APPENDIX

[the words recommended for deletion are shown struck through and the words recommended for addition or insertion are shown in italics, or in capitals, and are underlined]

Part I.2
Overview and Scrutiny Procedure Rules

1. The arrangements for Overview and Scrutiny

(a) The Council will have one Overview and Scrutiny Committee, which will have responsibility for all overview and scrutiny functions on behalf of the Council.

(b) The terms of reference of the Overview and Scrutiny Committee will be:

(i) the performance of all overview and scrutiny functions ~~on behalf of the Council~~;

(ii) the commission and appointment of such Scrutiny Review Panels as it considers appropriate, with membership that reflects the political balance of the Council, ~~to fulfil those overview and scrutiny functions~~;

(iii) to decide and amend the terms of reference of all scrutiny reviews;

(iv) to receive reports from the Leader at *the earliest convenience* ~~its first meeting~~ after each annual council meeting on 'the state of the borough', the Executive's priorities for the coming year, and its performance in the previous year;

(v) to receive reports from local National Health Service bodies on the state of health services and public health in the borough area;

(vi) to monitor the Executive's Forward Plan to ensure that appropriate decisions are discussed;

(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 panels' time is effectively and efficiently utilised;

(ix) to consider all requests for call-in and decide whether to call-in a decision, how it should be considered and whether to refer the decision to the Executive or to Council;

(x) to ensure that referrals from Overview and Scrutiny Committee to the Executive either by way of report or call-in are managed efficiently;

(xi) to ensure community and voluntary sector organisations, users of services and others are appropriately involved in giving evidence to relevant scrutiny reviews~~s~~ *panels*.

(c) The Overview and Scrutiny Committee may commission a number of Scrutiny Review Panels:

(i) Scrutiny Review Panels are task orientated, time-limited advisory bodies appointed to examine a specific issue in depth and reporting to the Overview and Scrutiny Committee;

(ii) Panels will analyse submissions, request and analyse any additional information, and question the Executive Member(s), relevant Council officers and officers and/or board members of local NHS 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 Reviews~~s~~ Panels should make every effort to work by consensus; however, in exceptional circumstances Members may submit minority reports;

(v) the culmination of a Scrutiny Review Panel's work is the submitting of a report to the Overview and Scrutiny Committee, including key findings, conclusions and recommendations. Exceptionally, where progress has

become protracted or stimulating debate would be helpful, an interim report may be submitted, with the consent of the Chair of the Overview and Scrutiny Committee;

(vi) prior to publication, draft reports will be sent to the relevant Chief Officers or officers of the National Health Service for checking for inaccuracies and the presence of exempt and/or confidential information; Scrutiny Review Panel members will revisit any conclusions drawn from disputed information;

(vii) Following endorsement by the Overview and Scrutiny Committee, final reports and recommendations will ~~go~~ *be presented* to the next available Executive meeting. The Executive will note the report and request a responding report from the Chief Executive or Chief Officer and Executive Member responsible*. The response is* to be available within 6 weeks of the request *and will include a detailed tabulated implementation action plan;*

(viii) *Following endorsement by the Overview and Scrutiny Committee, reports on NHS, non-executive or regulatory matters will be copied to the Executive for information*

(ix) On receiving the responding report, the Executive will consider both reports and formally agree their decisions, *and the implementation action plan* at the next available Executive meeting.

(x) IN THE EVENT THAT THE EXECUTIVE DOES NOT ACCEPT ANY RECOMMENDATION IN THE FINAL REPORT FROM THE OVERVIEW AND SCRUTINY COMMITTEE, THE CHAIR OF THAT COMMITTEE HAS THE RIGHT TO REQUIRE THAT THE MATTER IN DISPUTE SHALL BE REPORTED TO THE NEXT AVAILABLE MEETING OF FULL COUNCIL FOR DETERMINATION.

~~(viii) The scrutiny report and the Executive response will then be submitted together to full Council at the earliest opportunity.~~

(xi) ~~Following agreement of a report and/or recommendations by Council,~~

~~the appropriate Chief Officer(s) will within three months prepare an~~

~~action plan for approval by Executive Member(s).~~ The *implementation* action plan will also be presented to the Overview and Scrutiny Committee who will be invited to monitor its implementation.

