

**Report for:** Environment & Community Safety Scrutiny Panel – 30 June 2022

**Title:** Terms of Reference and Membership

**Report**

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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 This report sets out the terms of reference and membership for Overview and Scrutiny and its panels for 2022/23.

**2. Recommendations**

2.1 The Panel 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) Note the Non-Voting Member protocol (Appendix C).

(c) Note the policy areas/remits and membership for each Scrutiny Panel for 2022/23 (Appendix D).

**3. Reasons for decision**

3.1 The terms of reference and membership of the scrutiny panels above need to be noted at the first meeting of each municipal year.

**4. Overview and Scrutiny Committee**

4.1 As agreed by Council on 23 May, the membership of the Overview and Scrutiny Committee for 2022/23 (OSC) is: Cllr Bevan (Chair); Cllr Pippa Connor (Vice-Chair); Cllr Michelle Simmons-Safo, Cllr Matt White and Cllr Makbule Gunes. The membership of the Committee also includes the statutory education representatives, who have voting rights solely on education matters.

4.2 The terms of reference and role of the OSC and its Panels are 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.

## 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 propionate 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 2022/23 membership for the four Scrutiny Panels is listed below.

<b>Scrutiny Panel</b>	<b>Membership</b>
Adults and Health	Cllr Pippa Connor (Chair), Cllr Kaushika Amin, Cllr Cathy Brennan; Cllr Yannis Gourtsoyannins; Cllr Thayahlan Iyngkaran; Cllr Felicia Opoku; Cllr Sheila Peacock.
Children and Young People	Cllr Makbule Gunes (Chair), Cllr Anna Abela; Cllr Lester Buxton, Cllr Lotte Collett, Cllr Marsha Isilar-Gosling, Cllr Sue Jameson; Cllr Mary Mason.
Environment and Community Safety	Cllr Michelle Simmons-Safo (Chair); Cllr Eldridge Culverwell; Cllr George Dunstall; Cllr Scott Emery; Cllr Tammy Hymas; Cllr Joy Wallace; Cllr Alex Worrall.
Housing and Regeneration	Cllr Matt White (Chair); Cllr Charles Adje; Cllr Dawn Barnes; Cllr Mark Blake; Cllr Holly Harrison-Mullane; Cllr Tammy Hymas; Cllr Khaled Moyeed.

5.4 The policy areas to be covered by the four existing Scrutiny Panels have been updated. This information, together with the relevant Portfolio holders for each scrutiny body, is attached at Appendix C.

## **6. Contribution to strategic outcomes**

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

## **7. Statutory Officers Comments**

### **Finance and Procurement**

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

### **Legal**

7.2 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.

7.3 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.

### **Equality**

7.4 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.

7.5 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.

7.6 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.

## **8. 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 Non-Voting Member Protocol

Appendix D Overview & Scrutiny Remits and Membership 2022/23

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

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### **PART TWO – ARTICLES OF THE CONSTITUTION**

Last updated 18 July 2016

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#### **Article 6 - Overview and Scrutiny**

##### **6.01 Terms of reference**

The Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by section 9F of the Local Government Act 2000, the Health & Social Care Act 2001 and the NHS Reform & Health Professionals Act 2002.

##### **6.02. General role**

Within its terms of reference, the Overview and Scrutiny Committee may:

- (a) Exercise an overview of the forward plan;
- (b) Review or scrutinise decisions made or actions taken in connection with the discharge of any of the Cabinet's or Council's functions;
- (c) Make reports and recommendations to the full Council, the Cabinet or relevant non-Executive Committee in connection with the discharge of any functions;
- (d) Make reports or recommendations on matters affecting the area or its inhabitants;
- (e) Exercise the right to call-in, for reconsideration, key decisions made but not yet implemented by the Executive;
- (f) Receive the reports and recommendations of its commissioned Scrutiny Review Panels; and
- (g) In accordance with statutory regulations to review and scrutinise matters relating to the health service within the Authority's area and to make reports and recommendations thereon to local NHS bodies;
- (h) 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.

##### **6.03 Specific functions**

###### **(a) Scrutiny Review Panels.**

The Overview and Scrutiny Committee shall appoint Scrutiny Review Panels in order to discharge the Overview and Scrutiny

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role for designated public services and will co-ordinate their respective roles.

### **(b) Policy development and review.**

The Overview and Scrutiny Committee and any Scrutiny Review Panels it may establish may:

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

### **(c) Scrutiny.**

The Overview and Scrutiny Committee and any Scrutiny Review Panels it may establish may:

- (i) Review and scrutinise the decisions made by and performance of the Cabinet and council officers both in relation to individual decisions and over time;
- (ii) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) Question members of the Cabinet and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iv) Make recommendations to the Cabinet or relevant non-executive Committee arising from the outcome of the scrutiny process;
- (v) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance; and

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- (vi) Question and gather evidence from any person (with their consent).

### **(d) Finance**

Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to them.

