

ARTICLE 6 - SCRUTINY COMMITTEES

References:

S.21 and Schedule 1 (Paras 7,8 10 and 11) Local Government Act 2000

Chapters 3 and 9 DETR Guidance

NHS Act 2006

Local Government and Public Involvement in Health Act 2007

Localism Act 2011

Health and Social Care Act 2012

6.01 Establishment of scrutiny committees

The Council will establish scrutiny committees to discharge the functions conferred by sections 9F and 9FA to 9FI of the Local Government Act 2000, section 19 of the Police and Justice Act 2006 and any functions conferred on an overview and scrutiny committee by regulations under section 244 (2ZE) of the National Health Service Act 2006 (or subsequent legislation in force from time to time).

The specific remit and terms of reference of the Committees are set out in Part 3 Section 7 of this Constitution.

Scrutiny committees may appoint one or more sub-committees from their membership to discharge any of the functions of the scrutiny committee.

The Council will agree arrangements for the joint scrutiny of Health Services as follows:

- (a) Joint Health Overview and Scrutiny Committee for the Pennine Care Foundation Trust
- (b) Greater Manchester Joint Health Scrutiny Committee (strategic, conurbation wide and cross boundary health services)

The specific remit and terms of reference of the above Committees are set out in Part 3 Section 7 of this Constitution.

6.02 General role

Within their terms of reference, each Scrutiny Committee will:

- (i) review 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 Council Meeting and/or the Cabinet and/or any joint or area committee in connection with the discharge of any functions;
- (iii) make reports and/or recommendations to the full Council and/or the Cabinet on any matter affecting the area or its inhabitants;
- (iv) exercise (subject to the Scrutiny Procedure Rules at Part 5 PR4) the right to call in decisions made but not yet implemented by the Cabinet or by an officer (where the officer has made an executive key decision) and to recommend that the decision be reconsidered by the Cabinet or officer who made it;
- (v) arrange for its function under (i) above as regards any decision to be exercised by the full Council;
- (vi) require members of the Cabinet or officers of the authority to attend before it to answer questions, and invite other persons to attend;

- (vii) appoint one or more sub-committees and arrange for the discharge of any of its functions by such a sub-committee;
- (viii) consider matters except “excluded matters” referred to it by any member of the authority.
- (ix) require the Council or the Cabinet to respond to any report or recommendation made by the Committee.

“Excluded Matters” means

- (i) any matter relating to a planning decision
- (ii) any matter relating to a licensing decision
- (iii) any matter relating to a person in respect of which that person has a right of recourse or right of appeal conferred by or under any enactment
- (iv) any matter that is vexatious, discriminatory or not reasonable to be included on the agenda for or to be discussed at a meeting of the scrutiny committee or any sub-committee of that scrutiny committee.

6.03 Specific functions

(a) Policy development and review

Scrutiny Committees may:

- (i) assist the Council and the Cabinet in the development of its budget and policy framework by in depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question members of the Cabinet and/or committees, and chief officers about their views on issues and proposals affecting the area; and
- (v) liaise with external/partnership organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) Scrutiny

Scrutiny Committees may:

- (i) review and scrutinise the decisions made by and performance of the Cabinet, and/or committees and council officers both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question members of the Cabinet and/or committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iv) make recommendations to the Cabinet and/or appropriate committee and/or Council Meeting arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee and local people about their activities and performance, and question and gather evidence from any person (with their consent).

(c) Reporting

Scrutiny Committees will report annually to the Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

6.04 Crime and Disorder Committee

- (a) A Scrutiny Committee will be designated as the Crime and Disorder Committee. Its responsibilities will include:-
- to review or scrutinise decisions or actions taken in connection with the discharge by the responsible authorities of their crime and disorder functions;
 - to make reports and recommendations to the Council Meeting or Cabinet with respect to the discharge of those functions.
- (b) **“Responsible authorities” include:-**
- Stockport Metropolitan Borough Council;
 - every provider of probation services operating within Stockport in pursuance of arrangements under Section 3 of the Offender Management Act 2007 which provide for it to co-operate with responsible authorities;
 - the Chief Constable of Greater Manchester Police;
 - the Greater Manchester Fire and Rescue Authority;
 - every Clinical Commissioning Group (CCG), the whole or any part of whose area lies within the area of Stockport.
- (c) **“Crime and Disorder Functions” are:-**
- reducing crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); and
 - combating the misuse of drugs, alcohol and other substances in the area and reduction of re-offending in the area.

6.05 Health Scrutiny Committee

A Scrutiny Committee will be designated as the Health Scrutiny Committee to discharge the health scrutiny functions of the Council under Regulations 21 to 23, 26 and 27 of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. Its responsibilities will include:-

- to review and scrutinise any matter relating to the planning, provision and operation of the health service in the Council’s area;
- to make reports and recommendations to relevant NHS bodies and health service providers.

6.06 Flood risk management

A Scrutiny Committee will be designated as the Flood Risk Management scrutiny committee. Its responsibilities will include:-

- to review or scrutinize the exercise of the Council's flood risk management functions arising as a result of section 6(7) of the Flood and Water Management Act 2010 and
- to make reports and recommendations to the Council Meeting or Cabinet with respect to the discharge of those functions

6.07 Education functions

A Scrutiny Committee will be designated as the Education Functions scrutiny committee. Its responsibilities will include:-

- to review or scrutinize the exercise of the Council's education functions
- to make reports and recommendations to the Council Meeting or Cabinet with respect to the discharge of those functions

6.08 Proceedings of scrutiny committees

Scrutiny committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 PR4 of this Constitution.

6.09 Scrutiny Officer

The Council will designate one of their officers to act as the Council's Scrutiny Officer who will discharge the following functions:

- (a) to promote the role of the Council's scrutiny committees;
- (b) to provide support for the Council's scrutiny committees and the members of those committees;
- (c) to provide support and guidance to-
 - (i) members of the Council;
 - (ii) members of the Cabinet; and
 - (iii) officers of the Council

in relation to the functions of the Council's scrutiny committees.

6.10 Substitute Members

Substitutes are permitted for Scrutiny Committee. Members can appoint their own substitute from within their group, but not members of the Cabinet, provided that they inform Democratic Services prior to the commencement of the meeting.

A member wishing to arrange a substitute for a particular meeting is not required to give a reason for his or her proposed absence.

A notice to the effect that a member will not be able to attend a meeting may be withdrawn only with the agreement of the arranged substitute member (if any).