(xii) *After an appropriate period, post implementation, Overview and*

Scrutiny Committee will carry out a follow up review to determine if the recommendations had the intended outcomes and to measure any improvements.

(d) When Scrutiny Review Panels report on non-executive or regulatory

functions the above rules are adapted as follows;

(i) Paragraphs (c)(i) to (vi) apply;

(ii) Paragraph (c)(vii) applies as if references to the "Executive/Executive

meeting" and "Executive Member" were replaced by references to

"meeting of /the non-executive body responsible" and its "Chair" as appropriate;

(iii) Paragraph (c)(viii) applies but only in relation to non-executive or regulatory matters;

(iv) Paragraph (c)(ix) will be replaced by this provision -

"On receiving the responding report, the non-executive or regulatory body

responsible, at its next available meeting, will consider both reports, its proposed response and the implementation action plan and will make recommendations on these to full Council. At the next available meeting full Council will formally agree the response and the implementation action plan."

(v) Paragraph (c) (x) does not apply.

(vi) Paragraphs (c) (xi) and (xii) apply.

(e) All Overview and Scrutiny meetings shall take place in public (except where exempt or confidential matters are considered).

(f) 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 Reviews Panels

(a) All Councillors (except members of the Executive) may be members of the Overview and Scrutiny Committee, and Scrutiny Review Panels. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

(b) Councillors' membership of the Overview and Scrutiny Committee and Scrutiny Review Panels will be in proportion to the representation of different political groups on the Council.

3. Co-optees

(a) Each scrutiny panel and review shall be entitled to appoint up to three people as non-voting co-optees, in consultation with the Overview and Scrutiny Committee.

(b) Statutory voting non-Councillor members of Overview and Scrutiny Committee will be paid an allowance in accordance with the Members' Allowances Scheme in Part C.7 of this Constitution.

4. Education representatives

(a) The Overview and Scrutiny Committee shall include in its membership the following representatives:

(i) at least one Church of England diocesan representative (voting);
(ii) at least one Roman Catholic diocesan representative (voting);
(iii) 3 parent governor representatives (voting); and
(iv) a representative from the Race Equality Joint Consultative Committee (REJCC) (non-voting).

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

(b) Each Scrutiny Review Panel, where the review's terms of reference relate wholly or in part to any education functions that are the responsibility of the Executive, shall include in its membership the following representatives:

(i) at least one Church of England diocesan representative (voting);
(ii) at least one Roman Catholic diocesan representative (voting);
(iii) 3 parent governor representatives (voting); and
(iv) a representative from the REJCC (non-voting).

If the scrutiny review deals with other matters, these voting representatives shall not vote on those other matters, though they may stay in the meeting and speak at the discretion of the Chair.

5. Meetings of the Overview and Scrutiny Committee, and Scrutiny Reviews Panels

(a) 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, by any two members of the Committee or by the proper officer if he/she considers it necessary or appropriate.

(b) Meetings of Scrutiny Review Panels may be called by the Chair of the Scrutiny Review Panel, by any two members of the panel or by the proper officer if he/she considers it necessary or appropriate.

(c) The ordinary meeting place for the Overview and Scrutiny Committee and the Scrutiny Review Panels shall be Haringey

Civic Centre, High Road, Wood Green, London, N22 8LE but they may arrange to meet elsewhere whenever they see fit.

6. Quorum

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

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

(a) The Chair of the Overview and Scrutiny Committee will be appointed by the Council.

(b) 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.

(c) 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 16.05 in Part 1.1 of this Constitution.

8. Work programme

Overview and Scrutiny Committee will determine the future scrutiny work programme and will commission task and finish Scrutiny Review Panels to assist it to perform its functions. The Committee will appoint a Chair for each review.

9. Agenda items for the Overview and Scrutiny Committee

(a) 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.

(b) 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 Executive 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 Council and/or~~ the Executive within an agreed timescale.

