

Date of meeting:	17 May 2024
Title of Report:	<b>Changes to Part D of the Constitution (Scrutiny Arrangements)</b>
Lead Strategic Director:	Tracey Lee (Chief Executive)
Author:	Ross Jago (Head of Governance, Performance and Risk)
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Your Reference:	N/A
Key Decision:	No
Confidentiality:	Part I - Official

### **Purpose of Report**

Following an external review of the Scrutiny function conducted in 2022/23 municipal year, Officers were tasked to amendments to Part D of the constitution concerning scrutiny arrangements.

The structure of the scrutiny function has not been changed and will continue to consist of a Scrutiny Management Board and four scrutiny panels. Terms of reference have been amended to provide the Scrutiny Management Board with greater oversight of corporate functions with consequential and minor amendments made to the remaining four panels, including changes to names of the panels.

Political Groups have been advised of the proposed changes and have provided nominations.

Subject to approval by Council of these proposed changes, the Independent Remuneration Panel (IRP) will be requested to meet to consider these changes in relation to Special Responsibility Allowances (SRAs).

### **Recommendations and Reasons**

- I. That Council approves the changes to Article 7 and Part D of the Constitution in relation to the terms of reference for the Overview and Scrutiny Function as set out at Appendix.

*Reason: Retaining the status quo would not reflect the administration's commitment to enhanced overview and scrutiny arrangements.*

### **Relevance to the Corporate Plan and/or the Plymouth Plan**

Effective scrutiny impacts upon all aspects of the Corporate Plan by providing a process for challenge to decision making and the development of policy.

The new scrutiny structure will provide a review function to enable Members to assess the impact of Central Government policies affecting the City, demonstrate a check and balance to executive power within the City Council and reflect the values of the organisation as set out in the corporate plan.



**Sign off:**

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Originating Senior Leadership Team member: Tracey Lee, Chief Executive											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 16/05/2024											

## Overview and Scrutiny

### I. Overview and Scrutiny Functions

I.1. 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.

### 2. Scrutiny Management Board

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

#### 2.2. Role of the Scrutiny Management Board

- To review regular budget monitoring reports and the medium-term financial strategy;
- To plan the process for annual Budget Scrutiny;
- To review performance against the relevant corporate priorities and inform work programmes as appropriate;
- To review the forward plan of key decisions and consider scrutiny of those issues;
- Exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Leader/Cabinet Member or relevant senior officers including Corporate or Service Directors jointly with a Deputy Cabinet Member or by any other officer;
- To ensure that work is allocated fairly across scrutiny panels and reflects all aspects of the Council's work by providing oversight and direction to the committees' work programmes;
- To produce an annual scrutiny report to Council;
- To receive for information, and oversee implementation of, recommendations made by each Scrutiny Committee;
- 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.

2.3. The Scrutiny Management Board will also undertake annual budget scrutiny and is linked to the Cabinet Members responsible for -

- Revenue Budget
- Capital Programme
- The Corporate Plan
- The Plymouth Plan
- Human Resources
- ICT
- Business Continuity and Civil Protection
- Strategic Procurement
- Corporate Property and Facilities Management

- Performance Management
- Transformation and Change Management
- Media, Public Relations and Communications
- Democracy and Governance
- Legal Service

2.4. In addition to the Scrutiny Management Board the Council will operate a scrutiny structure comprising a number of scrutiny panels.

### 3. Membership

3.1. Membership of the Scrutiny Management Board will not exceed 11 councillors.

3.2. The Chair and Vice Chair of the Board and it will be appointed at the Annual General Meeting of Council alongside the Board and panel membership.

### 4. Principles

4.1. The Scrutiny panels are committed to the developing of a respectful relationship between themselves, the Cabinet and external partners. The work of the Scrutiny panels is underpinned by the following six principles:-

- i To contribute to sound decision-making in a timely way by holding councillors and key partners to account as a 'critical friend'.
- ii Contribute to and reflect the vision and priorities of the Council.
- iii Enable the voice and concerns of the public to be heard and reflected in the Council's decision-making process.
- iv Engage in policy development at an appropriate time to be able to influence the development of policy.
- v To be agile and able to respond to changing and emerging priorities at the right time with flexible working methods.
- vi For scrutiny to be a councillor led and owned function which seeks to continuously improve through self-reflection and development.

