

## **Overview and Scrutiny Procedure Rules**

**(November 2009)**

- 1.1 The introduction, by the Local Government Act 2000, of the Overview and Scrutiny process into the work of local authorities offered a significant change in approach to the way in which local authorities conducted their business and engaged with their communities and partners.
- 1.2 The Local Government Act 2000 determined that the following responsibilities would fall within the remit of the Overview and Scrutiny function:
  - (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive;
  - (b) to make report or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive;
  - (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive;
  - (d) to make report or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive;
  - (e) To make recommendations to the authority or the executive on matters which affect the authority's area or inhabitants.
- 1.3 These responsibilities have been further strengthened by other legislation, for example the Local Government and Public Involvement in Health Act 2007, and the Crime and Disorder Act 2006. The Health and Social Care Act 2001 paved the way for scrutiny by local authorities of other statutory bodies, by establishing Overview and Scrutiny Committees with the remit of scrutinising health service provision.
- 1.4 In assessing whether the Council is meeting its Corporate Plan objectives and whether the Council and its partners are effectively delivering the Sustainable Community Strategy, Overview and Scrutiny bodies should utilise opportunities to visit and engage with local communities.

The following procedure rules provide the framework for the operation of the Overview and Scrutiny processes in Barnet.

# Overview and Scrutiny Procedure Rules

## Part 1: Formal Committees and sub-Committees

### 1. What will be the number and arrangements for Overview and Scrutiny Committees?

- (a) The Council will have the Overview and Scrutiny Committees set out in Table 1. Such Committees may appoint sub-Committees. Overview and Scrutiny Committees may also be appointed by the Council for a fixed period and with terms of reference stated when they are appointed, on the expiry of which they shall cease to exist
- (b) The setting of Overview & Scrutiny work programmes will be in line with the corporate planning process as follows:
  - The Chairmen of the six main scrutiny bodies will meet annually with relevant Cabinet Members and Directors to discuss potential items for the Overview and Scrutiny work programme as soon as possible after publication of the Report to Cabinet on the draft Corporate Plan, with the following forming the basis of discussion:
    - Draft Corporate Plan
    - Leader's Forward Plan of key decisions for the coming year
  - Meetings of the six Overview & Scrutiny Committees and sub-Committees will take place as soon as possible after the Cabinet Meeting approving the Corporate Plan and the aforementioned meetings with Cabinet Members and Directors.
  - These meetings would set the Overview & Scrutiny work programme for the forthcoming year so that the scrutiny work programme can be submitted to the Annual Meeting of Council for ratification with the Council and the Leader being formally advised of those areas of policy development the Overview and Scrutiny Committees have identified for their involvement.

### 2. Who may sit on Overview and Scrutiny Committees?

All councillors except Members of the Executive may be members of an Overview and Scrutiny Committee. However, no Member may take part in scrutinising a decision in which he/she has been directly involved.

### 3. Co-opted Members

#### (a) Education

The membership of the Children's Services Overview and Scrutiny sub-Committee shall include the following co-opted members who will be invited to attend and vote at any meeting where matters are being considered that relate, either in whole or in part, to any education functions which are the responsibility of the Executive.

Where the Children's Services Overview and Scrutiny sub-Committee then considers other items that do not relate to the above, the co-opted members may remain and speak but not vote.

<b>VOLUNTARY AIDED SCHOOL REPRESENTATIVES (3)</b>
<ul style="list-style-type: none"><li>• One Church of England diocese representative</li><li>• One Roman Catholic diocese representative</li><li>• One representative of persons who appoint foundation governors to voluntary aided Jewish schools</li></ul>
<b>PARENT GOVERNOR REPRESENTATIVES (2)</b>
Two parent governor representatives - one for secondary schools and one for primary schools

(b)Housing

That where issues relating to housing or housing benefits and/or the Council's functions as a housing authority are to be discussed by any Overview and Scrutiny body, the Democratic Services Manager, in consultation with the relevant Chairman will arrange for two non-voting representatives appointed by the Board of Barnet Homes to be invited to attend the meeting and speak but not vote on such issues.

**4. Formal Meetings of the Overview and Scrutiny Committees and sub-Committees**

Each Overview and Scrutiny Committee and sub-Committee shall meet as frequently as it considers necessary to complete its programme of work.

Meetings will normally be held on the dates reserved for Overview and Scrutiny Committees in the Council's calendar of meetings.

Additional meetings will be arranged by the Democratic Services Manager in consultation with the Chairman, and as required by the Committees.

