

PART 2 C OVERVIEW AND SCRUTINY COMMITTEES

PLACE OVERVIEW AND SCRUTINY COMMITTEE TERMS OF REFERENCE

1. Delegated functions

1.1 The Place Overview and Scrutiny Committee shall perform the overview and scrutiny role and function in relation to:

- Corporate services (including legal and democratic services, policy and corporate communications, performance improvement and programmes)
- Finance and procurement
- Human resources
- IT&D
- Housing delivery (including regeneration) and Housing supply
- Culture and leisure services, including arts and creative industries, tourism, leisure, parks & open spaces, seafront
- Transport, including highways, traffic management and parking management and enforcement
- Planning policy, conservation and design
- Waste management and control
- Economic development and regeneration
- Environmental awareness & enforcement, and sustainability
- Safer communities, emergency planning, licensing policy, environmental health and trading standards
- And any other services within the scope of the Corporate Services and City Services directorates that are not included in the Terms of Reference of another Overview and Scrutiny Committee.

2. Membership of the Place Overview and Scrutiny Committee

2.1 All Councillors except members of the Executive may be Members of the Place Overview and Scrutiny Committee.

2.2 No member may be involved in scrutinising a decision in which they have been directly involved.

2.3 Members of the Place Overview and Scrutiny Committee will be appointed by Council in accordance with the rules on political proportionality.

3. Co-optees

3.1 The Place Overview & Scrutiny Committee will also include non-statutory non-voting co-optees providing lived experience. These will be:

- A co-optee from the local Community & Voluntary Sector
- A co-optee from the Youth Council
- A co-optee from the Older People's Council
- A standing invitee to provide lived experience of black and racially minoritised communities.

3.2 The Council may appoint such additional non-voting co-optees to the Place Overview and Scrutiny Committee as it chooses. Additionally, the Chair of the Committee may invite individuals to attend meetings of the Committee as they consider appropriate to the agenda.

4. Meetings of the Place Overview and Scrutiny Committee

4.1 The Place Overview and Scrutiny Committee will meet in accordance with a programme of meetings agreed by full Council. In addition, an extraordinary meeting may be called by the Chair or the Chief Executive at any time if they consider it necessary or desirable.

4.2 The Place Overview & Scrutiny Committee shall meet in public.

5. Quorum

5.1 The quorum for Place Overview and Scrutiny Committee meetings shall be 3 elected members.

6. Chair of Place Overview and Scrutiny Committee

6.1 The Council will appoint the Chair and Deputy Chair of the Place Overview and Scrutiny Committee.

7. Work programme

7.1 The Place Overview and Scrutiny Committee will be responsible for setting its own work programme.

7.2 The Chairs of the Overview & Scrutiny Committees will work together to manage any overlap between the committee work programmes, minimising duplication.

7.3 Issues appropriate for Overview & Scrutiny may include, but are not limited to:

- Items on the Council Forward Plan due for executive or Council decision at a later date (pre-decision scrutiny)
- Issues suggested by members of the public
- Issues suggested by partner organisations

- Issues raised by any member, including executive members
- Issues relating to the performance of council services

8. Agenda items

- 8.1 Agenda items shall be agreed by the Chair of the Place Overview and Scrutiny Committee, reflecting the committee work programme priorities.
- 8.2 Any voting Member of the Place Overview & Scrutiny Committee is entitled, by giving at least seven working days notice before the meeting to the Chief Executive, to request that an item relevant to the functions of the Committee be included on the agenda.

9. Task & Finish Groups

- 9.1 The Place Overview & Scrutiny Committee may establish informal task & finish groups to undertake in-depth reviews of specific issues.

PEOPLE OVERVIEW AND SCRUTINY COMMITTEE TERMS OF REFERENCE

1. Delegated Functions

1.1 The People Overview and Scrutiny Committee shall perform the overview and scrutiny role and function in relation to:

- Adult Social Care
- Council Public Health services (in accordance with Regulation 28 of the Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 for scrutiny of the Council's health functions.
- Life Events, including bereavement and registration services
- Communities and Equalities
- Children & Young People services
- Council Local Education Authority functions
- Adult Skills & Learning
- Library services
- Housing Needs, Homelessness and Tenant/Resident services
- Any other services within the scope of the Council's Housing, Care and Wellbeing and Families, Children and Learning directorates which are not included in the terms of reference of another Overview and Scrutiny Committee.

2. Membership of the People Overview and Scrutiny Committee

2.1 All Councillors except members of the Executive, Cabinet Advisers or members of the Health & Wellbeing Board, may be members of the People Overview and Scrutiny Committee.

2.2 No member may be involved in scrutinising a decision in which they have been directly involved.

2.3 Members of the People Overview and Scrutiny Committee will be appointed by Council in accordance with the rules on political proportionality.

