished** works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7

Sign off:

Fin	N/A	Leg	EJ/1194 /17.5.23 (1)	Mon Off	EJ/1194/1 7.5.23 (1)	HR	N/A	Assets	N/A	Strat Proc	N/A
Originating Senior Leadership Team member: Emma Jackman, Monitoring Officer											
Please confirm the Strategic Director(s) has agreed the report?											
Date agreed: 17 May 2023											

PLYMOUTH CITY COUNCIL CONSTITUTION AMENDMENT PART D: OVERVIEW AND SCRUTINY FUNCTIONS & PROCEDURES

1. Overview and Scrutiny Functions

2. The aims of the Overview and Scrutiny process are to-

- add value to Council business and decision-making;
- hold the Cabinet to account;
- monitor the budget and performance of services;
- assist the Council in the development of policy and review the effectiveness of the implementation of Council policy;
- review relevant central government policy development and legislation to assess the impact on the City and make recommendations to Cabinet.

3. Scrutiny Management Board

3.1. The purpose of the Scrutiny Management Board is to manage scrutiny in a way that ensures the functions of overview and scrutiny are fairly balanced across all aspects of the Council's work, with a view to improving services, reducing inequalities and improving outcomes for the people of Plymouth.

4. Role of the Scrutiny Management Board

- To ensure that work is allocated fairly across the four scrutiny committees and reflects all aspects of the Council's work by providing oversight and direction to the committees' work programmes
- To ensure corporate and cross cutting business is dealt with by the relevant committee
- To review performance against the relevant corporate priorities and inform work programmes as appropriate
- To commission select committee reviews where necessary and appropriate
- To receive for information, and oversee implementation of, recommendations made by each Scrutiny Committee
- To plan and oversee implementation of the process for annual Budget Scrutiny
- To produce an annual scrutiny report to Council (in conjunction with the scrutiny committees)
- To review national best practice and guidance in relation to overview and scrutiny and recommend any changes to the way overview and scrutiny is undertaken as a result

4.1. **Membership** – the Scrutiny Management Board will consist of the Chairs of each of the scrutiny committees. The relevant committee Vice-Chair can act as substitute for the relevant Chair if required.

4.2. **Chair** – the Chair of the Board will be from the group in administration.

4.3. **Vice-Chair** – the Vice-Chair will be from the main opposition group.

5. Role of Overview and Scrutiny Committees

5.1. The relevant scrutiny committee will:

- hear call-ins, Councilors' call for action and petitions;
- approve time limited select committees for issues within its remit;
- monitor performance against the relevant corporate priorities;
- receive finance and performance reports;
- agree recommendations to Cabinet, Council and partner organisations;
- agree appointments of co-opted representatives;
- monitor the forward plan;
- help Council and the Cabinet to develop policy by studying issues in detail through time limited Select Committees;
- review new and developing legislation to assess its impact on the city;
- consider and introduce schemes to involve the public in developing policy;
- work with national, regional and local organisations to promote the interest of local people.

6. Growth and Infrastructure Overview and Scrutiny Committee

6.1. Responsibility for

- Relevant policies in the Plymouth Plan
- Response to Central Government's Policy Making
- Capital Programme
- Strategic Procurement
- Corporate Property
- Development planning
- Strategic Highways
- Economic Development
- Heart of the South West Productivity Plan
- Strategic Transport policies and strategies
- Cultural Infrastructure
- Climate change and sustainability
- Reviewing impact of Brexit on the city
- Proposing measures that Government should take to provide stability for the council and partners in light of Brexit
- Exploring powers could be devolved from the EU directly to local authorities
- Hear call-ins relevant to the role of the committee

6.2. Partnership links

- Growth Board
- Joint Committee for Heart of the South West
- Heart of the South West Local Enterprise Partnership

6.3. **Membership** - All members of the Committee will adhere to the general rules of Overview and Scrutiny. There are thirteen members of the Committee including the Chair and Vice Chair.

