

NOTICE OF MEETING

OVERVIEW AND SCRUTINY COMMITTEE

Monday, 4th June, 2018, 7.30 pm - Civic Centre, High Road, Wood Green, N22 8LE

Members: Councillors Lucia das Neves, Pippa Connor, Ruth Gordon, Mahir Demir and Adam Jogee - *Membership due to be confirmed at the meeting of Annual Council on 24th May 2018.*

Co-optees/Non Voting Members: Luci Davin (Parent Governor representative), Yvonne Denny (Co-opted Member - Church Representative (CofE)) and Uzma Naseer (Parent Governor Representative)

Quorum: 3

1. **FILMING AT MEETINGS**

Please note that this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on.

By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

The chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual or may lead to the breach of a legal obligation by the Council.

2. **APOLOGIES FOR ABSENCE**

3. **URGENT BUSINESS**

The Chair will consider the admission of any late items of urgent business. (Late items will be considered under the agenda item where they appear. New items will be dealt with at item below).

4. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

5. DEPUTATIONS/PETITIONS/PRESENTATIONS/QUESTIONS

To consider any requests received in accordance with Part 4, Section B, paragraph 29 of the Council's constitution.

6. MINUTES (PAGES 1 - 8)

7. OVERVIEW & SCRUTINY COMMITTEE AND SCRUTINY PANELS - MEMBERSHIP AND TERMS OF REFERENCE (PAGES 9 - 34)

To note.

Membership report to follow.

8. OVERVIEW AND SCRUTINY COMMITTEE AND SCRUTINY PANEL WORK PROGRAMME

To follow.

9. FORWARD PLAN

To follow.

10. NEW ITEMS OF URGENT BUSINESS

11. FUTURE MEETINGS

The dates of future meetings are:

19th July 2018
2nd October 2018
19th November 2018
14th January 2019
28th January 2019
25th March 2019

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Bernie Ryan

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River Park House, 225 High Road, Wood Green, N22 8HQ

Thursday, 24 May 2018

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MINUTES OF THE MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE HELD ON MONDAY, 26TH MARCH, 2018, 19:00

PRESENT:

Councillors: Pippa Connor, Tim Gallagher, Emine Ibrahim and Charles Wright (Chair)

Cooptees: Luci Davin & Yvonne Denny.

67. FILMING AT MEETINGS

The Chair referred those present to agenda Item 1 as shown on the agenda in respect of filming at this meeting and asked that those present reviewed and noted the information contained therein.

68. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Hearn.

69. URGENT BUSINESS

There were no items of urgent business.

70. DECLARATIONS OF INTEREST

There were no declarations of interest.

71. DEPUTATIONS/PETITIONS/PRESENTATIONS/QUESTIONS

There were no deputations, petitions, presentations or questions.

72. MINUTES

RESOLVED

The minutes of the meeting on 29th January and the minutes of the special meeting on 1st March were agreed as a correct record.

73. MINUTES OF SCRUTINY PANEL MEETINGS

RESOLVED

That the minutes of the Environment and Community Safety Scrutiny Panel on 31st January 2018 and the Adults and Health Scrutiny Panel on 8th February were agreed as a correct record of the meeting.

74. PERFORMANCE UPDATE

Clerks Note – The Chair agreed to take items 10, 13 & 14 earlier than listed on the agenda as the AD Commissioning and Cllr Blake needed to leave the meeting early because of child care issues. The minutes reflect the order of business as it was taken during the meeting, not the order listed on the published agenda.

The Committee received a Priority Board performance update which reflected performance as at December 2017 from Charlotte Pomery, AD Commissioning. The following points were noted in response to the discussion of the report.

- a. In response to a query around transfers of care, the Committee was advised that performance in this area was a priority and that there were weekly call-over meetings with CCG partners. Officers advised that this was a volatile area and that a small number of delays could have an adverse effect on performance. In response to a follow up question, the Committee was advised that performance was formally reported on a quarterly basis through the Finance and Performance Partnership Board.
- b. In response to a question around whether there were any financial implications for not meeting the Better Care Fund stretch targets, officers advised that there were financial implications to the wider health and social care system but that these would not be met by the local authority. The Committee noted that there was also some contingency built into the Better Care Fund budget against under-performance.
- c. In response to a question, the AD Commissioning agreed to come back to the Committee with further information around homelessness prevention and further analysis of why all of the performance measures under Priority 4, Objective 5 had a red RAG status. **(Action: Charlotte Pomery).**
- d. The Committee sought clarification on responsibility for policing and community safety indicators. In response, officers advised that the Council worked closely with partners in monitoring performance but individual performance measures were ultimately set by MOPAC. The last joint CSP and Health and Wellbeing Board considered the performance indicators for 2018/19.
- e. The Chair thanked officers for their participation in Overview and Scrutiny meetings over the duration of the administration and suggested that their input had made a significant contribution to the Committee's work.

RESOLVED

The Committee noted the progress made against the delivery of the priorities and targets of the Corporate Plan, Building a Stronger Haringey Together at Quarter 3 of 2017/18.

75. Q3 BUDGET MONITORING

The Committee received a budget monitoring update at Quarter 3 as set out in the agenda pack at pages 25-48 of the agenda pack. The Cabinet Member for Finance and Health introduced the report.

The Cabinet Member advised that there was an overall improving position from Quarter 2 to Quarter 3. Adult Social Services, Children's Services and Temporary Accommodation remained the three areas of concern; with Adults reporting an improved position and Children's reporting a significantly worsening position in Quarter 3. The increased overspend in Children's Services was attributed to increased LAC numbers as well as the increasing costs of residential placements. The Cabinet Member highlighted that there had been some double counting involved in the Adult Social Services savings in the MTFs, this was previously reported to the Committee at the meeting of 29th January.

