

# Part Four, Section G

## Overview and Scrutiny Procedure Rules

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### OVERVIEW AND SCRUTINY PROCEDURE RULES

1. The arrangements for Overview and Scrutiny
  - 1.1 The Council will have one Overview and Scrutiny Committee, which will have responsibility for all overview and scrutiny functions on behalf of the Council.
  - 1.2 The terms of reference of the Overview and Scrutiny Committee will be:
    - (i) The performance of all overview and scrutiny functions on behalf of the Council.
    - (ii) The commission and appointment of such Scrutiny Review Panels as it considers appropriate, with membership that reflects the political balance of the Council.
    - (iii) To decide and amend the terms of reference of all scrutiny reviews.
    - (iv) To receive reports from local National Health Service bodies on the state of health services and public health in the borough area.
    - (v) To monitor the effectiveness of the Council's Forward Plan.
    - (vi) To receive all appropriate performance management and budget monitoring information.
    - (vii) To approve a programme of future overview and scrutiny work so as to ensure that the Overview and Scrutiny Committee's and scrutiny panels' time is effectively and efficiently utilised;
    - (viii) To consider all requests for call-in and decide whether to call-in a decision, how it should be considered and whether to refer the decision to the Cabinet or to Council.

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- (ix) To monitor the effectiveness of the Call-in procedure.
- (x) To review and scrutinise action taken by partner authorities in discharge of crime and disorder functions and to make reports and recommendations to Cabinet and Council on these.
- (xi) To make arrangements which enable any Councillor who is not a Committee Member to refer any local government matter, or any crime and disorder matter, to the Committee under the Councillor Call for Action Procedure.
- (xii) To ensure that referrals from Overview and Scrutiny Committee to the Cabinet either by way of report or call-in are managed efficiently, and
- (xiii) To ensure community and voluntary sector organisations, users of services and others are appropriately involved in giving evidence to relevant scrutiny review panels.

#### 1.3 The Overview and Scrutiny Committee may commission a number of Scrutiny Review Panels:

- (i) Scrutiny Reviews Panels are task orientated, time-limited advisory bodies appointed to examine a specific issue in depth and reporting to the Overview and Scrutiny Committee.
- (ii) Panels will analyse submissions, request and analyse any additional information, and question the Cabinet Member(s), relevant Council officers and officers and/or board members of local NHS bodies or NHS funded bodies.
- (iii) Subject to the approval of the Overview and Scrutiny Committee, Scrutiny Review Panels will be able to appoint external advisors and/or to commission specific pieces of research if this is deemed necessary.
- (iv) Scrutiny Review Panels should make every effort to work by consensus; however, in exceptional circumstances Members may submit minority reports.
- (v) The culmination of a Scrutiny Review Panel's work is the submitting of a report to the Overview and Scrutiny Committee, including key findings, conclusions and recommendations. Exceptionally, where progress has become protracted or stimulating debate would be helpful, an interim report may be submitted, with the

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consent of the Chair of the Overview and Scrutiny Committee.

- (vi) Prior to publication, draft reports will be sent to the relevant Chief Officers or officers of the National Health Service for checking for inaccuracies and the presence of exempt and/or confidential information; Scrutiny Review Panel members will revisit any conclusions drawn from disputed information;
- (vii) Following endorsement by the Overview and Scrutiny Committee, final reports and recommendations will be presented to the next available Cabinet meeting. The Cabinet will note the report and request a responding report from the Chief Executive or Chief Officer and Cabinet Member responsible. The response is to be available within 6 weeks of the request and will include a detailed tabulated implementation action plan.
- (viii) Following endorsement by the Overview and Scrutiny Committee, reports on NHS, non-executive or regulatory matters will be copied to the Cabinet for information.
- (ix) On receiving the responding report, the Cabinet will consider both reports and formally agree their decisions, and the implementation action plan at the next available Cabinet meeting.
- (x) In the event that the Cabinet does not accept one or more of the recommendations in the final report from the Overview and Scrutiny Committee, the Chair of the Overview and Scrutiny Committee has the right to require that the matter in dispute shall be reported to the next available meeting of full Council for determination.
- (xi) Implementation action plans will also be presented to the Overview and Scrutiny Committee who will be invited to monitor its implementation.
- (xii) After an appropriate period, post implementation, Overview and Scrutiny Committee will carry out a follow up review to determine if the recommendations had the intended outcomes and to measure any improvements.