3. Co-optees

3.1 The People Overview and Scrutiny Committee will include 2 statutory education co-optees representing the Church of England and the Catholic Church, and 2 statutory parent governor co-optees. These co-optees will only attend and participate for matters relating to the Council's Local Education Authority functions, and will have voting rights in relation to these functions.

3.2 The People Overview & Scrutiny Committee will also include non-statutory non-voting co-optees providing lived experience. These will be:

- A co-optee from the Parent Carers' Council

- A co-optee from the Youth Council
- A co-optee from the Older People's Council
- 2 co-optees representing the local Voluntary & Community Sector, one representing children and young people issues, and the other equalities and communities issues
- A standing invitee to provide lived experience of black and racially minoritised communities.

3.3 The Council may appoint additional non-voting co-optees to the People Overview and Scrutiny Committee as it chooses. Additionally, the Chair of the Committee may invite individuals to attend meetings of the Committee as they consider appropriate to the agenda.

4. Meetings of the People Overview and Scrutiny Committee

4.1 The People Overview and Scrutiny Committee will meet in accordance with a programme of meetings agreed by full Council. In addition, an extraordinary meeting may be called by the Chair or the Chief Executive at any time if they consider it necessary or desirable.

4.2 The People Overview & Scrutiny Committee shall meet in public.

5. Quorum

5.1 The quorum for People Overview and Scrutiny Committee meetings shall be 3 elected members.

6. Chair of People Overview and Scrutiny Committee

6.1 The Council will appoint the Chair and Deputy Chair of the People Overview and Scrutiny Committee.

7. Work programme

7.1 The People Overview and Scrutiny Committee will be responsible for setting its own work programme.

7.2 The Chairs of the Overview & Scrutiny Committees will work together to manage any overlap between the committee work programmes, minimising duplication.

7.3 Issues appropriate for Overview & Scrutiny may include, but are not limited to:

- Items on the Council Forward Plan due for executive or Council decision at a later date (pre-decision scrutiny)
- Issues suggested by members of the public
- Issues suggested by partner organisations
- Issues raised by any member, including executive members
- Issues relating to the performance of council services

8. Agenda items

- 8.1 Agenda items shall be agreed by the Chair of the People Overview and Scrutiny Committee, reflecting the committee work programme priorities.
- 8.2 Any voting Member of the Overview & Scrutiny Committee is entitled, by giving at least seven working days notice before the meeting to the Chief Executive, to request that an item relevant to the functions of the Committee be included on the agenda.

9. Task & Finish Groups

- 9.1 The People Overview & Scrutiny Committee may establish informal task & finish groups to undertake in-depth reviews of specific issues.

HEALTH OVERVIEW & SCRUTINY COMMITTEE (HOSC) TERMS OF REFERENCE

1. Delegated functions

1.1 The Health Overview & Scrutiny Committee will discharge the Council's statutory health scrutiny functions. Its duties include:

- To discharge the functions conferred by Section 244 (2ZE) of the National Health Service Act 2006 as amended and Regulation 21 of the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny Regulations 2013) of reviewing and scrutinising, matters relating to the planning, provision and operation of health services in Brighton & Hove.
- To scrutinise and review matters relating to the planning, provision and operation of health services in Brighton & Hove including inviting the relevant Chief Executive(s) of NHS organisations to account for the work of their organisation(s) as set out and required by the Health and Social Care Act 2001 and related primary and secondary legislation;
- To request call-in by the Secretary of State on major reconfigurations (in exceptional circumstances) in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) (Amendment and Saving Provision) Regulations 2024;
- To be responsible for scrutiny of the city Health & Wellbeing Board, in accordance with Regulation 28 of the Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 for scrutiny of the Council's health functions.
- To recommend to Council that a referral be made to the Secretary of State under Regulation 23(9) of the Local Authority (Public Health, Health and Wellbeing and Health Scrutiny) Regulations 2013.
- To have specific responsibility for scrutiny of the following functions:
 - Health and social care infrastructure and service
 - NHS England, Integrated Care Boards and the Health and Wellbeing Board
 - NHS Public Health services (council Public Health services will be scrutinised by the People Overview & Scrutiny Committee, but council officers may be invited to attend HOSC in instances where they are involved in jointly planning or delivering health and care services).
 - Other policy proposals which may have an impact on health and wellbeing
 - Collaborative working with health agencies
 - Commissioning and contracting health services
 - Section 75 arrangements between the council and NHS organisations for the joint commissioning and/or provision of services.

1.2 To review the planning, provision and operation of Health services in Brighton & Hove and ensure compliance with Regulation 21(1) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations

2013 by inviting and taking account of information and reports from local health providers and other interested parties including the local HealthWatch.