Although Overview and Scrutiny Committees will normally meet at the Town Hall meetings may be held at other venues, provided the venue fulfils legislative requirements with respect to the admission of the press and public.

**5. Quorum**

The quorum for an Overview and Scrutiny Committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

**6. Who chairs Overview and Scrutiny Committee meetings?**

Chairmen of Overview and Scrutiny Committees will be appointed by the Council, normally at their Annual Meeting, from among the councillors sitting on the committee. Chairmen of sub-Committees will be appointed by the Overview and Scrutiny Committee that establishes them.

## 7. Work Programmes and Policy Development

- (a) The Chairmen of the six Overview and Scrutiny bodies should meet annually with relevant Cabinet Members and Directors each year to discuss potential items for the Overview and Scrutiny work programme as soon as possible after publication of the Report to Cabinet on the draft Corporate Plan with the following forming the basis of discussion:-
- Draft Corporate Plan
  - Leader's Forward Plan of key decisions for the coming year
- (b) The Overview and Scrutiny Committee Chairmen will also invite all non-executive members and others (including community and voluntary groups, partners, members of the community) whom the Chairmen consider appropriate to submit potential items for inclusion in the work programmes.
- (c) The Overview and Scrutiny Committees will meet prior to the April Council meeting each year to consider suggestions and agree the work programme and methodology for submission to the Council. The methodology will include the appointment of sub-Committees, as necessary, and setting the annual work programme for Scrutiny Panels/Task and Finish Groups and deadlines for that work.

The relevant Cabinet Members, officers and any appropriate people to be determined by the Overview and Scrutiny Chairmen will be invited to attend.

The agreed work programme will also include details of the policy development areas to which the Overview and Scrutiny Committees wish to contribute, including a framework methodology and timescales, and potential consultations. The timescale for submission of recommendations to the Executive will not be unreasonable as the Executive, in general, will not take decisions on the matters identified until the Overview and Scrutiny recommendations have been received.

- (d) Following agreement of the work programme by the Council, the Chairmen of the six Overview and Scrutiny Committees and sub-Committees will advise the Leader of their views relating to policy development, as set out in (c) above.

The involvement of the Overview and Scrutiny processes in policy development is not a mechanism for delaying the work of the Executive. The Executive Procedure Rules enable the Executive to take decisions on policy matters without the benefit of the Overview and Scrutiny comments, if it considers that Overview and Scrutiny process is unreasonably delaying matters.

- (e) If, during the year, the Leader makes any additions, deletions or amendments to his Forward Plan of key decisions, the Leader will through his monthly report advise the Chairmen of the Overview and Scrutiny Committees and Business Management sub-Committee accordingly, in accordance with the Budget Policy and Framework Rules, to enable those Chairmen to consult their respective Committees on whether they wish to be involved in the development of these new policies and advise the Leader of the outcome, in accordance with (c and d) above.

- (f) The work programmes of the Overview and Scrutiny Committees and the Business Management Overview and Scrutiny sub-Committee will also include details of proposals for ensuring that the work of the respective Committees is reflective of the Council's priorities and responsibilities as evidenced by the Corporate Plan and the programme followed by the Executive.

## **8. Annual Review of Effectiveness and Annual Report**

The Business Management Overview and Scrutiny sub-Committee will, each year, review the effectiveness of the Overview and Scrutiny processes and report to the Policy and Performance Overview and Scrutiny Committee; this report may include recommendations for action by the other Overview and Scrutiny Committees and sub-Committees.

This Report will form the basis of an Annual Report on the Overview and Scrutiny Process in Barnet, to be signed off by all the Overview and Scrutiny Chairmen and submitted to the Council in April, each year, together with the Work Programmes for the coming year.

## **9. Agenda Items**

- 9.1 Any member of an Overview and Scrutiny Committee or sub-Committee shall be entitled to give notice to the Democratic Services Manager that he/she wishes an item relevant to the functions of the Committee or sub-Committee to be included on the agenda for the next available meeting of the Committee or sub-Committee. On receipt of such a request the Democratic Services Manager will ensure that it the item included on the next available agenda.
- 9.2 The following matters, subject to paragraph 9.3 below may not be considered by an Overview & Scrutiny Committee
  - (a) a matter relating to an individual planning decision;
  - (b) a matter relating to an individual licensing decision;
  - (c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
  - (d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Overview and Scrutiny Committee or at a meeting of a sub-Committee
- 9.3 A matter does not fall within a description in paragraph 9.2 if it consists of an allegation that a function for which the authority is responsible has failed or is failing on a systematic basis, notwithstanding the fact that the allegation specifies or refers to a planning decision, a licensing decision or an appeal matter

## **10. Referrals by others**

- (a) Requests, reports and submissions from the Council, the Executive, residents' forums, community and voluntary groups, partnership and outside bodies and locally constituted groups and responses to "Councillor call for Action" if and

- (b) The sub-Committee will meet within one month of the referral being received and will determine what, if any action is required
- (c) Matters clearly within the remit of the Health and Budget and Performance Overview and Scrutiny Committees will be referred direct to those Committees by the Democratic Services Manager.