The following points were noted in response to the discussion of the report:

- a. In response to a question about confidence that the next round of savings would be met, the Cabinet Member acknowledged that no additional savings had been requested in Priority 1 in the latest MTFs in recognition that only 21% of pre-agreed savings being met. Instead, those savings had been rolled forward with a contingency built into the budget. The Cabinet Member advised that a different model of savings had been adopted in the MTFs for Priority 2, with a focus on demand reduction approaches. The Cabinet Member commented that the budget position for the 2018/19 financial year was in a much improved from 2017/18.
- b. The Committee sought reassurances on how long reserves could be used to alleviate the structural overspend within the overall budget. In response, the Cabinet Member advised that the latest MTFs contained a £15m General Fund reserve. In order to maintain that reserve, the Council would have to find around £7-8m in 2019/20 as well as implementing all of the savings identified for that financial year. The Committee noted that a budget resilience reserve had been created to protect the General Fund reserve. The Cabinet Member advised that ultimately, the Council's financial sustainability was dependent upon increasing Council Tax and Business Rates receipts.
- c. The Committee sought assurances around the significant underspend in the capital budget and queried what assurances could be given that slippages would not take place in further years. The Cabinet Member advised that the majority of significant slippages related to regeneration and development projects, which the Council had less control over than some of its other functions. The Cabinet Member commented that he was unable to give any assurances about slippages in further years and advised that this would be impacted by changes in the wider economic climate as well as the priorities of the incoming administration.
- d. The Cabinet Member agreed to come back to the Committee with details of the procurement issues in appointing contractors to the disabled facilities grant framework. **(Action: Cllr Arthur).**
- e. The Cabinet Member and Deputy Section 151 Officer agreed to email the Chair of the Housing and Regeneration Panel with further information in relation to Scheme 429 Strategic Acquisitions. **(Action: Cllr Arthur & Jon Warlow).**
- f. In relation to a query about the allocation of one-off versus permanent revenue and capital virements, the Deputy Section 151 Officer agreed to speak to the

Chair of the Adults and Health Panel outside of the meeting. **(Action: Jon Warlow)**.

- g. The Deputy Section 151 Officer suggested that the Committee could email him directly if they wished with any questions on future budget monitoring reports, in order to ensure he had the required information at future meetings.

76. SCRUTINY REVIEW ON SUPPORT TO CHILDREN FROM REFUGEE FAMILIES

The Committee received the Children and Young People's Scrutiny Panel review on support to children from refugee families. Cllr Mark Blake introduced the report as set out on pages 149-184 of the agenda pack. Cllr Blake highlighted the need for better interaction with voluntary sector partners around support for refugee children and suggested that a substantive review on this is something that the Panel should consider in the future administration. **(Action: Chair of C&YP Panel to note)**.

The following points were noted in discussion of the report:

- a. In response to questions around free school meal provision, officers advised that children from families with No Recourse to Public Funds (NRPF) were not entitled to them. It was noted that the schools themselves had tried to provide free school meals from their own budgets and had in some cases been quite creative in providing this. However, the Council was not able to provide funding due to the nature of NRPF.
- b. The Committee suggested that a topic for a future scrutiny review should be investigating what other recourses for funding were available for refugee children, given the challenges faced with providing free school meals and difficulties with securing funding from central government due to NRPF.

RESOLVED

That the report and its recommendations were approved and that the report be submitted to Cabinet for response.

77. SCRUTINY REVIEW ON RESTORATIVE JUSTICE

The Committee received the Children and Young People's Scrutiny Panel review on support to children from refugee families. Cllr Mark Blake introduced the report as set out on pages 3-9 of the second dispatch agenda pack.

RESOLVED

- I. That the recommendations were agreed, as set out in the report of the Children and Young People's Scrutiny Panel as per Page 4 of the second dispatch agenda pack.
- II. That the report be submitted to Cabinet for response.

78. FINSBURY PARK EVENTS UPDATE

The Committee received the Environment and Community Safety Scrutiny Panel review on Finsbury Park events. The report was introduced by the Cabinet Member for Environment and Andrea Keeble, the Commissioning Manager for Active Communities; as set out on pages 49-66 of the agenda pack. The Commissioning Manager for Active Communities advised that good progress had been made against all of the recommendations agreed previously with the exception of developing longer term contracts for events, which had been delayed by the ongoing court challenge.

The following points were noted following discussion of the report.

- a. The Committee sought clarification around the recovery process for the park following major events. In response, officers advised that what the environmental impact fee was spent on was agreed with the Finsbury Stakeholder group. The fee was around £35k last year. The Committee was advised that officers were receiving advice from the Sports Turf Research Institute on grass restoration. The Commissioning Manager for Active Communities agreed to come back to Committee Members with further information on the recovery plan and the circulation process.
- b. In response to a request for clarification, the Cabinet Member for Environment advised that following the judgement received from the Court of Appeal, the Council accepted that the money received from events was ring fenced to Finsbury Park as per the Open Spaces Act 1906.
- c. The Cabinet Member advised that the revenue accrued from events would be spent on the management and maintenance costs of Finsbury Park and that any surplus would be used to improve the Park's infrastructure. In response to a request for further clarification, officers confirmed that there was sufficient scope for investment in Finsbury Park to justify the level of revenue sought. The Committee was advised that the surplus revenue generated was needed both for operational running costs of the park as well as long standing works required, such as a £300k upgrade to the play park and an upgrade of the park lighting. Officers advised that a budget setting exercise was being undertaken and that this would be completed in due course.
- d. The Committee requested that a report be brought back to a future OSC meeting in the new administration around the Finsbury Park budget and what the additional revenue raised through events would be spent on, given the ring fencing. The Chair suggested that this should be reflected in the recommendations of the Parks Scrutiny Review report.
- e. In response to a question around the cost and usage of a tractor used in Finsbury Park, the Cabinet Member agreed to feed this information back to the Committee. **(Action: Cllr Mitchell).**

RESOLVED

- I. The Committee noted the progress made to date to achieve the recommendations as set out in Appendix 1 of the report.

79. SCRUTINY REVIEW ON PARKS

The Committee received the Environment and Community Safety Scrutiny Panel review on Finsbury Park. The report was introduced by the Chair of the Environment

and Community Safety Scrutiny Panel, Cllr Gallagher; as set out on pages 115-148 of the agenda pack.