- 1.3 Where a referral is made through the local HealthWatch arrangements, to comply with Regulation 21(3) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 by ensuring that the referral is acknowledged within 20 days and that the referrer is informed of any action taken.
- 1.4 Where appropriate, to consider and make recommendations for response to NHS consultations on proposed substantial developments/variations in health services from local health trusts, the Sussex Integrated Care Board, NHS England, the Department of Health and Social Care, and any organisation which provides health services outside the local authority's area to inhabitants within it.
- 1.5 To respond to requests for information from the Care Quality Commission, the independent NHS regulator, and to consider reports on from the Care Quality Commission on health services used by local residents.

2. Joint Health Overview & Scrutiny (JHOSC)

- When NHS organisations develop substantial plans for service change, they must consult with their local HOSC at an early stage in planning. If the local HOSC considers that these changes will constitute a substantial variation in service (SViS) for local residents, the committee must be formally consulted regarding the changes.
- Where NHS service change plans affect 2 or more upper-tier local authority areas, and where 2 or more HOSCs agree that the plans constitute an SViS, the HOSCs will be required to form a Joint HOSC (JHOSC) to formally scrutinise the plans. The local authorities involved will agree JHOSC terms of reference and meeting dates. In such an instance, the HOSC will make a referral to Council seeking permission to join a JHOSC and to agree terms of reference.
- Where a JHOSC has been established, it will assume all statutory health scrutiny powers in relation to the specific change plan being addressed only.

3. Matters Excluded from Health Overview & Scrutiny Review

- The health overview and scrutiny process is not appropriate for issues involving individual complaints or cases, or for which a separate process already exists e.g. personnel/disciplinary matters, ethical matters or allegations of fraud.

4. Membership of the Health Overview and Scrutiny Committee

- 4.1 All Councillors except members of the Executive, or members of the Health & Wellbeing Board, may be Members of the Health Overview and Scrutiny Committee.
- 4.2 No member may be involved in scrutinising a decision in which they have been directly involved.
- 4.3 Members of the Health Overview and Scrutiny Committee will be appointed by Council in accordance with the rules on political proportionality.

5. Co-optees

- 5.1 The Health Overview and Scrutiny Committee will include non-statutory co-optees to reflect the lived experience of particular communities. There will be co-optees representing Healthwatch Brighton & Hove, the Older People's Council, the Youth Council and the local Voluntary & Community Sector.
- 5.2 The Council may appoint additional non-voting co-optees to the Health Overview and Scrutiny Committee as it chooses. Additionally, the Chair of the Committee may invite individuals to attend meetings of the Committee as they consider appropriate to the agenda.

6. Meetings of the Health Overview and Scrutiny Committee

- 6.1 The Health Overview and Scrutiny Committee will meet in accordance with a programme of meetings agreed by full Council. In addition, an extraordinary meeting may be called by the Chair or the Chief Executive at any time if they consider it necessary or desirable.
- 6.2 The Health Overview & Scrutiny Committee shall meet in public.

7. Quorum

- 7.1 The quorum for Health Overview and Scrutiny Committee meetings shall be 3 elected members.

8. Chair of People Overview and Scrutiny Committee

- 8.1 The Council will appoint the Chair and Deputy Chair of the Health Overview and Scrutiny Committee.

9. Work programme

- 9.1 The Health Overview and Scrutiny Committee will be responsible for setting its own work programme.
- 9.2 The Chairs of the Overview & Scrutiny Committees will work together to manage any overlap between the committee work programmes, minimising duplication.
- 9.3 Issues appropriate for Overview & Scrutiny may include, but are not limited to:
- Items on the Council Forward Plan due for executive or Council decision at a later date which relate to health scrutiny functions (pre-decision scrutiny)
 - Issues suggested by members of the public
 - Health & Wellbeing Board decisions and plans
 - Issues suggested by partner organisations
 - Issues referred for health scrutiny by NHS organisations, including potential substantial variations in service
 - Issues relating to formal arrangements (Section 75 agreements) between the council and NHS organisations for the commissioning and/or provision of services
 - Issues raised by any member, including executive members

- Issues relating to the performance of council services as they relate to health scrutiny functions (e.g. council public health services)
- Issues relating to the performance of NHS services used by local people.

10. **Agenda items**

- 10.1 Agenda items shall be agreed by the Chair of the Health Overview and Scrutiny Committee, reflecting the committee work programme priorities.
- 10.2 Any voting Member of the relevant Overview & Scrutiny Committee is entitled, by giving at least seven working days notice before the meeting to the Chief Executive, to request that an item relevant to the functions of the Committee be included on the agenda.

11. **Task & Finish Groups**

The Health Overview & Scrutiny Committee may establish informal task & finish groups to undertake in-depth reviews of specific issues.