## **11. Reports from Overview and Scrutiny Committees**

- (a) Once it has formed recommendations on proposals for development the Overview and Scrutiny Committee will prepare a formal report and submit it for consideration by either:
  - the Executive (if the proposals are consistent with the existing budgetary and policy framework),
  - to the Council as appropriate (eg if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.
- (c) The Council or Executive shall consider the report of the Overview and Scrutiny Committee at their next scheduled meeting.

## **12. Ensuring that Overview and Scrutiny Reports are considered by the Executive**

- (a) The agenda for the Cabinet meeting shall include an item entitled 'Issues arising from Overview and Scrutiny'. Any reports of Overview and Scrutiny Committees referred to the Executive shall be included at this point in the agenda at their next available meeting (unless they have been considered in the context of the Executive's deliberations on another substantive item on the agenda).
- (b) Where an Overview and Scrutiny Committee or sub-Committee prepares a report for consideration by the Executive in relation to a matter where decision making power has been delegated to another individual member of the Executive, then the Overview and Scrutiny Committee will submit a copy of their report to that individual for consideration with copies to the Democratic Services Manager and Leader.
- (c) If the relevant Cabinet Member does not accept the recommendations of the Overview and Scrutiny Committee then he/she must then refer the matter to the next available meeting of the Executive for debate, before exercising his/her decision making power and responding to the report in writing to the Overview and Scrutiny Committee.
- (d) The Executive member to whom the decision-making power has been delegated will respond to the Overview and Scrutiny Committee within four weeks of receiving the recommendations. A copy of his/her written response to it shall be

### **13. Rights of Overview and Scrutiny Committee Members to Documents**

- (a) In addition to their rights as councillors, members of Overview and Scrutiny Committees 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.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

### **14. Members and Officers Giving Account**

- (a) Any Overview and Scrutiny Committee or Sub-Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive, the Head of Paid Service and any Director or Head of Service or other senior officer where appropriate to attend before it to explain in relation to matters within their remit:
  - (i) any particular decision or series of decisions;
  - (ii) the extent to which the actions taken implement Council policy; and/or
  - (iii) their performance

and it is the duty of those persons to attend if so required.

- (b) Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Democratic Services Manager shall inform the member or officer in writing giving 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 committee. Where the account to be given to the committee 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.
- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance or agree a suitable substitute.

### **15. Ability to invite others to attend meetings**

- (a) The Overview and Scrutiny Committees, including sub-Committees, Task and Finish Groups and other bodies appointed to carry out any aspect of the Overview and Scrutiny responsibilities may invite whoever they wish to assist them in their work.
- (b) The Committees may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

- (c) Attendance by Members and community is of course entirely optional, but they will be encouraged to attend, send representatives and/or make submissions. **Officers unable to attend must send a representative.**

## 16. Call-in

### Explanatory note:

Call-in is a statutory process under Section 21 of the Local Government Act 2000.

- (a) When a decision is made by Cabinet, an individual member of the Cabinet or a committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet or an area committee, the decision shall be published, normally by electronic means, and shall be available at the Town Hall or other *Offices of the Council*, normally within 2 days of being made.
- (b) The Democratic Services Manager shall send a copy of each decision to all members of the Business Management Overview & Scrutiny sub-Committee and to all members of the Cabinet.
- (c) Each decision will bear the date of publication and will specify the date on which it will come into force and be implemented.
- (d) Only key decisions as defined by Article 13 (b) (i) of the Constitution may be called in under Section 21 of the Local Government Act 2000 and for the purposes of Call-in, a key decision under Article 13 (b) (i) (a) must involve expenditure or savings in excess of £500,000 as well as otherwise being significant having regard to the council's budget for the service or function to which the decision relates.
- (e) Where the decision is a qualifying key decision for call-in purposes, the implementation date will not be less than 5 working days after publication. Before the expiry of that date any Member of the Business Management Overview & Scrutiny sub-Committee may call in the decision by a written request to the Democratic Services Manager to place the decision on the agenda for the next meeting of the Business Management Overview & Scrutiny sub-Committee. The decision shall not take effect until that sub-Committee has met.
- (f) If a report has more than one recommendation/decision, the Member must in the written request state and specify which decision(s) he or she is calling in, the reason for the Call-in and what objective the Member seeks to achieve.
- (g) The Democratic Services Manager shall return incomplete or inadequate call-in requests, following consultation with the Chairman of the Business Management Overview & Scrutiny Sub-Committee (or in the absence of the Chairman, the Vice-Chairman), requesting that the member calling in the item provide clarification as to the decision called in and the reason why within one working day in order to progress the call-in.

