

**Report for:** Overview and Scrutiny Committee – 8 June 2021

**Title:** Overview & Scrutiny Committee and Scrutiny Panels - Membership and Terms of Reference

**Report authorised by:** Ayshe Simsek, Democratic Services and Scrutiny Manager

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**Ward(s) affected:** N/A

**Report for Key/**

**Non Key Decision:** N/A

## **1. Describe the issue under consideration**

1.1 The Overview and Scrutiny Committee is asked to establish the Scrutiny panels and agree their memberships.

1.2 The Committee is also asked to consider the appointment of two Haringey representatives to the North Central London Joint Health Overview and Scrutiny Committee.

## **2. Recommendations**

2.1 The Committee is asked to:

(a) Note the terms of reference (Appendix A) and Protocol (Appendix B) for the Overview and Scrutiny Committee and its Panels;

(b) Endorse the draft Protocol (Appendix C) for non-voting co-opted Members on scrutiny panels;

(c) Establish the following Scrutiny Panels for 2021/22:

- Adults and Health;
- Children and Young People;
- Environment and Community Safety; and
- Housing and Regeneration;

(d) Approve the remits and membership for each Scrutiny Panel for 2021/22 (Appendix D); and

(e) Appoint two Haringey representatives to the North Central London Joint Health Overview and Scrutiny Committee for 2021/22.

### **3. Reasons for decision**

- 3.1 The terms of reference and membership of the scrutiny panels above need to be confirmed at the first meeting of each municipal year.
- 3.2 The power to appoint Haringey's representatives to the North Central London Joint Health Overview and Scrutiny Committee (JHOSC) was delegated to the OSC by Council at its meeting on 22 March 2010.

### **4. Overview and Scrutiny Committee**

- 4.1 As agreed by Annual Council on 27 May, the membership of the Overview and Scrutiny Committee for 2021/22 will be:
- Cllr Moyeed (Chair);
  - Cllr Connor (Vice-Chair);
  - Cllr Carlin;
  - Cllr Gunes; and
  - Cllr White.
- 4.2 The Committee will also include statutory education representatives, who shall have voting rights solely on education matters.
- 4.3 The terms of reference and role of the OSC is set out in Part Two (Article 6), Part Three (Section B) and Part Four (Section G) of the Council's Constitution. Together, these specify key responsibilities for the Committee. This information is provided in full at Appendix A.
- 4.4 There is also a Protocol, outside the Constitution and provided at Appendix B, that sets out how the OSC is to operate. There is also a draft new Protocol, which was endorsed by the Committee at its meeting on 8 March but this still needs final ratification by Council. It is anticipated that this will take place at the Council meeting on 19 July.
- 4.5 In addition, there is now a draft Protocol (Appendix C) for non-voting co-opted scrutiny Members on scrutiny panels. There are currently two of these. The purpose of this is to ensure openness and transparency in their appointment and clarify their role.

### **5. Scrutiny Panels**

- 5.1 Article 6 of the Constitution states the OSC shall appoint Scrutiny Panels in order to discharge the Overview and Scrutiny role.
- 5.2 The specific functions for any Scrutiny Panels established is outlined in Article 6 of the Constitution at 6.3 (b) and 6.3 (c). The procedure by which this operates is detailed in the Scrutiny Protocol:

- The OSC shall establish four standing Scrutiny Panels, to examine designated public services;
- The OSC shall determine the terms of reference for each Scrutiny Panel;
- If there is any overlap between the business of the Panels, it is the responsibility of the OSC to resolve the issue;
- Areas which are not covered by the four standing Scrutiny Panels shall be the responsibility of the main OSC;
- The Chair of each Scrutiny Panel shall be a member of the OSC, as determined by the OSC at its first meeting;
- It is intended that each Scrutiny Panel shall be comprised of between 3 and 7 backbench or opposition members, and be politically proportionate as far as possible;
- Each Scrutiny Panel shall be entitled to appoint up to three non-voting co-optees. The Children and Young People's Scrutiny Panel membership will include the statutory education representatives of OSC.

5.3 The proposed 2021/22 membership for the four Scrutiny Panels is listed below.

<b>Scrutiny Panel</b>	<b>Membership</b>
Adults and Health	To be advised
Children and Young People	To be advised
Environment and Community Safety	To be advised
Housing and Regeneration	To be advised
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.	

5.4 The policy areas to be covered by the four existing Scrutiny Panels are attached at Appendix D, together with the relevant Portfolio holders for each scrutiny body. There is only one small change proposed for 2021/22 which is responsibility for libraries passing from the Overview and Scrutiny Committee to the Children and Young People's Panel. This is suggested to reflect changes in Cabinet Portfolios.