### Scrutiny Panel Functions

#### 5. General Terms of Reference

5.1. Within their agreed remit Scrutiny panels will:

- (i) Review and / or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) Make reports and/or recommendations to the Cabinet / Council in connection with the discharge of any functions; make reports and/or recommendations to partners;
- (iii) Work to ensure that communities are engaged in the scrutiny process; and consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
- (iv) Promote equality and diversity across all its work and the work of the Council.
- (v) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or service areas;
- (vi) Question the Leader / Cabinet Members / senior officers about their decisions and performance, whether in comparison with service plans and targets over a period of time,

- or in relation to particular decisions, initiatives or projects;
- (vii) Scrutinising the work of partnerships and partnership bodies in the local area;
  - (viii) Make recommendations to the Cabinet/Leader/Cabinet Member, Council or Partners, arising out of the Scrutiny process;
  - (ix) Question and gather evidence from any person (with their consent where appropriate).
  - (x) Reviewing current policies and strategies and making recommendations to the Leader/Cabinet and Council;
  - (xi) Undertaking in depth analysis of policy issues and options to assist the Council and the Leader/Cabinet in the development of its budget and policy framework;
  - (xii) Considering matters referred to them by the Leader/Cabinet and reporting to the Leader/Cabinet with proposals and/or options;
  - (xiii) Questioning members of the Cabinet and/or Committees and senior officers from the Council about their views on issues and proposals affecting the area; and
  - (xiv) Liaising with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

## **Scrutiny Panel Responsibilities**

### **Housing and Community Services Scrutiny Panel**

Linked to the Cabinet Member and Department with Responsibility for

- Cost of Living
- Child Poverty
- Parks including playgrounds and greenspaces
- Waste management, recycling and street cleaning
- Anti-social behavior
- Community safety
- Community cohesion, equalities and neighbourhood development
- Homelessness
- Private sector housing, grants and improvements
- Housing enabling with respect to registered social landlords
- Customer Services
- Car parks
- Licensing – Hackney Carriage and Miscellaneous
- Statutory Role with regard to scrutiny of the community safety partnership

MEMBERSHIP – Proportionality applies, the Chair of the panel shall serve on the Scrutiny Management Board. All members of the panel will adhere to the general rules of Overview and Scrutiny.

There are 11 members of the panel including the Chair and Vice Chair.

### **Children, Young People and Families Scrutiny Panel**

Linked to the Cabinet Member and Department with responsibility for

- Schools and Colleges
- Apprenticeships
- Early years Development
- Education Grants
- Youth Services

- Children's social care (primary responsibility for Children's Service Matters)
- Adoption and Fostering
- Early intervention and prevention
- Children with special educational needs and disabilities (SEND)
- Corporate Parenting
- The leadership and delivery of all services for children and young people

MEMBERSHIP – Proportionality applies, the Chair of the panel shall serve on the Scrutiny Management Board. All members of the panel will adhere to the general rules of Overview and Scrutiny.

There are 11 members of the panel including the Chair and Vice Chair.

### **Natural Infrastructure and Growth Scrutiny Panel**

Linked to the Cabinet Member and Department with Responsibility for

- Net Zero Action Plan
- Natural Infrastructure and Investment
- Inclusive Growth
- Regional and local economic strategy
- Development planning
- Strategic Housing Delivery
- Transport policies and strategies
- Social enterprise support
- Sustainable public transport and cycling
- Events, Culture, Heritage and Museums (including Mount Edgumbe)
- Highways

MEMBERSHIP – Proportionality applies, the Chair of the panel shall serve on the Scrutiny Management Board. All members of the panel will adhere to the general rules of Overview and Scrutiny.

There are 11 members of the panel including the Chair and Vice Chair.

### **Health and Wellbeing Scrutiny Panel**

Linked to the Cabinet Member and Department with responsibility for

- Public Health
- Public protection service
- Adult and Children's Health
- Mental Health Services
- Physical Disability Services
- Drug and Alcohol Services
- Learning Disability Services
- Ageing Well / Older Peoples Services
- Joint Health and Social Care Commissioning
- Leisure Services
- Health and Wellbeing

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.

**MEMBERSHIP – Proportionality applies, the Chair of the panel shall serve on the Scrutiny Management Board. All members of the panel will adhere to the general rules of Overview and Scrutiny.**

There are 11 members of the panel including the Chair and Vice Chair.