The Committee agreed that an additional recommendation be added to the Panel's report which requested a clear response around the revenue from Finsbury Park events, which set out how much revenue was received and what exactly the money was spent on. **(Action: Rob Mack)**.

In response to the discussion of the report, the following points were raised:

- I. The Committee queried whether there was any available funding from the CCG and Public Health to contribute to park related health and wellbeing outcomes.
- II. The Committee raised concerns that more parks may be required to hold events in order to utilise and disperse the revenue generated.
- III. The Chair of the Environment and Community Safety Panel agreed to speak to the Chair and agree whether a further recommendation needed to be added to the report around undertaking a review of the Outdoor Events Policy. **(Action: Cllr Gallagher)**.

RESOLVED

That the report and its recommendations were approved, subject to the above amendment, and that the report be submitted to Cabinet for response.

80. SCRUTINY REVIEW OF SOCIAL HOUSING

The Committee received the Housing and Regeneration Scrutiny Panel review on Social Housing. The report was introduced by the Chair of the Housing and Regeneration Scrutiny Panel, Cllr Ibrahim; as set out on pages 79-115 of the agenda pack.

The following points were raised in response to the discussion of the report.

- a. In response to a potential contradiction between recommendations 3c and 20, the Chair of the Housing and Regeneration Scrutiny Panel acknowledged the potential ambiguity and clarified that the recommendation for the Council to set affordable homes at social rent levels should be a long term commitment.
- b. The Committee agreed to amend recommendation 20 to: The long term commitment of the Council should be for all affordable homes to be set at social rent levels. **(Action: Clerk)**.
- c. The Committee questioned what could be done to prevent any new homes built, either as part of a wholly-owned development vehicle or directly built by the Council, from being subject to Right-to-Buy. In response the Chair of the Housing and Regeneration Scrutiny Panel acknowledged these concerns and commented that the government kept moving the goal posts around right-to-buy regulations.

RESOLVED

- I. That the Committee considered the findings of the Housing and Regeneration Scrutiny Panel and agreed the recommendations as set out in Table of the report, subject to the amendment outlined above.

- II. The Committee recommended that the report be submitted to Cabinet for a response.

81. SCRUTINY REVIEW ON CARE HOMES

The Committee received the Adults and Health Scrutiny Panel review interim report on Care Home Commissioning. The report was introduced by the Chair of the Adults and Health Scrutiny Panel, Cllr Connor as set out in the Third Dispatch Agenda Pack.

The following points were raised in response to the discussion of the report.

- a. The Chair of the Adults & Health Scrutiny Panel advised that this was an interim report and that a further final report would be presented to future Overview and Scrutiny Committee in the new administration.
- b. The Committee noted that the Joint Health Overview and Scrutiny Committee was also undertaking scrutiny work around care homes and workforce, the recommendations from this work would feed into the Panel's final report.

RESOLVED

- (a) That the Overview and Scrutiny Committee considered the interim findings of the Adults and Health Scrutiny Panel and agreed the recommendations set out in Table 1 of the report.
- (b) The Committee noted that a final report would be submitted to a future Committee meeting in the next municipal year.

82. WORK PROGRAMME UPDATE

The Committee considered the Work Programme update report as set out at pages 186-212 of the agenda pack.

The following items were put forward for consideration by the next Overview and Scrutiny Committee as suggested areas for further work.

- a. Concluding the Fire Safety work, particularly in light of the ongoing investigation around Grenfell. The Chair suggested that aspects around building control were particularly relevant.
- b. The impact of green waste collection charges.
- c. Support for refugee children and the need for better interaction with voluntary sector partners.
- d. Final report on Care Home Commissioning, feeding in work of the JHOSC.

RESOLVED

- I. The Committee noted the work programmes for the main Committee and the Scrutiny Panels.

83. NEW ITEMS OF URGENT BUSINESS

N/A

84. FUTURE MEETINGS

This was the last meeting of OSC of this administration. There are no further meetings scheduled.

CHAIR: Councillor Charles Wright

Signed by Chair

Date

HARINGEY GOVERNANCE REVIEW

PROTOCOL COVERING OVERVIEW AND SCRUTINY COMMITTEE (OSC)

1 INTRODUCTION

- 1.1 A key objective of Haringey's Governance Review 2010/11 was to ensure that the Overview and Scrutiny function can help the Council to make key decisions and develop policy in a useful and effective manner.
- 1.2 The Terms of Reference for the OSC is stated in the Council's Constitution (Part 3 Section C). The purpose of this protocol is to set out in detail the process by which the OSC will function.
- 1.3 This document will be subject to regular review along with other governance arrangements, to ensure that it remains updated in the light of experience.

2 AIMS OF THE OVERVIEW AND SCRUTINY COMMITTEE

- 2.1 To provide a framework within which the work of the Council can be scrutinised in a constructive way that adds value to the Council's performance.
- 2.2 To help the Council to achieve its objectives by identifying areas for achieving excellence, and to carry out a scrutiny which identifies what needs to be done to improve the situation.
- 2.3 Not to duplicate work carried out by the Council, but provide an objective view of what needs to be done to improve the quality and cost effectiveness of services provided to local people.