### **(e) Annual report.**

Overview and Scrutiny Committee must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

## **6.04 Proceedings of Overview and Scrutiny Committee**

The Overview and Scrutiny Committee and any Scrutiny Review Panels it may establish will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

## **6.05 Votes of No Confidence**

The Chair of the Overview and Scrutiny Committee or the Chair of a Scrutiny Review Panel shall cease to hold that office as a Scrutiny member if a vote of no confidence, of which notice appears on the agenda, is carried at the meeting of the relevant body. The responsibilities of that member shall be carried out by the relevant Vice-Chair until such time as a subsequent meeting of that body has been notified of the appointment of a replacement or the reappointment of the member concerned. In the event of all members of the Overview and Scrutiny Committee having been removed from office in this way at any time, Scrutiny functions shall in the interim be carried out by Full Council.

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### **PART THREE – RESPONSIBILITY FOR FUNCTIONS**

#### **SECTION B**

Last updated 18 July 2016

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#### **SECTION 2 – COMMITTEES**

The following shall be committees of the Council and they shall have the membership as described in the Appointments of Committees, Sub-Committees, Panels, etc (as approved by the Annual Meeting):

- 1. The Corporate Committee**
  - 2. Combined Pensions Committee and Board**
  - 3. Staffing and Remuneration Committee**
  - 4. Overview and Scrutiny Committee**
  - 5. Standards Committee**
  - 6. Alexandra Palace and Park Board**
  - 7. The Regulatory Committee**
  - 8. The Health and Wellbeing Board**
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#### **4. Overview and Scrutiny Committee**

The Overview and Scrutiny Committee may:

- (a) exercise an overview of the forward plan;
- (b) review or scrutinise decisions made or actions taken in connection with the discharge of any of the Cabinet's or Council's functions;
- (c) make reports and recommendations to the full Council, the Cabinet or relevant non-Executive Committee in connection with the discharge of any functions;
- (d) make reports or recommendations on matters affecting the area or its inhabitants;
- (e) exercise the right to call-in, for reconsideration, key decisions made but not yet implemented by the Cabinet;
- (f) receive the reports and recommendations of its Scrutiny Review Panels;



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- (g) in accordance with statutory regulations to review and scrutinise matters relating to the health service and all NHS funded services within the Authority's area and to make reports and recommendations thereon to local NHS and NHS funded bodies;
- (h) 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;
- (i) review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible partner authorities of their crime and disorder functions;
- (j) make reports or recommendations to the Cabinet or full Council where appropriate with respect to the discharge of the crime and disorder functions by the responsible partner authorities;
- (k) make arrangements which enable any Councillor who is not a Committee Member to refer any crime and disorder matter to the Committee under the Councillor Call for Action procedure; and
- (l) make arrangements which enable any Councillor who is not a Committee Member to refer to the Committee any local government matter which is relevant to the functions of the Committee under the Councillor Call for Action procedure.
- (m) there is a Protocol outside this Constitution setting out how the Overview and Scrutiny Committee is to operate. The Protocol shall be applied in a manner consistent with the Committee Procedure Rules in Part 4 and any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.
- (o) to appoint two representatives to the standing Joint Health Overview and Scrutiny Committee for North Central London. (Since this appointment is for only two Members to the Joint Committee, the "political proportionality" rules in the Local Government and Housing Act 1989 do not apply.)

## **SECTION 3 - SUB-COMMITTEES AND PANELS**

The following bodies shall be created as Sub-Committees of the relevant Committee of the Council under which they are listed. Bodies described as "Panels" are Sub-Committees unless otherwise stated. Sub-Committees shall

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report to their parent bodies and they shall have the membership as described in the Appointments of Non-Executive Committees, Sub-Committees, Panels, etc as approved by the Annual Meeting.

### **2. Under Overview and Scrutiny Committee**

#### **2.1 Scrutiny Review Panels**

- (a) To carry out scrutiny processes relevant to particular services as determined by Overview and Scrutiny Committee and within the parameters, protocols and procedures agreed by Overview and Scrutiny Committee for all Scrutiny Review Panels.
- (b) Within these scrutiny processes to request and receive submissions, information and answers to questions from Cabinet Members, officers and other senior employees of the Council, service users, external experts and relevant members of the public.
- (c) To refer the 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.

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### **PART FOUR – RULES OF PROCEDURE**

#### **SECTION G – OVERVIEW & SCRUTINY PROCEDURE RULES**

Last updated 21 July 2014

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#### **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;
  - (ixi) 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.

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- (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 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;

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- (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.
- 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.

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

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### **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, an Area Committee, 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



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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 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;

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- (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 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)**

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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 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) business arising from Area Committees;
  - (ix) the business otherwise set out on the agenda for the meeting.
- (b) A Scrutiny Review Panel shall consider the following business as appropriate:

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- (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 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.

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- (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**

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.

## **Appendix B**

### **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;<sup>1</sup>
  - (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;<sup>2</sup>

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<sup>1</sup> Section 19 of the Police and Justice Act 2006

<sup>2</sup> Section 121 of the Local Government and Public Involvement in Health Act 2007

## **Appendix B**

- (vii) Give notice to a relevant partner authority that they must have regard to scrutiny reports and recommendations on any local improvement targets.<sup>3</sup>
- 3.3 Scrutiny recommendations shall be responded to by the appropriate body within 2 months of receiving the recommendations.<sup>4</sup> Where a response is requested from NHS-funded bodies, the response shall be made within 28 days.<sup>5</sup>
- 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.

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

<sup>4</sup> Ibid section 122 (21B)

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

## **Appendix B**

- 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 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**



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- 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.

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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.