## **Attendance at Meetings**

- (h) For Executive decisions called-in under Rule 10.6 (f), the relevant Cabinet Member shall attend the meeting of the Business Management Overview & Scrutiny sub-Committee in order to respond to questions and other issues raised by the sub-Committee. The relevant Cabinet Member is the Member with delegated executive responsibility for the subject matter of the Call-in. If the Cabinet Member is unable to attend the meeting then the Leader or the Deputy Leader will attend to deal with the item.

## **Reference Back**

- (i) If, having considered a decision the Business Management Overview & Scrutiny sub-Committee remains concerned about it then it may refer it back to the decision making body or person for reconsideration, setting out the nature of its concerns, or refer it to full Council if they consider the decision is contrary to the policy framework or budget.

The Committee shall indicate, in the case of decisions with several aspects, the part(s) that is (are) referred back in order that the remaining decisions may be implemented.

If the Committee is content with the action/decision, then can be implemented immediately.

## **Procedure for decisions referred back to decision-maker**

- (j) Where a decision is referred back to the original decision maker, he/she will reconsider the decision and decide whether or not to change it before adopting a final decision.
- (k) Where the decision was taken by the Executive as a whole or a committee of it the Democratic Services Manager shall place it on the agenda for the next regular meeting of the Executive or of the relevant committee.

## **Procedure for decisions referred to Council**

- (l) The Democratic Services Manager shall include those decisions referred to Council on the agenda for the next available ordinary meeting of the Council.
- (m) If the matter was referred to full Council and the Council does not object to a decision or refer it back to the decision maker, then no further action is necessary and the decision will be effective in accordance with the provision below.
- (n) However, if the Council does object, it has no locus to make decisions in respect of an Executive decision, unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that it is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision.
- (o) Subject to the arrangements in (l) above applying where appropriate, that decision-making body or person shall choose whether to amend the decision or not before reaching a final decision within 5 working days of the Council request.

## **Executive decisions taken by area committees**

- (p) Where an Executive decision has been taken by an area committee then the right of call-in shall extend to any other area committee, which resolves to refer a decision, which has been made but not implemented to the Business Management Overview and Scrutiny sub-Committee for consideration in accordance with these provisions.
- (q) An area committee may only request the Democratic Services Manager to call-in the decision if it is of the opinion that the decision will have an adverse effect on the area it has responsibility for under its terms of reference. All other provisions relating to call-in shall apply as if the call-in had been exercised in the ordinary course.

## **Exceptions**

- (r) In order to ensure that Call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
- a decision maker can only be asked to reconsider a particular decision once;
  - day-to-day management and operational decisions taken by officers shall not be subject to any Call-in procedure
  - The Call-in procedure does not apply to recommendations made by the Cabinet to full Council on the budget or any part of the policy framework. However, the Business Management Overview and Scrutiny sub-Committee may comment on such recommendations.

## **17. Call-in and urgency**

- (a) The Call-in procedure set out above shall not apply where the decision being taken by the executive is urgent. An urgent decision may be exempted from the Call-in process.
- (b) A decision which, if it were not taken promptly or otherwise delayed by the call-in process, would seriously prejudice the Council's or the public's interests will be regarded as urgent.
- (c) The record of the decision shall state whether, in the opinion of the decision-making body or person, it is urgent and therefore should be exempted from call-in.
- (d) The Chairman of the Business Management Overview and Scrutiny sub - Committee must agree that the decision proposed is reasonable in all the circumstances and is urgent and consent to it being exempted from Call-in.
- (e) In the absence of the Chairman of the Business Management Overview and Scrutiny sub-Committee, consent to exempt a proposed decision from call-in must be obtained:
- From the Vice-Chairman of the sub-Committee; or

- From the Head of Paid Service in the absence of both the Chairman and Vice-Chairman; or
  - From the nominee of the Head of Paid Service in the absence of the Chairman, Vice-Chairman and the Head of Paid Service.
- (f) For the purposes of granting consent to exempt an urgent decision from call-in, the Head of Paid Service may, if absent, delegate the granting of that consent only to his/ her deputy or another Chief Officer of the Council.