1.4 When Scrutiny Review Panels report on non-executive or regulatory functions the above rules are adapted as follows:

- (i) Paragraphs 1.3 (i) to (vi) apply.

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- (ii) Paragraph 1.3 (vii) applies as if references to the "Cabinet/Cabinet meeting" were replaced by references to "meeting of the non-executive body responsible" and its "Chair" as appropriate.
  - (iii) Paragraph 1.3 (viii) applies as appropriate.
  - (iv) Paragraph 1.3 (ix) will be replaced by this provision -  
"On receiving the responding report, the non-executive body responsible, at its next available meeting, will consider both reports, its proposed response and the implementation action plan and will make recommendations on these to full Council. At the next available meeting full Council will formally agree the response and the implementation action plan."
  - (v) Paragraph 1.3 (x) does not apply.
  - (vi) Paragraphs 1.3 (xi) and (xii) apply.
- 1.5 The Overview and Scrutiny Committee shall undertake scrutiny of the Council's budget through a Budget Scrutiny Review Panel. The procedure by which this Panel should operate is detailed in the Protocol covering the Overview and Scrutiny Committee.
- 1.6 All Overview and Scrutiny meetings shall take place in public (except where exempt or confidential matters are considered).
- 1.7 The Overview and Scrutiny function should not be seen as an alternative to established disciplinary, audit or complaints mechanisms and should not interfere with or pre-empt their work.
- 2. Membership of the Overview and Scrutiny Committee, Scrutiny Review Panels and Budget Scrutiny Review Panel**
- 2.1 All Councillors (except members of the Cabinet) may be members of the Overview and Scrutiny Committee, Scrutiny Review Panels and the Budget Scrutiny Review Panel. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.
- 2.2 The membership of the Overview and Scrutiny Committee shall, as far as is practicable, comprise Members who are Chairs of Area Committees and, if necessary, other Members in order to comply with the political balance rules. Councillors' membership of the Scrutiny Review Panels and Budget Scrutiny Review Panel will also be, as far as practicable, in proportion to the representation of different political groups on the Council.

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#### 3. Co-optees

- 3.1 Each scrutiny panel and review shall be entitled to appoint up to three people as non-voting co-optees, in consultation with the Overview and Scrutiny Committee.
- 3.2 Statutory voting non-Councillor members of Overview and Scrutiny Committee will be paid an allowance in accordance with the Members' Allowances Scheme in Part 6 of this Constitution.

#### 4. Education representatives

- 4.1 The Overview and Scrutiny Committee and each Scrutiny Review Panel, where the review's terms of reference relate wholly or in part to any education functions that are the responsibility of the Cabinet, shall include in its membership the following representatives:
  - (i) At least one Church of England diocesan representative (voting).
  - (ii) At least one Roman Catholic diocesan representative (voting).
  - (iii) 3 parent governor representatives (voting).

These voting representatives will be entitled to vote where the Overview and Scrutiny Committee or a Scrutiny Review Panel is considering matters that relate to relevant education functions. If the Overview and Scrutiny Committee is dealing with other matters, these representatives shall not vote on those matters though they may stay in the meeting and speak at the discretion of the Chair. The Overview and Scrutiny Committee will attempt to organise its meetings so that relevant education matters are grouped together.

#### 5. Meetings of the Overview and Scrutiny Committee, Scrutiny Review Panels and Budget Scrutiny Review Panel

- 5.1 In addition to ordinary meetings of the Overview and Scrutiny Committee, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called in consultation with the Chief Executive by the Chair of the Overview and Scrutiny Committee, by any two members of the Committee or by the proper officer if he/she considers it necessary or appropriate.

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- 5.2 Meetings of Scrutiny Review Panels may be called by the Chair of the Scrutiny Review Panel, by any two members of the Panel or by the proper officer if he/she considers it necessary or appropriate.
- 5.3 Meetings of the Budget Scrutiny Review Panel shall take place as outlined in the protocol covering the Overview and Scrutiny Committee.
- 5.4 The ordinary meeting place for the Overview and Scrutiny Committee, the Scrutiny Review Panels and the Budget Scrutiny Review Panel shall be Haringey Civic Centre, High Road, Wood Green, London, N22 8LE but they may arrange to meet elsewhere whenever they see fit.