3 RESPONSIBILITIES

- 3.1 The OSC can scrutinise any matter which affects the authority's area or its residents' wellbeing.
- 3.2 The Local Government Act 2000, the Health and Social Care Act 2001, the Local Government & Public Involvement in Health Act 2007, and the Police and Justice Act 2006 give the OSC the power to:
 - (i) Review and scrutinise decisions made or actions taken in connection with the discharge of any of the functions of the Executive or Full Council;
 - (ii) Review and scrutinise local NHS-funded services, and to make recommendations to reduce health inequalities in the local community;
 - (iii) Review and scrutinise Crime Reduction Partnerships;¹
 - (iv) Make reports and recommendations on any issue affecting the authority's area, to the Full Council, its Committees or Sub-Committees, the Executive, or other appropriate external body;
 - (v) "Call In" for reconsideration a decision made by the Executive;
 - (vi) Require information from relevant partner authorities;²

¹ Section 19 of the Police and Justice Act 2006

² Section 121 of the Local Government and Public Involvement in Health Act 2007

- (vii) Give notice to a relevant partner authority that they must have regard to scrutiny reports and recommendations on any local improvement targets.³
- 3.3 Scrutiny recommendations shall be responded to by the appropriate body within 2 months of receiving the recommendations.⁴ Where a response is requested from NHS-funded bodies, the response shall be made within 28 days.⁵
- 3.4 The OSC shall be responsible for scrutinising the draft Treasury Management Strategy Statement (TMSS) annually before its adoption by full Council, in accordance with the Council's Constitution (Part 4 Section I).
- 3.5 The OSC shall respond to a Councillor Call for Action (CCfA) referral, which will be handled in accordance with the Council's Constitution (Part 4 Section G).

Scrutiny Review Panels

- 3.6 The Overview and Scrutiny Committee shall establish 4 standing Scrutiny Review Panels, to examine designated public services.
- 3.7 The Overview and Scrutiny Committee shall determine the terms of reference of each Scrutiny Review Panel. If there is any overlap between the business of the Panels, it is the responsibility of the Overview and Scrutiny Committee to resolve this issue.
- 3.8 Areas which are not covered by the 4 standing Scrutiny Review Panels shall be the responsibility of the main Overview and Scrutiny Committee.

4 MEMBERSHIP AND CHAIR

- 4.1 The Overview and Scrutiny Committee shall comprise 5 members, and be politically proportionate as far as possible. The Committee shall also comprise statutory education representatives, who shall have voting rights solely on education matters. The membership shall be agreed by the Group Leaders, Chief Executive and Monitoring Officer, and ratified each year at the Annual Council Meeting.
- 4.2 The chair of the OSC shall be a member of the majority group. The vice-chair shall be a member of the largest minority group. These appointments shall be ratified each year at the Annual Council Meeting.

Scrutiny Review Panels

- 4.3 The chair of each Scrutiny Review Panel shall be a member of the OSC, and shall be determined by the OSC at their first meeting.
- 4.4 It is intended that each Scrutiny Review Panel shall be comprised of between 3 and 7 members, and be politically proportionate as far as possible. It is

³ Section 122(21C) of the Local Government and Public Involvement in Health Act

⁴ Ibid section 122 (21B)

⁵ Regulation 3 of Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002

intended that other than the chair, the other members are non-executive members who do not sit on the OSC.

- 4.5 Each Scrutiny Review Panel shall be entitled to appoint up to three non-voting co-optees.
- 4.6 If there is a Children and Young People's Scrutiny Review Panel, the membership shall include the statutory education representatives of OSC. It is intended that the education representatives would also attend the Overview and Scrutiny Committee meetings where reports from a relevant Scrutiny Review Panel are considered.

5 MEETING FREQUENCY AND FORMAT

- 5.1 The intention is that OSC shall hold 6 scheduled meetings each year. One meeting, at the start of the civic year, shall agree the annual work programme of the OSC. One meeting, in January, shall consider the budget scrutiny reports from each Scrutiny Review Panel. The remaining meetings shall undertake the work programme and consider the reports from the Scrutiny Review Panels.
- 5.2 An extraordinary meeting of the OSC may be called in accordance with the Council's Constitution (Part 4 Section G).
- 5.3 The agenda and papers for OSC shall be circulated to all members and relevant partners at least 5 clear days before the meeting.
- 5.4 There shall be a standing item on OSC meeting agendas to receive feedback from Area Committees. Area Committee Chairs shall be able to attend OSC meetings, and ask questions.
- 5.5 Members of the Council may Call In a decision of the Executive, or any Key Decision made under delegated powers, within 5 working days of the decision being made. The full procedure is given in the Council's Constitution (Part 4 Section H).
- 5.6 Pre-decision scrutiny on forthcoming Cabinet decisions shall only be undertaken at scheduled OSC meetings, in adherence with the Council's Forward Plan.

Scrutiny Review Panels

- 5.7 It is intended that each Scrutiny Review Panel shall hold 4 scheduled meetings each year.
- 5.8 An extraordinary meeting of a Scrutiny Review Panel may be called in accordance with the Council's Constitution (Part 4 Section G).
- 5.9 The agenda and papers for Scrutiny Review Panels shall be circulated to all members and relevant partners at least 5 clear days before the meeting.

6 PROCESS FOR CABINET INVOLVEMENT

- 6.1 The OSC shall develop recommendations for arrangements to focus its resources and time available on effective scrutiny of the Cabinet, within the

guidance of this protocol. It is not intended that this will include submitting written questions to Cabinet members, in advance of an OSC meeting. The recommended arrangements shall be jointly discussed with the Cabinet prior to the first meeting of OSC.

- 6.2 The Leader of the Council and Chief Executive shall be invited to OSC once a year, at the meeting when the Committee's work programme is set. This shall be an opportunity to jointly discuss the Council's priorities for the next year.
- 6.3 The Leader/ Cabinet Member attending an OSC or Scrutiny Review Panel meeting may be accompanied and assisted by any service officers they consider necessary. The Member may invite an officer attending to answer a question on their behalf.

7 THE OSC WORK PROGRAMME

- 7.1 The Council's Policy, Intelligence and Partnerships Unit shall coordinate the work programme of the OSC at the beginning of each civic year.
- 7.2 Any partner, member or service user may suggest an item for scrutiny. The OSC shall have regard to all such suggestions when they decide their work programme.
- 7.3 The OSC and Scrutiny Review Panels are able to request reports from the following areas to enable its scrutiny role, which shall be identified in the OSC's work programme:
 - (i) **Performance Reports;**
 - (ii) **One off reports** on matters of national or local interest or concern;
 - (iii) Issues arising out of **internal and external assessment;**
 - (iv) Issues on which the Cabinet or officers would like **the Committee's views or support;**
 - (v) Reports on **strategies and policies** under development;
 - (vi) **Progress reports** on implementing previous scrutiny recommendations accepted by the Cabinet or appropriate Executive body.
- 7.4 In deciding their work programme for the year, the OSC and Scrutiny Review Panels shall determine how partnership bodies shall be scrutinised within the boundaries of scheduled meetings.