For the purposes of this Rule, “absence” is deemed to mean:

Where the individual concerned cannot be contacted by any method of communication or has indicated by formal notice to the Democratic Services Manager that he or she will not be contactable during a specified period.

- (g) Urgent decisions treated as exempt from call-in must be reported, with an explanation for the reasons for urgency, to the next available Council meeting.
- (h) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

## **18. The Party Whip**

When considering any matter in respect of which a Member of an Overview and Scrutiny Committee 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’s deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

## **19. Procedure at Overview and Scrutiny Committee Meetings**

- (a) Overview and Scrutiny Committees and sub-Committees shall consider the following business:
- (i) minutes of the last meeting;
  - (ii) declarations of interest (including whipping declarations);
  - (iii) responses of the Executive to reports of the Overview and Scrutiny Committee;
  - (iv) the business otherwise set out on the agenda for the meeting.

### **Note**

**The following item will also appear on the Agenda of the Business Management Overview and Scrutiny sub-Committee;**

Consideration of any matter referred to the Committee for a decision in relation to Call-in of a decision or councillor call for action ( the arrangements set out in (b) below apply when the sub-Committee is dealing with call-in items of business )

- (b) The Business Management Overview and Scrutiny sub-Committee may not transact any business after 10pm (Section 2 – Committees and Sub-Committees – para 17)

At 9.45pm, if the meeting has not yet concluded and it does not appear that it would otherwise complete its business, the Chairman, without further debate, shall immediately call for a vote on any motion, duly moved and seconded, that any remaining items on the agenda be referred back to the original decision making body or person, or that it be referred to full Council if it is considered that the decision is contrary to the policy framework or budget.

Any motion by a Member to refer a decision back must concisely articulate the Member's reasons for concern about the original decision; the motion to refer back must be voted upon immediately without further debate.

Any Call-in matters not dealt with by 10pm will be implemented forthwith.

- (c) Where an Overview and Scrutiny Committee or sub-Committee (or Task and Finish Group/Panel etc) conducts investigations (eg with a view to policy development), the body may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:

- that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- that those assisting the committee by giving evidence be treated with respect and courtesy; and
- that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

Following any investigation or review, the committee/sub-committee/panel, etc shall prepare a report, for submission to the executive and/or Council as appropriate and shall make its report and findings public.

## **20. Speaking at Executive Meetings**

A member of any Overview and Scrutiny Committee or sub-Committee may speak on an item of business on the agenda for a meeting of the Cabinet or a Cabinet Committee subject to:

- giving notice to the Leader or Chairman respectively at least 15 minutes before the start of the meeting;
- the Leader or Chairman respectively giving his or her consent; and
- the effective conduct of the business of the meeting not being prejudiced.

## Explanatory Note – Speaking at Executive meetings

Although the rule says only 15 minutes' notice is required, it is courteous and good practice to ensure the Leader or Chairman knows of your request in good time and is able to discuss any concerns with you. The Leader or Chairman is unlikely to withhold consent to any reasonable requests that would not interfere with the effective conduct of the business of the meeting. However your request could be refused if a large number of members have requested to speak on the same item.

A note sent the day before the meeting or message left on the answer phone or at an e-mail address on the day of the meeting is unlikely to reach the Leader or Chairman in time.

Unless the Leader or Chairman receives the message, notice has not been given.

### 21. Application of Committees and Sub-Committees Rules to Overview and Scrutiny Committee Meetings

The following rules contained within Section 2 of Part 4 of the Constitution shall apply to Overview and Scrutiny Committees and Sub - Committees.

Rule 17 below will **not** apply to the Business Management Overview and Scrutiny Sub - Committee, as Overview and Scrutiny Procedure Rule 19 (b) deals with this point.