6.4. **Chair** – The Chair will be from the largest opposition group and will be a member of the Scrutiny Management Board.

6.5. **Vice Chair** – The Vice Chair will from be the group in administration and will act as substitute for the Chair on the Scrutiny Management Board.

6.6. **Urgent Decisions** – Urgent decisions will be reviewed by the Chair with relevant responsibilities

7. Performance, Finance and Customer Focus Overview and Scrutiny Committee

7.1. Responsibility for -

- Relevant policies in the Plymouth Plan
- Corporate Performance Monitoring
- Financial Performance Monitoring
- Annual Budget Setting Process
- Medium Term Financial Strategy
- Revenues and benefits
- Homelessness
- Communications
- Human resources
- Audit and Risk
- Transformation
- Bereavement Services and Register Office
- Community Safety
- Customer Services
- Street scene and Waste
- Parking
- Hear call-ins relevant to the role of the committee

7.2. Partnership links

- Health and Wellbeing Board
- Safer Plymouth
- Police and Crime Panel

7.3. **Membership** - All members of the Committee will adhere to the general rules of Overview and Scrutiny. There are thirteen members of the Committee including the Chair and Vice Chair.

7.4. **Chair** – The Chair will be from the largest opposition group and will be a member of the Scrutiny Management Board.

7.5. **Vice Chair** – The Vice Chair will be from the group in administration and will act as substitute for the Chair on the Scrutiny Management Board.

7.6. **Urgent Decisions** – Urgent decisions will be reviewed by the Chair with relevant responsibilities

8. Education and Children's Social Care Overview and Scrutiny Committee

8.1. Responsibility for-

- Relevant policies in the Plymouth Plan
- Early Years Services
- Schools, colleges and other educational settings
- Child Poverty

- Special Education Needs, behaviour and attendance, narrowing the gap in outcomes
- Safeguarding Children
- Cared for children
- Youth offending
- Adoption and Fostering
- Corporate Parenting
- Hear call-ins relevant to the role of the committee

8.2. Partnership Links

- Plymouth Safeguarding Children's Board
- Plymouth Education Board
- Health and Wellbeing Board
- Regional Adoption Agency
- Children's Partnership

8.3. Membership - All members of the Committee will adhere to the general rules of Overview and Scrutiny. There are thirteen members of the Committee including the Chair and Vice Chair.

8.4. **Chair** – The Chair will be from the group in administration and will be a member of the Scrutiny Management Board.

8.5. **Vice Chair** – The Vice Chair will be from the largest opposition group and will act as substitute for the Chair on the Scrutiny Management Board.

8.6. **Urgent Decisions** – Urgent decisions will be reviewed by the Chair with relevant responsibilities

9. Health and Adult Social Care Overview and Scrutiny Committee

9.1. Responsibility for -

- Relevant policies in the Plymouth Plan
- Integrated Commissioning
- Hospital and community health services
- dental services, pharmacy and NHS ophthalmic services;
- public health services
- Adult Social Care Services
- Adult Safeguarding Services
- Hear call-ins relevant to the role of the committee

9.2. Statutory Role with regard to undertaking all the statutory functions in accordance with Section 244, of the National Health Act 2006, (as amended by Health and Social Care Act 2012) regulations and guidance under that section.

9.3. Partnership Links

- Health and Wellbeing Board
- Plymouth Safeguarding Adults Board
- Integrated Commissioning Board

9.4. **Membership** - All members of the Committee will adhere to the general rules of Overview and Scrutiny. There are thirteen members of the Committee including the Chair and Vice Chair. The Vice Chair is from the opposite political group to the Chair.

10. Chair – The Chair will be from the group in administration and will be a member of the Scrutiny Management Board.

11. Vice Chair – The Vice Chair will be from the largest opposition group and will act as substitute for the Chair on the Scrutiny Management Board.

12. Urgent Decisions – Urgent decisions will be reviewed by the Chair with relevant responsibilities.