

PLYMOUTH CITY COUNCIL CONSTITUTION

PART D: OVERVIEW AND SCRUTINY FUNCTIONS & PROCEDURES

1. Overview and Scrutiny Functions

1.1. 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 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.

2.2 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

2.3 **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.

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

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

3. Role of Overview and Scrutiny Committees

3.1. The relevant scrutiny committee will:

- hear call-ins, Councillor's 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.

4. **Brexit, Infrastructure and Legislative Change Overview and Scrutiny Committee**

4.1. 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

4.2. Partnership links

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

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

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

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

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

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

5.1. 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

5.2. Partnership links

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

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

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

5.5. **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.

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

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

6.1. 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

6.2. Partnership Links

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

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

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

6.5. **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.

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

7. Health and Adult Social Care Overview and Scrutiny Committee

7.1. 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

7.2. **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.

7.3. Partnership Links

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

7.4. **Membership** - All members of the Committee will adhere to the general rules of

Overview and Scrutiny. There are 9 members of the Committee including the Chair and Vice Chair. The Vice Chair is from the opposite political group to the Chair.

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

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

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

8. Overview and Scrutiny Procedures

Conflicts of interest

8.1. 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

8.2. A Councillor can resign from a Committee by writing to the Monitoring Officer.

8.3. A replacement member will be confirmed at the next Council meeting.

Procedure when a committee member stops being a councillor

8.4. 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

8.5. Non-voting co-opted members can serve on an Overview and Scrutiny Committees or for a specific policy review.

8.6. Co-opted members cannot vote unless they have the legal right to do so.

8.7. 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

8.8. 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.

- 8.9. The Chair is responsible for the start times of committees in consultation with the Monitoring Officer.
- 8.10. The Monitoring Officer or the Overview and Scrutiny Committee Chair can decide to call a special meeting.
- 8.11. 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

- 8.12. 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.
- 8.13. 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.
- 8.14. If a member wants to send a substitute, they must inform the Monitoring Officer before the meeting.
- 8.15. Substitutes cannot appoint substitutes of their own.
- 8.16. If a Councillor is a member of a Select Committee Review, once the group has started its work, no substitution is allowed.
- 8.17. The quorum for a meeting is three members

Chairs and vice-chairs of overview and scrutiny committees

- 8.18. Election of chair and vice-chair
- 8.19. Chairs and vice-chairs are appointed at the annual meeting of Council.
- 8.20. Resignation of chair or vice-chair
- 8.21. 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 Committee's next ordinary meeting.

Programme of work

- 8.22. 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

- 8.23. Items called in will be heard at a meeting of the relevant committee within 10 working days of the end of the call in period relating to that item.

Agenda

- 8.24. 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

- 8.25. 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.
- 8.26. 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

- 8.27. 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 .
- 8.28. 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

- 8.29. 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

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

- 8.31. 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.
- 8.32. 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

- 8.33. 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

- 8.34. 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

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

Reports on overview and scrutiny reviews

Select committees

- 8.36. 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

- 8.37. 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

- 8.38. 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.
- 8.39. 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

- 8.40. 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

8.41. 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

8.42. 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

8.43. 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

8.44. 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.

Timing

8.45. The Councillor or officer must be given reasonable time to compile information.

Whipping

8.46. 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

8.47. 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

8.48. 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

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

Items affecting more than one overview and scrutiny committee

- 8.51. 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

- 8.52. 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

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