1	Substitute Members and Quorum
2	Substitute Members – Rules
4	Quorum – Rules
5	Chairman of Meetings
6	Minutes
8	Councillors' rights to attend meetings where they are not a member of the committee or sub-committee
9	Councillors' rights to speak at committees or sub-committees when they are not a member
10	Personal and prejudicial interests
11	Disorderly conduct
12	Validity of Motions and amendments
13	Motions which may be moved during debate
14	Decisions
16	Reports of Sub-Committees and Panels
17	The time limit for meeting and outstanding business
18	Voting at meetings
19	Members dissent
20	Voting on appointments

## 22. **Part 2 - Other arrangements**

### **Explanatory Note – Councillor Call for Action**

Councillor Call for Action is a statutory process under section 119 of the Local Government and Public Involvement in Health Act 2007

- 22.1 Any Member may, by giving notice to the Democratic Services Manager using the form provided, initiate a Councillor Call for Action relating to a local government matter that is not an excluded matter and where other routes to resolve the issue have not succeeded.
- 22.2 A Councillor Call for Action can only be initiated where:
- a) it relates to the discharge of any of the Council's functions;
  - b) it relates to a matter which affects the ward of the Member initiating it;
  - c) it does not relate to individual planning decisions, licensing decisions or matters where the affected person or body has a statutory right of appeal;
  - d) it does not relate to any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for a scrutiny committee meeting.
- 22.3 The Democratic Services Manager will determine whether the request meets the criteria for a Councillor Call for Action. Where the Democratic Services Manager determines that the request does not meet the criteria for a Councillor Call for Action, he/she will, within 10 working days, give written notice of the decision to the Member making the request. In those circumstances, the Member may submit a written request for a review of that decision by the Director of Corporate Governance who will, within 10 working days, determine and give notice of the outcome of that review to the Member. Where the Democratic Services Manager determines that the request does meet the criteria for a Councillor Call for Action, he/she will arrange for the matter to be included on the agenda for the **next available meeting** of the Business Management Overview and Scrutiny Sub-Committee.
- 22.4 Where a Councillor Call for Action is included on the agenda for a meeting of the Business Management Overview and Scrutiny Sub-Committee, the Sub-Committee will consider the evidence submitted and determine whether the Call for Action should be progressed through its own work programme, or be referred to a Committee or Sub-Committee that has responsibility for the issue within its terms of reference. The Member making the request may address the committee before it is considered. Members of the public are able to speak in support of a Councillor Call for Action. Procedures for speaking as set out in Section 4, Public Participation, are applicable.
23. **Task and Finish Groups, Project Groups, Research**
- Much of the work of Task and Finish Groups will be carried out informally both in gathering information and interviewing relevant personnel. Those sessions will not be expected to be held in public nor will they be subject to the Access to Information Rules. However, where it is appropriate for more formal meetings to be held in public, the presumption is that they will be. The findings and recommendations of Task and Finish

Groups will be presented for consideration by the appropriate Overview & Scrutiny body, operating under the Access to Information Rules.

HOWEVER, when these Groups are conducting their research there will be a general expectation that:

- (i) Members in carrying out these activities will, as appropriate, visit and meet with local communities, meet with the Council's partners and others as necessary.
- (ii) Members will look at a variety of methods for inviting comments and views and publicising their work.
- (iii) Meetings and other activities may, on occasions, take place at locations away from the Town Hall or other Council offices. The Democratic Services Manager will make the necessary arrangements in consultation with the relevant Chairman and Members.

### **23.1 Information Reports by the Executive**

The relevant Cabinet Member(s) will send by monthly email an Information Report to Overview and Scrutiny Committee Members outlining current issues occurring in their respective portfolios relating to recent practice and developments which are likely to impact on the future work of the Executive and/or the Overview and Scrutiny Committees and/or sub-Committees to update members on the progress of important current projects.

### **Part 3- Constitutional issues**

The Business Management Overview and Scrutiny sub-Committee will review the operational and constitutional arrangements each year and make recommendations, as necessary, to the Special Committee (Constitution Review).

## Terms of Reference

### Policy and Performance Overview and Scrutiny Committee

#### Membership

30 Non-executive Members of the Council

Co-opted members, as necessary, in accordance with the provisions of Overview & Scrutiny Procedure Rule 2