8 BUDGET SCRUTINY REVIEW

- 8.1 The budget shall be scrutinised by each Scrutiny Review Panel, in their respective areas. Their reports shall go to the OSC for approval. The areas of the budget which are not covered by the Scrutiny Review Panels shall be considered by the main OSC.

- 8.2 A lead OSC member from the largest opposition group shall be responsible for the co-ordination of the Budget Scrutiny process and recommendations made by respective Scrutiny Review Panels relating to the budget.
- 8.3 To allow the OSC to scrutinise the budget in advance of it formally being set and convey those recommendations to the Cabinet, the following timescale is suggested:
- **Scrutiny Review Panel Meetings: May to November**
Each Scrutiny Review Panel shall undertake budget scrutiny in their respective areas, to be overseen by the lead member referred to in paragraph 9.2. Between May and November, this shall involve scrutinising the 3-year Medium Term Financial Plan approved at the budget-setting full Council meeting in February.
 - **Cabinet report on the new 3-year Medium Term Financial Plan to members of the OSC: December**
The Cabinet shall release their report on the new 3-year Medium Term Financial Plan to members of the OSC, following their meeting to agree the proposals in December.
 - **Scrutiny Review Panel Meetings: January**
Overseen by the lead member referred to in paragraph 9.2, each Scrutiny Review Panel shall hold a meeting following the release of the December Cabinet report on the new 3-year Medium Term Financial Plan. Each Panel shall consider the proposals in this report, for their respective areas, in addition to their budget scrutiny already carried out. The Scrutiny Review Panels may request that the Cabinet Member for Finance and Sustainability and/or Senior Officers attend these meetings to answer questions.
 - **OSC Meeting: January**
Each Scrutiny Review Panel shall submit their final budget scrutiny report to the OSC meeting in January containing their recommendations/proposal in respect of the budget for ratification by the OSC.
 - **Cabinet Meeting: February**
The recommendations from the Budget Scrutiny process, ratified by the OSC, shall be fed back to Cabinet. As part of the budget setting process, the Cabinet will clearly set out its response to the recommendations/proposals made by the OSC in relation to the budget.

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Part Four, Section G

Overview and Scrutiny Procedure Rules

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 appointment of Scrutiny Review Panels, with membership that reflects the political balance of the Council.
 - (iii) To determine the terms of reference of all Scrutiny Review Panels.
 - (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 enter into or appoint such joint overview and scrutiny committees that include the London Borough of Haringey and other boroughs for the purpose of responding to consultation by NHS bodies on proposals for substantial variation or development in the provision of health services as required by The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
 - (vi) To monitor the effectiveness of the Council's Forward Plan.
 - (vii) To receive all appropriate performance management and budget monitoring information.
 - (viii) To approve a programme of future overview and scrutiny work so as to ensure that the Overview and Scrutiny Committee's and Scrutiny Review Panels' time is effectively and efficiently utilised;

PART FOUR – RULES OF PROCEDURE

Section G – Overview & Scrutiny Procedure Rules

- (ix) To consider all requests for call-in and decide whether to call-in a key decision, how it should be considered and whether to refer the decision to the Cabinet or to Council.
- (x) To monitor the effectiveness of the Call-in procedure.
- (xi) 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.
- (xii) 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.
- (xiii) To ensure that referrals from Overview and Scrutiny Committee to the Cabinet either by way of report or call-in are managed efficiently, and
- (xiv) To ensure community and voluntary sector organisations, users of services and others are appropriately involved in giving evidence to the Overview and Scrutiny Committee or relevant Scrutiny Review Panel.

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

- (i) Scrutiny Reviews Panels are appointed to examine designated Council services. Scrutiny Review Panels will refer their findings/recommendations in the form of a written report, with the approval of the Overview and Scrutiny Committee, to the Cabinet and/or the Council as appropriate.
- (ii) Scrutiny Review Panels will analyse submissions, request and analyse any additional information, and question the Cabinet Member(s), relevant Council officers, local stakeholders, and where relevant 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) Prior to publication, draft reports will be sent to the relevant chief officers or where relevant officers of the National Health Service

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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;

- (vi) Following approval by the Overview and Scrutiny Committee, final reports and recommendations will be presented to the next available Cabinet meeting together with an officer report where appropriate. The Cabinet will consider the reports and formally agree their decisions.
 - (vii) Following approval by the Overview and Scrutiny Committee, reports on NHS, non-executive or regulatory matters will be copied to the Cabinet for information.
 - (viii) At the Cabinet meeting to receive the final report and recommendations, the Chair of the Overview and Scrutiny Committee or the Chair of the Scrutiny Review Panel may attend and speak.
 - (ix) 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 apply, except the references to The Cabinet shall be taken as reference to the relevant non-executive body.
- 1.5 The Overview and Scrutiny Committee shall undertake scrutiny of the Council's budget through a Budget Scrutiny process. The procedure by which this operates 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 and Scrutiny Review Panels**
- 2.1 All Councillors (except Members of the Cabinet) may be members of the Overview and Scrutiny Committee and the Scrutiny Review Panels. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

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2.2 The membership of the Overview and Scrutiny Committee and Scrutiny Review Panels shall, as far as is practicable, be in proportion to the representation of different political groups on the Council.

3. Co-optees

3.1 Each Scrutiny Review Panel shall be entitled to appoint up to three people as non-voting co-optees.

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 the Scrutiny Review Panel whose terms of reference relate to 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) 2 parent governor representatives (voting).

These voting representatives will be entitled to vote where the Overview and Scrutiny Committee or the Scrutiny Review Panel is considering matters that relate to relevant education functions. If the Overview and Scrutiny Committee or Scrutiny Review Panel 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 and Scrutiny Review Panel will attempt to organise its meetings so that relevant education matters are grouped together.