#### **6. Quorum**

The quorum for the Overview Scrutiny Committee, for each Scrutiny Review Panel and for the Budget Review Scrutiny Panel shall be at least one quarter of its membership and not less than 2 voting members.

#### **7. Chair of the Overview and Scrutiny Committee, Scrutiny Review Panels and Budget Scrutiny Review Panel**

- 7.1 The Chair of the Overview and Scrutiny Committee will be appointed by the Council.
- 7.2 The Chair of the Overview and Scrutiny Committee shall resign with immediate effect if a vote of no confidence is passed by the Overview and Scrutiny Committee.
- 7.3 Chairs of Scrutiny Review Panels will be drawn from among the Councillors sitting on the Overview and Scrutiny Committee. Subject to this requirement, the Overview and Scrutiny Committee may appoint any person as it considers appropriate as Chair having regard to the objective of cross-party chairing in proportion to the political balance of the Council. The Scrutiny Review Panels shall not be able to change the appointed Chair unless there is a vote of no confidence as outlined in Article 6.5 in this Constitution.
- 7.4 The Chair of the Budget Scrutiny Review Panel will be drawn from among the opposition party Councillors sitting on the Overview and Scrutiny Committee. The Budget Scrutiny Review Panel shall not be able to change the appointed Chair unless there is a vote of no confidence as outlined in Article 6.5 in this Constitution.

#### **8. Work programme**

Overview and Scrutiny Committee will determine the future scrutiny work programme and will commission task and finish Scrutiny Review

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Panels to assist it to perform its functions. The Committee will appoint a Chair for each Review.

#### **9. Agenda items for the Overview and Scrutiny Committee**

9.1 Any member of the Overview and Scrutiny Committee shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda.

9.2 The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, from the Cabinet to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Cabinet within an agreed timescale.

#### **10. Policy review and development**

10.1 The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in the Budget and Policy Framework Procedure Rules in Part 4 of this constitution.

10.1 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee and its Scrutiny Review Panels may make proposals to the Cabinet for developments insofar as they relate to matters within their terms of reference. The Scrutiny Review Panels must do so via the Overview and Scrutiny Committee.

#### **11. Reports from the Overview and Scrutiny Committee**

Following endorsement by the Overview and Scrutiny Committee, final reports and recommendations will be presented to the next available Cabinet meeting. The procedure to be followed is set out in paragraphs 1.3 or 1.4 above.

#### **12. Making sure that overview and scrutiny reports are considered by the Cabinet**

12.1 The agenda for Cabinet meetings (including any meetings of single members) shall include an item entitled 'Issues arising from Scrutiny'. Reports of the Overview and Scrutiny Committee referred to the Cabinet shall be included at this point in the agenda unless either they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda or the Cabinet

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gives reasons why they cannot be included and states when they will be considered.

12.2 Where the Overview and Scrutiny Committee prepares a report for consideration by the Cabinet in relation to a matter where decision making power has been delegated to an individual Cabinet member, a Committee of the Cabinet or an Officer, or under Joint Arrangements, then the Overview and Scrutiny Committee will also submit a copy of their report to that individual for consideration, and a copy to the proper officer. If the member, committee, or officer with delegated decision making power does not accept the recommendations of the Overview and Scrutiny Committee, then the body/he/she must then refer the matter to the next appropriate meeting of the Cabinet for debate before making a decision.

## 13. Rights and powers of Overview and Scrutiny Committee members

### 13.1 Rights to documents

(i) In addition to their rights as Councillors, members of the Overview and Scrutiny Committee and Scrutiny Review Panels have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

(ii) Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committee and Scrutiny Review Panels as appropriate depending on the particular matter under consideration.

### 13.2 Powers to conduct enquiries

The Overview and Scrutiny Committee and Scrutiny Review Panels may hold enquiries into past performance and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in these processes. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations, within available resources. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so (and Scrutiny Review Panels require the support of the Overview and Scrutiny Committee to do so).

### 13.3 Power to require Members and officers to give account

(i) The Overview and Scrutiny Committee and Scrutiny Review Panels may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions

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(Review Panels will keep to issues that fall within their terms of reference). As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Head of Paid Service and/or any senior officer (at second or third tier), and chief officers of the local National Health Service to attend before it to explain in relation to matters within their remit:

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Council policy (or NHS policy, where appropriate); and
- (c) their performance.