## **6. Overview and Scrutiny General Provisions**

### **Conflicts of Interest**

- 6.1. Unless they have a dispensation, members of the Overview and Scrutiny Committees cannot scrutinise decisions they were involved in taking and must leave the room when these decisions are scrutinised. Before they leave they can make representations and answer questions or give evidence if other members of the public would also have this right.

### **Procedure when a councillor resigns from a committee**

- 6.2. A Councillor can resign from a Committee by writing to the Monitoring Officer. A replacement member will be confirmed at the next Council meeting.

### **Procedure when a committee member stops being a councillor**

- 6.3. If a Committee member stops being a Councillor, a replacement member will be confirmed at the next full Council meeting.

### **Co-opted members of overview and scrutiny committees**

- 6.4. Non-voting co-opted members can serve on an Overview and Scrutiny Committees or for a specific policy review.
- 6.5. Co-opted members cannot vote unless they have the legal right to do so.
- 6.6. The Overview and Scrutiny Committee that deals with education matters will appoint four (statutory) co-opted members (two parent governor representatives and two church representatives). One of the church representatives will be nominated by the Diocesan Board of Education for the Church of England diocese and the other will be nominated by the Bishop of the Roman Catholic diocese within the area.

### **Overview and scrutiny committee meetings**

- 6.7. The annual calendar for Overview and Scrutiny Committee meetings is set by Council. If Overview and Scrutiny Committees need to have extra meetings, they set the dates themselves.
- 6.8. The Chair is responsible for the start times of committees in consultation with the Monitoring Officer.
- 6.9. The Monitoring Officer or the Overview and Scrutiny Committee Chair can decide to call a special meeting.
- 6.10. If a Committee has no business at one of its fixed meetings, the Monitoring Officer can cancel it after consulting the chair.



### **Substitutes, quorum and training**

- 6.11. Members of the Committees can send other Councillors (who must belong to the same political group) as substitutes. Substitutes have the powers of an ordinary member of the committee.
- 6.12. Substitutions must be for a whole meeting. A member cannot take over from their substitute or hand over to them part way through a meeting.
- 6.13. If a member wants to send a substitute, they must inform the Monitoring Officer before the meeting. Substitutes cannot appoint substitutes of their own.
- 6.14. If a Councillor is a member of a Select Committee Review, once the group has started its work, no substitution is allowed.
- 6.15. The quorum for a meeting is one third of its membership.

### **Resignation of chair or vice-chair**

- 6.16. If a Councillor wants to resign as chair or vice-chair, they must write to the Monitoring Officer. A new chair or vice-chair will be confirmed at the next ordinary meeting of Council.

### **Programme of work**

- 6.17. The Overview and Scrutiny Committees set their own programmes of work. The Committees must also review anything they are asked to review by Council.

### **Call in**

- 6.18. Items called in will be heard at a meeting of the Scrutiny Management Board within 10 working days of the end of the call-in period relating to that item.

### **Agenda**

- 6.19. Any Councillor may place any local government matter (other than excluded matters – see below) which is relevant to the functions of the Committee or board on the agenda of a meeting. The Councillor will be invited to attend the meeting at which the item is to be considered and to explain the reasons for the request.

### **Considering matters**

- 6.20. When considering a local government matter referred by a Councillor, the Committee will decide whether to:
- review or scrutinise a decision taken by the cabinet or cabinet member;
  - make a report or recommendation to the Council or cabinet on how cabinet carries out its functions;
  - review or scrutinise a decision taken by a Council body other than the cabinet or a cabinet member;
  - make a report or recommendation to the Council or the cabinet on how a Council body other than the cabinet carries out its functions;

- make a report or recommendation to the Council or the cabinet on matters which affect the city or the inhabitants of the city;
- take no action.

6.21. The Committee will then report back to the Councillor who raised the local government matter about the decision and the reasons for the decision.

### **Excluded matters**

6.22. The following matters cannot be considered by an Overview and Scrutiny Committee:

- any matter relating to a planning decision;
- any matter relating to a licensing decision;
- any matter relating to an individual or body if s/he/they have, by law, a right to a review or right of appeal;
- any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a Committee or board meeting.

6.23. The Monitoring Officer in consultation with the Scrutiny Officer and Chair (or Vice-Chair in the chair's absence) of the relevant Committee will determine whether a matter is an excluded matter.

### **Speaking on agenda items**

6.24. Any member of the public and any Councillor who is not a member of the Committee can speak on an agenda item if the Chair agrees. The Chair will decide how long they can speak for (unless the meeting is for call-in).