5. Meetings of the Overview and Scrutiny Committee and Scrutiny Review Panels

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 by the Chair of the Overview and Scrutiny Committee after consultation with the Chief Executive, by any two Members of the Committee or by the proper officer if he/she considers it necessary or appropriate.

5.2 In addition to ordinary meetings of the Scrutiny Review Panels, extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny Review Panel meeting may be called by the Chair of the Panel after consultation with the Chief Executive, by any

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two Members of the Committee or by the proper officer if he/she considers it necessary or appropriate.

6. Quorum

The quorum for the Overview Scrutiny Committee and for each Scrutiny Review Panel shall be at least one quarter of its membership and not less than 3 voting members.

7. Chair of the Overview and Scrutiny Committee and Scrutiny Review Panels

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 process will be drawn from among the opposition party Councillors sitting on the Overview and Scrutiny Committee. The Overview and Scrutiny Committee 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 establish Scrutiny Review Panels to assist it to perform its functions. The Committee will appoint a Chair for each Scrutiny Review Panel.

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.

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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.

10.2 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 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 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 body or 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.

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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 any advisers, assessors and witnesses a reasonable fee and expenses for doing so. 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 (Scrutiny 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.

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It is the duty of those persons to attend if so required. At the discretion of their Director, 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.

15. Call-in

The call-in procedure is dealt with separately at Part 4 Section H of the Constitution, immediately following these 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

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as individual complaints and planning or licensing decisions are excluded.

Requests for a CCfA referral should be made to the Democratic Services Manager 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 key decision;
- (vii) responses of the Cabinet to reports of the Committee;
- (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.

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- (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 and shall make its report and findings public.

17A. Declarations Of Interest Of Members

- (a) If a member of the Overview and Scrutiny Committee or Scrutiny Review Panel has a disclosable pecuniary interest or a prejudicial interest as referred to in Members' Code of Conduct in any matter under consideration, then the member shall declare his or her interest at the start of the meeting or as soon as the interest becomes apparent. The member may not participate or participate further in any discussion of the matter or participate in any vote or further vote taken on the matter at the meeting and must withdraw from the meeting until discussion of the relevant matter is concluded unless that member has obtained a dispensation from the Council's Standards Committee.
- (b) If a member of the Overview and Scrutiny Committee or Scrutiny Review Panel has a personal interest which is not a disclosable pecuniary interest nor a prejudicial interest, the member is under no obligation to make a disclosure at the meeting but may do so if he/she wishes.

18. The Party Whip

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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.

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 Review Panels, the Overview and Scrutiny Committee is empowered to resolve the issue.

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Part Four, Section H

Call-In Procedure Rules

1. When a key decision is made by the Executive (that is, the Leader, Individual Cabinet Members or the Cabinet) or a committee of the Cabinet, the decision shall be published and shall be available for inspection at the Civic Centre and on the Council's website, normally within 2 working days of being made. The right to Call-In does not apply to a decision by way of an appeal hearing or a quasi-judicial procedure.
2. The notice of the key decision will be dated and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless a valid request has been received objecting to the decision and asking for it to be called-in. This does not apply to "urgent" decisions.
3. The Monitoring Officer will deem valid a request that fulfils all of the following 6 criteria:
 - (a) it is submitted by any five Members of the Council.
 - (b) it is received by the Democratic Services Manager by 10am on the fifth day following publication.
 - (c) it specifies the decision to which it objects.
 - (d) it specifies whether the decision is claimed to be outside the policy or budget framework.
 - (e) it gives reasons for the call-in and outlines an alternative course of action.
 - (f) it is not made in relation to a decision taken in accordance with the urgency procedures in paragraph 18 below.
4. The Democratic Services Manager will forward all timely and proper call-in requests, once deemed valid by the Monitoring Officer, to the Chair of the Overview and Scrutiny Committee and the Overview and Scrutiny Manager and will notify all Cabinet Members including the decision maker and the relevant Chief Officer.
5. A key decision will be implemented immediately after a call-in request is deemed invalid by the Monitoring Officer or after the expiry of ten working days following the receipt of a valid call-in request by the Chair of the Overview and Scrutiny Committee, unless a meeting of the

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Overview and Scrutiny Committee takes place during the 10-day period.

6. If a call-in request is deemed valid, the Democratic Services Manager will forward the call-in request to the Monitoring Officer and/or Chief Financial Officer for a report to be prepared for the Overview and Scrutiny Committee advising whether the decision does fall inside or outside the policy or budget framework.
7. Unless a key decision is designated "urgent" pursuant to paragraph 18, when it shall be implemented immediately, no action shall be taken to implement the decision until 5 working days have elapsed after the date of the publication of the decision. In the event that a call-in request has been received, no action shall be taken until the Monitoring Officer has determined the validity of the request.
8. Subject to paragraph 5, when a request for call-in is deemed valid, all action to implement the key decision is suspended until the Overview and Scrutiny Committee has met to decide what action to take. The Committee must meet no later than 10 working days after the Chair has received a valid call-in request.
9. Discussion of any called-in decisions shall precede all other substantive items on the agenda of the Overview and Scrutiny Committee. Any reports of the Monitoring Officer and Chief Financial Officer shall be part of that agenda.
10. The Committee shall consider any report of the Monitoring Officer / Chief Finance Officer as to whether a called-in decision is inside or outside the policy / budget framework. The Overview and Scrutiny Committee shall have regard to that report and any advice but Members shall determine whether the decision is inside or outside the policy / budget framework. If the Overview and Scrutiny Committee determine that the decision was within the policy / budget framework, the Committee has three options:
 - (a) The Overview and Scrutiny Committee may decide not to take any further action, in which case the key decision is implemented immediately.
 - (b) The Overview and Scrutiny Committee may decide to refer the decision back to the decision maker, in which case the decision maker has 5 working days to reconsider the key decision before taking a final decision.
 - (c) The Overview and Scrutiny Committee may decide to refer the decision to Full Council.
11. When the Overview and Scrutiny Committee refers a decision to Council (when the decision is deemed to fall within the policy / budget

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framework), any Council meeting must be held within 10 working days (with an extraordinary meeting being called if necessary) of the date of the Overview and Scrutiny Committee's referral.