#### **Responsibilities;**

1. To appoint annually at the Joint Meeting of Committees, the Business Management Overview and Scrutiny sub-Committee, the Children's Services sub-Committee and the Adult Social Services sub-Committee and such other sub-Committees as may be deemed appropriate.
2. To carry out a general duty to meet at least twice a year to appoint its sub-Committees and Scrutiny Panels/Task and Finish Groups and also set the Overview & Scrutiny annual work programmes, including policy development, in accordance with the provisions of Overview & Scrutiny Procedure Rule 7, for sub-Committees Scrutiny Panels/Task and Finish Groups, working to set limits.
3. To receive and consider the Annual Review of Effectiveness of the Overview & Scrutiny processes and contribute to the Annual Report on the Overview & Scrutiny process in Barnet in accordance with the provisions of Overview & Scrutiny Procedure Rule 8.
4. To contribute as necessary to the review of the operational and constitutional arrangements for Overview & Scrutiny.
5. To have overall responsibility for the review of policy framework and development of policy and strategy not within the remit of the other Overview and Scrutiny Committees by setting tasks and timescales for the Business Management Overview and Scrutiny sub-Committee.
6. To ensure that the annual work programmes of Overview & Scrutiny is reflective of Council priorities as evidenced by the Corporate Plan and the programme being followed by the Executive.
7. Crime and Disorder matters -
  - To deal with all matters, not the responsibility of the Executive, relating to crime, the Crime and Disorder legislation, anti-social behaviour and scrutiny of the Safer Communities Partnership
  - To make recommendations to Council on the appointment of representatives to serve on the body to replace the Police Consultative Group and to receive regular reports as necessary from those representatives

Additionally and insofar are relating to matters within its remit, to perform the Overview and Scrutiny role in relation to:

- The Council's leadership role in relation to diversity and inclusiveness; and
- The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

### Membership

10 Non-executive Members serving on and appointed by the Policy and Performance Overview & Scrutiny Committee

Co-opted members, as necessary, in accordance with the provisions of Overview & Scrutiny Procedure Rule 2.

**Overall responsibility:** To support the work of the Policy and Performance Overview and Scrutiny Committee

1. As required, The Business Management Overview and Scrutiny sub-Committee will appoint any additional Scrutiny Panels/Task and Finish Groups needed to facilitate the Overview & Scrutiny function.
2. To contribute as required by the Policy and Performance Overview and Scrutiny Committee to the development of the Overview and Scrutiny Annual Work Programme.
3. To instigate and carry out the Annual Review of Effectiveness of the Overview & Scrutiny processes and report thereon to the Policy and Performance Overview & Scrutiny Committee and contribute to the Annual Report on the Overview & Scrutiny processes in Barnet in accordance with the provisions of Overview & Scrutiny Procedure Rule 8.
4. To review each year the operational and constitutional arrangements for Overview & Scrutiny and make recommendations, as necessary, to the Special Committee (Constitution Review) in accordance with the provisions of Overview & Scrutiny Procedure Rule 22.
5. To receive, consider and allocate for action if required, requests, reports and submissions from Council, the Executive, residents' forums, community and volunteer groups, partnership and outside bodies and other locally constituted groups and to respond to "Councillor Calls for Action" under the Local Government and Public Involvement in Health Act.
6. To co-ordinate and monitor the work of Scrutiny bodies and Task and Finish Groups, to consider the most appropriate arrangements for reviews, to consider the recommendations from these and where appropriate, make recommendations to the Council, the Executive or Policy and Performance Overview & Scrutiny Committee.
7. To consider the most appropriate arrangements for reviews, whether by politically balanced committees or panels, non-proportional panels or a rapporteur with a cross-party reference group and, where appropriate, make recommendations to the Policy and Performance Overview and Scrutiny Committee.
8. To carry out such tasks and responsibilities delegated by the Policy and Performance Overview and Scrutiny Committee.
9. To ensure that Overview & Scrutiny in Barnet is reflective of Council priorities as evidenced by the Corporate Plan and the programme being followed by the Executive.
10. Scrutinising Executive decisions as appropriate by means of the Call-in arrangements in Rule 16 (e) of the Overview & Scrutiny Procedure Rules

11. Additionally and insofar as relating to matters within its remit, to perform the Overview and Scrutiny role in relation to:-

- The Council's leadership role in relation to diversity and inclusiveness; and
- The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

## Children's Services Overview & Scrutiny sub- Committee

### Membership

10 Non-executive Members serving on and appointed by the Policy and Performance Overview & Scrutiny Committee.

Co-opted members, as necessary, in accordance with the provisions of Overview & Scrutiny Procedure Rule 2.