### **Policy review and development**

6.25. The overview and scrutiny Committees' role in developing the policy framework and budget is set out in paragraph 1.

6.26. In areas that are not covered by the policy framework and budget, the Overview and Scrutiny Committees can suggest policies for the cabinet or a cabinet member to develop.

6.27. The Overview and Scrutiny Committees can hold inquiries and consider future policy. This may involve appointing advisors, inviting witnesses, making site visits, holding public meetings, commissioning research or doing anything else which is necessary.

### **Select committee reviews**

6.28. Overview and Scrutiny Committees may appoint time limited Select Committee Reviews to undertake pieces of scrutiny work as required and will be time specific.

### **Requests for reviews from full council**

6.29. The Overview and Scrutiny Committees must review anything full Council asks them to review as soon as they can make space in their programme of work.

### **Requests for reviews from the cabinet**

- 6.30. The Overview and Scrutiny Committees can (but do not have to) review items the Cabinet or a Cabinet Member asks them to review.

### **Select committees**

- 6.31. The Overview and Scrutiny Committees may appoint Select Committees to undertake pieces of scrutiny work as required and will be time specific. The Chair of and members of Select Committee can be any member not excluded from scrutiny. Select Committees will be subject to rules of proportionality.

### **Committee/Select Committee Review report**

- 6.32. At the end of each policy review, the Overview and Scrutiny Committee / Select Committee Review will send the report to the Cabinet or a Cabinet Member (if it is about executive responsibilities) or to Council (if it is about Council responsibilities) or to another organisation, as appropriate.

### **Minority report**

- 6.33. For each policy review, there can be a minority report giving any dissenting views. The Cabinet, Cabinet Member or Full Council will consider the minority report at the same time as the Committee/ review report.
- 6.34. Each Overview and Scrutiny Committee / Select Committee Review member can vote for one report but no more than one. The report with the most votes will be the Overview and Scrutiny Committee / Select Committee Review report.

### **Timing**

- 6.35. If an Overview and Scrutiny Committee decides to send a report to the Cabinet, a cabinet member or Council:
- the Cabinet must, where practicable, consider it at its next ordinary meeting if it is about executive responsibilities;
  - Council must, where practicable, consider it at its next ordinary meeting if it is about Council responsibilities.

### **Arrangements for cabinet to comment on reports to full council**

- 6.36. When the Overview and Scrutiny Committee sends a report to full Council, the Monitoring Officer will send a copy to the Cabinet/Cabinet Member. Council must consider the Cabinet or cabinet member's comments on anything that affects the policy framework and budget.

### **Overview and scrutiny members' rights to see documents**

- 6.37. Overview and Scrutiny members' rights to see documents are set out in the Access to Information Rules ([see Part F](#)).

### **Duty of cabinet members and officers to attend overview and scrutiny meetings**

- 6.38. Overview and scrutiny meetings can require members of the Cabinet and senior officers to attend and answer questions about:

- their performance
- decisions they were involved in
- the extent to which they have followed the policy framework and budget

6.39. The Lead Scrutiny Officer will inform the Councillor or officer that they are required to attend, what it is about and whether they need to produce a report or provide papers.

### **Whipping**

6.40. Political groups should not pressure their members over how they speak or vote at Overview and Scrutiny meetings.

### **Order of business at overview and scrutiny committees**

6.41. The overview and scrutiny committee will consider:

- declarations of interest
- minutes
- anything that has been called in
- any Cabinet/Cabinet member's responses to the committee's reports
- anything else on the agenda

6.42. This procedure can be suspended if at least half of all the voting members are present and there is a simple majority in favour. It can only be suspended until the end of a meeting.

### **Witnesses at overview and scrutiny meetings**

6.43. Witnesses should be treated with politeness and respect. Witnesses will only be required to attend Scrutiny meetings where the law requires their attendance.

### **Items affecting more than one overview and scrutiny committee**

6.44. If an item affects more than one Overview and Scrutiny Committee, the Chairs and Vice Chairs of the Committees will consider the creation of a Joint Select Committee to review it.

### **Minutes**

6.45. At the first meeting when the minutes are available, the chair will move that the minutes are correct and sign them. The committees will not discuss anything arising from the minutes.

### **Gaps in these procedures**

6.46. If there is a gap in these procedures, the Chair will decide what to do.