12. When considering a called-in decision (when this decision is deemed to fall within the policy / budget framework) the Council has two options:
 - (a) The Council may decide not to take any further action, in which case the decision is implemented immediately.
 - (b) The Council may refer the decision back to the decision maker, in which case the decision maker has 5 working days to reconsider the decision before taking a final decision.
13. Once a final decision has been made there is no further right of call-in. This decision or any other key decision having the same effect may not be called-in again for a period of six months following the date at which the final decision was taken.
14. If the Overview and Scrutiny Committee determines that the decision is outside the policy / budget framework, the Committee shall refer the decision to the decision maker and with a request to reconsider it on the grounds that it is incompatible with the policy / budget framework. The decision maker shall have 5 working days in which to reconsider the decision.
15. The decision maker has two options:
 - (a) Amend the decision in line with the Overview and Scrutiny Committee's determination, in which case the decision is implemented immediately.
 - (b) Reaffirm the original decision, in which case the decision goes to a Council meeting which must convene within 10 working days of the reaffirmation of the original decision.
16. When considering a called-in decision where a decision maker fails to amend a decision in line with the Overview and Scrutiny Committee's determination, that it falls outside the policy / budget framework, the Council has two options:
 - (a) Amend the policy / budget framework to accommodate the called-in decision, in which case the decision is implemented immediately.
 - (b) Require the decision maker to reconsider the decision again and refer it to a meeting of the Cabinet to be held within 5 working days of the Council meeting. The Cabinet's decision is final.

17. Abuse of Call-in

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Section H– Call-In Procedure Rules

- (a) Members are expected to ensure that call-in is not abused, or causes unreasonable delay to the functioning of the Cabinet.
- (b) The call-in procedure is to be reviewed annually (see paragraph 18 g), if such a review leads to the conclusion that the call-in procedure is being abused, the Constitution may be amended to include greater limitations.

18. Call-In and Urgency

- (a) The call-in procedure set out above shall not apply when the action being taken is urgent or time-critical in terms of (b) below.
- (b) A key decision will be urgent if any delay in implementation likely to be caused by the call-in procedure would seriously prejudice the Council's or the public's interests.
- (c) A key decision which has not been given the requisite publicity for a key decision or a private meeting and which the Chair of Overview and Scrutiny Committee has agreed is 'urgent and cannot reasonably be deferred' is not regarded as urgent for the purposes of call-in unless it fulfils the criteria of paragraph (b) above.
- (d) If a key decision is urgent and therefore not subject to call-in, this will be stated on the record.
- (e) In order for a key decision to be deemed urgent, the Chair of the Overview and Scrutiny Committee must agree that the decision is both reasonable in all circumstances and that it should be treated as a matter of urgency. In the absence or unavailability of the Chair the consent of the Mayor is required. In the absence of both, the consent of the Deputy Mayor shall be required.
- (f) Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (g) The operation of the provisions relating to call-in and urgency shall be monitored annually and a report submitted to Council with proposals for review if necessary.

19. Call-In and the Forward Plan

- (a) The Overview and Scrutiny Committee should consider the Forward Plan as its chief source of information regarding forthcoming Cabinet decisions.

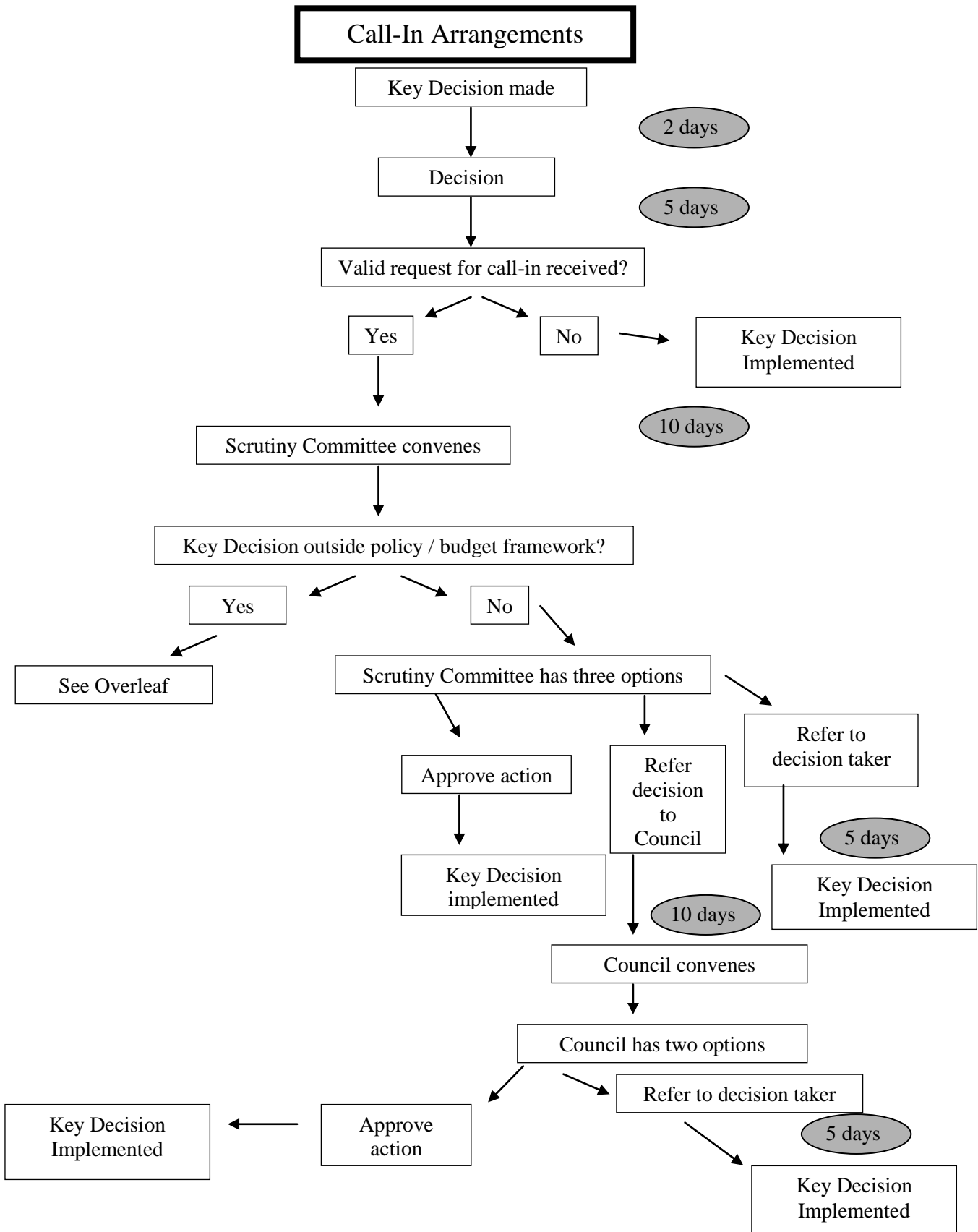
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- (b) The Overview and Scrutiny Committee may select a forthcoming decision and examine the issues around it.
- (c) In order not to obstruct the Council in its business, the Overview and Scrutiny Committee may call-in a key decision in advance of its actually being taken. In such a situation all the time-limits apply as above, except that a key decision cannot actually be implemented any sooner than it would have been had the Overview and Scrutiny Committee not called it in.
- (d) Where the Overview and Scrutiny Committee has called-in a key decision from the Forward Plan before its due date, the decision cannot be called-in again after the final decision has been taken.