It is the duty of those persons to attend if so required. At the discretion of their chief officer, council officers below third tier may attend, usually accompanied by a senior manager. At the discretion of the relevant Chief Executive, other NHS officers may also attend overview and scrutiny meetings.

- (ii) Where any member or officer is required to attend the Overview and Scrutiny Committee or Scrutiny Review Panel under this provision, the Chair of that body will inform the member or proper officer. The proper officer shall inform the member or officer in writing giving at least 10 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Overview and Scrutiny Committee or Scrutiny Review Panel. Where the account to be given to Overview and Scrutiny Committee or Scrutiny Review Panel will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (iii) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee or Scrutiny Review Panel shall in consultation with the member or officer arrange an alternative date for attendance, to take place within a maximum of 10 days from the date of the original request.

#### 14. Attendance by others

The Overview and Scrutiny Committee or Scrutiny Review Panel may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and may invite such people to attend. Attendance is optional.

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#### 15. Call-in

The call in procedure is dealt with separately in this Part of the Constitution, immediately following the Overview and Scrutiny Procedure Rules.

#### 16. Councillor Call for Action (CCfA)

The Council has adopted a Protocol for handling requests by non-Committee Members that the Committee should consider any local government matter which is a matter of significant community concern. This procedure should only be a last resort once the other usual methods for resolving local concerns have failed. Certain matters such as individual complaints and planning or licensing decisions are excluded.

Requests for a CCfA referral should be made to the Head of Local Democracy & Member Services who will check with the Monitoring Officer that the request falls within the Protocol. The Councillor making the referral will be able to attend the relevant meeting of the Committee to explain the matter. Among other actions, the Committee may: (i) make recommendations to the Cabinet, Directors or partner agencies, (ii) ask officers for a further report, (iii) ask for further evidence from the Councillor making the referral, or (iv) decide to take no further action on the referral.

The Protocol is not included within this Constitution but will be subject to regular review by the Committee.

#### 17. Procedure at Overview and Scrutiny Committee meetings and meetings of the Scrutiny Review Panels.

- (a) The Overview and Scrutiny Committee shall consider the following business as appropriate:
- (i) apologies for absence;
  - (ii) urgent business;
  - (iii) declarations of interest;
  - (iv) minutes of the last meeting;
  - (v) deputations and petitions;
  - (vi) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
  - (vii) responses of the Cabinet to reports of the Committee; and

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- (viii) the business otherwise set out on the agenda for the meeting.
- (b) A Scrutiny Review Panel shall consider the following business as appropriate:
  - (i) minutes of the last meeting;
  - (ii) declarations of interest;
  - (iii) the business otherwise set out on the agenda for the meeting.
- (c) Where the Overview and Scrutiny Committee or Scrutiny Review Panel has asked people to attend to give evidence at meetings, these are to be conducted in accordance with the following principles:
  - (i) that the investigation be conducted fairly and all members of the Overview and Scrutiny Committee and Scrutiny Review Panels be given the opportunity to ask questions of attendees, to contribute and to speak;
  - (ii) that those assisting the Overview and Scrutiny Committee or Scrutiny Review Panel by giving evidence be treated with respect and courtesy;
  - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis; and
  - (iv) that reasonable effort be made to provide appropriate assistance with translation or alternative methods of communication to assist those giving evidence.
- (d) Following any investigation or review, the Overview and Scrutiny Committee or Scrutiny Review Panel shall prepare a report, for submission to the Cabinet (via the Overview and Scrutiny Committee in the case of a Scrutiny Review Panel) and shall make its report and findings public.

#### 18. The Party Whip

Scrutiny is intended to operate outside the party whip system. However, when considering any matter in respect of which a member of scrutiny is subject to a party whip the member must declare the existence of the whip and the nature of it before the commencement of the Committee/Panel's deliberations on the matter. The Declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

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The expression “party whip” can be taken to mean: “Any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner.”

#### **19. Matters within the remit of more than one Scrutiny Review Panel**

Should there be any overlap between the business of any scrutiny reviews, the Overview and Scrutiny Committee is empowered to resolve the issue.