

## **HARINGEY GOVERNANCE REVIEW**

### **DRAFT PROTOCOL COVERING OVERVIEW AND SCRUTINY COMMITTEE (OSC)**

#### **1 INTRODUCTION**

- 1.1 A key objective of Haringey's Governance Review 2010/11 is 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

- (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).

#### **4 MEMBERSHIP AND CHAIR**

- 4.1 It is intended that the Overview and Scrutiny Committee shall predominantly be the seven Area Committee Chairs, and if necessary other members to achieve political proportionality as far as practicable. 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, and shall be a Chair of an Area Committee. The vice-chair shall be a member of the largest minority group. These appointments shall be ratified each year at the Annual Council Meeting.

#### **5 MEETING FREQUENCY AND FORMAT**

- 5.1 The intention is that OSC shall hold 5 scheduled meetings each year. One meeting, at the start of the civic year, shall agree the annual work programme of the OSC. The remaining meetings shall undertake the work programme and consider the minuted progress of Scrutiny Reviews.
- 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 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).

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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

- 5.5 Pre-decision scrutiny on forthcoming Cabinet decisions shall only be undertaken at scheduled OSC meetings, in adherence with the Council's Forward Plan. The full procedure is given in the Council's Constitution (Part 4 Section H).

## **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 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 is 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 HSP, 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 shall determine how partnership bodies shall be scrutinised within the boundaries of scheduled meetings and the designated number of Scrutiny Reviews.

## **8 SCRUTINY REVIEWS**

- 8.1 In addition to their regular work, the OSC is able to commission up to three task and finish Scrutiny Review Panels for completion within each civic year, to look at chosen topics in-depth.
- 8.2 In the meeting to decide their work programme, the OSC shall agree the topics for detailed scrutiny review. Each year officers shall prepare a list of potential topics, which have been identified from the following sources:

- Suggestion made by councillors, officers, partner agencies and members of the public;
- New legislation, white and green paper, statements of Government policy;
- Items identified from performance reports or one-off reports to the Committee.

- 8.3 Scrutiny Reviews should not duplicate the work undertaken by the Budget Scrutiny Panel (as detailed in Section 9).
- 8.4 Terms of reference shall be agreed by the OSC for each Scrutiny Review to be undertaken, which shall be reported to Cabinet. This shall include a plan for carrying out the Review, and the consideration for co-opting independent experts, providers or users onto the panel.
- 8.5 It is intended that the size of each Scrutiny Review Panel will consist of between 3 and 7 members, including members of OSC drawn from each party, and may include non-Executive Councillors and co-optees. For reviews dealing with education matters, the Review Panel membership will include the statutory education representatives of OSC. The membership and chair of each panel shall be determined by the OSC upon drafting of the Terms of Reference for the Review.
- 8.6 The Council's Policy, Intelligence and Partnerships Unit shall support the panels to plan out their Scrutiny Reviews.
- 8.7 It is intended that the Scrutiny Review Panels will meet no more than 5 times over the course of their Reviews. Chairs of Scrutiny Review Panels should share best practice from their Reviews, at appropriate points within those Reviews.

## **9 BUDGET SCRUTINY REVIEW**

- 9.1 The responsibility for scrutinising the budget shall be delegated by the OSC to a Budget Scrutiny Review Panel. It is intended that the Panel will comprise no more than 5 Members of OSC, drawn from both parties.
- 9.2 The chair of the Budget Scrutiny Panel shall be a member of the opposition.
- 9.3 To allow the Budget Scrutiny Panel time to consider the budget in advance of it formally being set and convey those recommendations to the Cabinet, the following process shall undertaken:

1. Leader's Conference with Officers and all Councillors	This shall be an opportunity for officers to brief Councillors on the context for the budget.	October
2. Budget Scrutiny Review Panel Sessions	(a) Scoping meeting with the Budget Scrutiny Review Panel, Cabinet Member for Finance and Senior Officers to select the 3 themes by which budget scrutiny will be undertaken, and identify any initial information required.	November

	(b) Three sessions for Budget Scrutiny Review Panel to carry out scrutiny on those three themes. The Panel may request that the Leader, Deputy Leader, Cabinet Member for Finance & Sustainability or officers attend to answer questions.	December
3. Final Recommendations	The recommendations from the 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 how and why recommendations have been taken forward.	January