5.5 It was agreed at the Committee meeting on 15 March that a more comprehensive review of the remits of the Committee and its Panels would take place later in the year.

## **6. North Central London Joint Health Overview and Scrutiny Committee**

6.1 Haringey is a member of the North Central London Joint Health Overview and Scrutiny Committee (JHOSC), along with Barnet, Camden, Enfield and Islington.

- 6.2 The revised terms of reference, agreed by the JHOSC at its meeting on 29 January 2016, and by Haringey Council on 16 May 2016, are as follows:
- To engage with relevant NHS bodies on strategic area wide issues in respect of the co-ordination, commissioning and provision of NHS health services across the whole of the area of Barnet, Camden, Enfield, Haringey and Islington;
  - To respond, where appropriate, to any proposals for change to specialised NHS services that are commissioned on a cross borough basis and where there are comparatively small numbers of patients in each of the participating boroughs;
  - To respond to any formal consultations on proposals for substantial developments or variations in health services across affecting the area of Barnet, Camden, Enfield, Haringey and Islington;
  - The joint committee will work independently of both the Cabinet and health overview and scrutiny committees (HOSCs) of its parent authorities, although evidence collected by individual HOSCs may be submitted as evidence to the joint committee and considered at its discretion;
  - The joint committee will seek to promote joint working where it may provide more effective use of health scrutiny and NHS resources and will endeavour to avoid duplicating the work of individual HOSCs. As part of this, the joint committee may establish sub and working groups as appropriate to consider issues of mutual concern provided that this does not duplicate work by individual HOSCs; and
  - The joint committee will aim work together in a spirit of co-operation, striving to work to a consensual view to the benefit of local people.

6.4 Haringey's OSC is entitled to appoint two representatives to the JHOSC. The power to make this appointment was delegated to OSC by Council at its meeting on 22 March 2010.

## **7. Contribution to strategic outcomes**

7.1 The contribution scrutiny can make to strategic outcomes will be considered as part of its routine work.

## **8. Statutory Officers Comments**

### **Finance and Procurement**

8.1 The Chief Finance Officer has confirmed the Haringey representatives on the JHOSC are not entitled to any remuneration. As a result, there are no direct financial implications arising from the recommendations set out in this report.

8.2 Should any of the work undertaken by Overview and Scrutiny generate recommendations with financial implications then these will be highlighted at that time.

### **Legal**

- 8.3 The Assistant Director for Corporate Governance has been consulted on the contents of this report.
- 8.4 Under Section 21 (6) of the Local Government Act 2000, an Overview and Scrutiny Committee has the power to appoint one or more sub-committee to discharge any of its functions. The establishment of Scrutiny Panels by the Committee falls within this power and is in accordance with the requirements of the Council's Constitution.
- 8.5 Scrutiny Panels are non-decision making bodies and the work programme and any subsequent reports and recommendations that each scrutiny panel produces must be approved by the OSC. Such reports can then be referred to Cabinet or Council under agreed protocols.
- 8.6 The OSC can appoint two representatives to the North Central London Joint Health Overview and Scrutiny Committee. This is in accordance with the decision made by full Council on 22 March 2010 that the making of nominations to the Joint Health Committee be delegated to the Committee.

### **Equality**

- 8.7 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
  - Advance equality of opportunity between people who share those protected characteristics and people who do not;
  - Foster good relations between people who share those characteristics and people who do not.
- 8.8 The proposals outlined in this report relate to the membership and terms of reference for the OSC and carry no direct implications for the Council's general equality duty. However, the Committee should ensure that it addresses these duties by considering them within its work programme and those of its panels, as well as individual pieces of work. This should include considering and clearly stating;
- How policy issues impact on different groups within the community, particularly those that share the nine protected characteristics;
  - Whether the impact on particular groups is fair and proportionate;
  - Whether there is equality of access to services and fair representation of all groups within Haringey;

- Whether any positive opportunities to advance equality of opportunity and/or good relations between people, are being realised.

8.9 The Committee should ensure that equalities comments are based on evidence. Wherever possible this should include demographic and service level data and evidence of residents/service-users views gathered through consultation.

## **9. Use of Appendices**

Appendix A Part Two (Article 6), Part Three (Section B), and Part Four (Section G) of the Constitution of the London Borough of Haringey.

Appendix B Scrutiny Protocol

Appendix C Protocol for Non-Voting Co-opted Scrutiny Members

Appendix D Overview & Scrutiny Remits and Membership 2020/21

## **10. Local Government (Access to Information) Act 1985**