10. Policy review and development

(a) 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 F.3** of this constitution.

(b) 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 Executive 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

(a) Following endorsement by the Overview and Scrutiny Committee, final reports and recommendations will ~~go~~ *be presented* to the next available Executive meeting. *The procedure to be followed is set out in paragraphs 1(c) or 1 (d) above, as appropriate.* ~~The Executive will note the report and request a responding report from the Chief Executive or Chief Officer and Executive Member responsible, to be available within 6 weeks the request .~~

~~(b) On receiving the responding report, the Executive will consider both reports and formally agree their decisions, at the next available Executive meeting~~

~~(c) The scrutiny report and the Executive response will then be submitted together to the next meeting of full Council.~~

~~(d) Following agreement of a report and/or recommendations by Council, the~~

~~*(e) appropriate Chief Officer(s) will within three months prepare an action plan for approval by Executive Member(s). The action plan will also be presented to the Overview and Scrutiny Committee, who will be invited to monitor its implementation.*~~

12. Making sure that overview and scrutiny reports are considered by the Executive

(a) The agenda for Executive meetings (including any meetings of single members) shall include an item entitled 'Issues arising from Scrutiny'. Reports of the Overview and Scrutiny Committee referred to the Executive shall be included at this point in the agenda unless either they have been considered in the context of the Executive's deliberations on a substantive item on the agenda or the Executive gives reasons why they cannot be included and states when they will be considered.

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

13. Rights and powers of Overview and Scrutiny Committee members

(a) 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~~ D.2 of this Constitution.

(ii) Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny

Committee and Scrutiny Review Panels as appropriate depending on the particular matter under consideration.

(b) Powers to conduct enquiries

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

(c) 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 (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 Executive, 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/or

(C) their performance.

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

(ii) Where any member or officer is required to attend the Overview and Scrutiny Committee or Scrutiny Review Panel under this provision, the Chair of that body will inform the member or

proper officer. The proper officer shall inform the member or officer in writing giving at least 10 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Overview and Scrutiny Committee or Scrutiny Review Panel. Where the account to be given to Overview and Scrutiny Committee or Scrutiny Review Panel will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

(iii) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee or Scrutiny Review Panel shall in consultation with the member or officer arrange an alternative date for attendance, to take place within a maximum of 10 days from the date of the original request.

14. Attendance by others

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

15. Call-in

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

16. 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;* ~~minutes of the last meeting;~~

(ii) *urgent business:* ~~declarations of interest;~~

(iii) *declarations of interest;* ~~deputations and petitions;~~

(iv) minutes of the last meeting; ~~consideration of any matter referred to the Committee for a decision in relation to call in of a decision;~~

(v) *deputations and petitions;* ~~responses of the Executive to reports of the Committee; and~~

(vi) consideration of any matter referred to the Committee for a decision in relation to call in of a decision; ~~the business otherwise set out on the agenda for the meeting.~~

(xi) responses of the Executive to reports of the Committee;

(xii) responses of the relevant non-executive or regulatory body to reports of the Committee; and

(xiii) the business otherwise set out on the agenda for the meeting.

(b) A Scrutiny Review Panel shall consider the following business as appropriate:

(i) minutes of the last meeting;

(ii) declarations of interest;

(iii) the business otherwise set out on the agenda for the meeting.

(c) Where the Overview and Scrutiny Committee or Scrutiny Review Panel has asked people to attend to give evidence at meetings, these are to be conducted in accordance with the following principles:

(i) that the investigation be conducted fairly and all members of the Overview and Scrutiny Committee and Scrutiny

Review Panels be given the opportunity to ask questions of attendees, to contribute and to speak;

(ii) that those assisting the Overview and Scrutiny Committee or Scrutiny Review Panel by giving evidence be treated with respect and courtesy;

(iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis; and

(iv) that reasonable effort me 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 Executive ~~and/or Council~~ *or the relevant non-executive or regulatory body*, as appropriate, (via the Overview and Scrutiny Committee in the case of a Scrutiny Review Panel) and shall make its report and findings public.

17. Matters within the remit of more than one Scrutiny Review Panel.

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