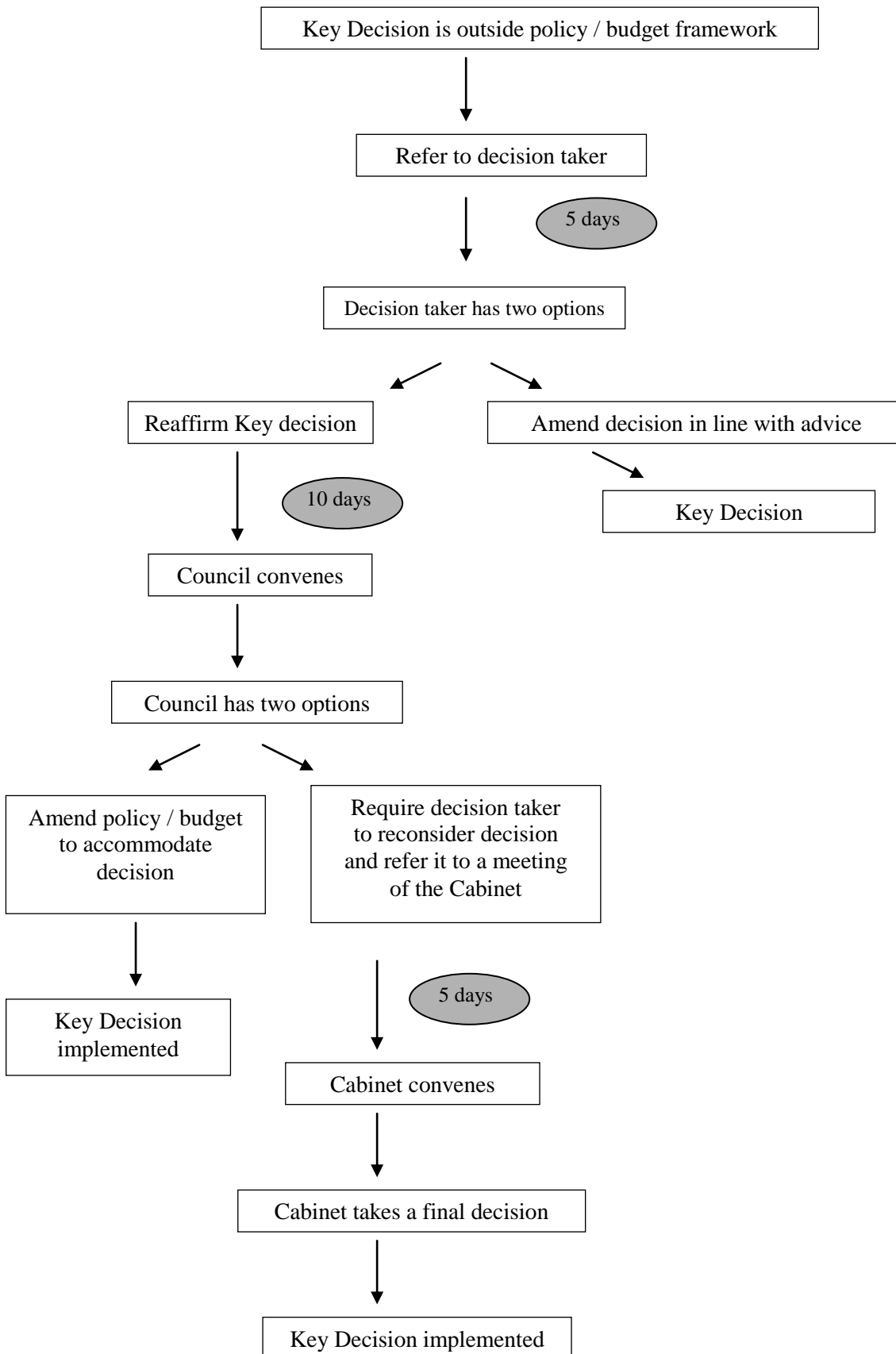
20. Monitoring Arrangements

The operation of the provisions relating to call-in and urgency shall be monitored by the Democratic Services Manager, and a report submitted to Council annually with proposals for review if necessary.

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