<b>VOLUNTARY AIDED SCHOOL REPRESENTATIVES (3)</b>
<ul style="list-style-type: none"><li>• One Church of England diocese representative</li></ul>
<ul style="list-style-type: none"><li>• One Roman Catholic diocese representative</li></ul>
<ul style="list-style-type: none"><li>• One representative of persons who appoint foundation governors to voluntary aided Jewish schools</li></ul>
<b>PARENT GOVERNOR REPRESENTATIVES (2)</b>
Two parent governor representatives - one for secondary schools and one for primary schools

### **Responsibilities;**

To perform the Overview and Scrutiny role in relation to:

1. The Council's functions as an education authority including raising and enhancing standards in schools, services to schools, Early Years Provision and the Youth Service for clients up to the age of 19;
2. The provision of opportunities for ongoing education, skills development and training including adult education and literacy;
3. Services for children, young people and their families including Children's Social Services, the Council's corporate parenting role, the Youth Offending Team and the Youth Justice Plan.
4. Local NHS services and health-related issues which impact upon the health of Barnet children and young people aged up to 18, in accordance with the powers granted under Section 7 of the Health and Social Care Act 2001.
5. Cultural and recreational services including sports and leisure facilities, libraries, arts, museums, countryside sites and public events;
6. Any other:
  - non-educational issues relevant to supporting vulnerable children and young people in Barnet or improving their life chances, directly or in partnership with others;
  - issues relevant to the provision and development of first class education and lifelong learning in Barnet, directly or in partnership with others;
  - issues relevant to the promotion and development of culture, recreation, sport and tourism, directly or in partnership with others.

7. Additionally, and in so far as relating to matters within its remit, to perform the Overview and Scrutiny role in relation to:
- The Council's leadership role in relation to diversity and inclusiveness; and
  - The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

### Membership

10 Non-executive Members serving on and appointed by the Policy and Performance Overview & Scrutiny Committee

### **Responsibilities;**

1. To scrutinise Community care services for older people and vulnerable adults, including those who have physical disabilities, sensory impairment, learning disabilities, mental health needs or other special needs, and such preventative, advice and advocacy transport, respite and other services as may be needed to help people remain independent in their own homes.
2. To scrutinise and review promotion of effective partnerships with health and other agencies in the public, private and voluntary sectors to support the above.
3. Any other issues relevant to supporting vulnerable people in the community or promoting good health in Barnet, directly or in partnership with others.
4. To contribute to the Annual Report on the Overview & Scrutiny process in Barnet in accordance with the provisions of Overview & Scrutiny Procedure Rule 8.
5. To consider the following:
  - Annual Complaints Report (Adult Social Services)
  - Annual Performance Plan for CSC Inspection (Adult Social Services)
  - Annual report on Safeguarding Vulnerable Adults (regulator expectation).
6. Additionally and insofar as relating to matters within its remit, to perform the Overview and Scrutiny role in relation to:-
  - The Council's leadership role in relation to diversity and inclusiveness; and
  - The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

### Membership

10 Non-executive Members

### **Responsibilities;**

To scrutinise;

1. The overall performance, effectiveness and value for money of Council services, including the planning, implementation and outcomes of all corporate improvement strategies;
2. The effectiveness of the Council's partnerships in furthering the Council's community and corporate plans, communication and public consultation;
3. The Council's Information and Communications Technology systems including e-government, investment, implementation and service delivery.
4. Scrutinising the Council's annual budget process, reviewing and scrutinising its performance in relation to budget management, and assisting the Council in developing the three-year budget strategy.
5. To consider, consult upon, comment and, where appropriate, make recommendations to the Executive in respect of the proposed Council budget and Medium Term Financial Strategy.
6. The financial management of resources available to the Council including property and asset acquisitions and disposals, reviewing the council-wide property and asset strategy and the capital investment programme.
7. To contribute as required by the Policy and Performance Overview and Scrutiny Committee to the development of the Overview and Scrutiny Annual Work Programme.
9. To contribute to the Annual Report on the Overview & Scrutiny process in Barnet in accordance with the provisions of Rule 7.
10. To undertake scrutiny of:
  - Local Strategic Partnership
  - Thematic Boards
  - Partnerships and sub-Partnerships
  - Relevant partner associations not covered by other stand alone committees.
11. Additionally and insofar as relating to matters within its remit, to perform the Overview and Scrutiny role in relation to:
  - The Council's leadership role in relation to diversity and inclusiveness; and

- The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

## Health Overview and Scrutiny Committee

### Membership

10 Non-executive Members of the Council

### Responsibilities

1. To set work programmes, including policy development.
2. To contribute to the Annual Report on the Overview & Scrutiny process in Barnet in accordance with the provisions of Rule 8.
3. To perform the overview and scrutiny role in relation to health issues which impact upon the residents of the London Borough of Barnet and the functions services and activities of the National Health Service (NHS) and NHS bodies located within the London Borough of Barnet and in other areas.
4. To make reports and recommendations to the Executive and/or other relevant authorities on health issues which affect or may affect the borough and its residents.
5. To receive, consider and respond to reports and consultations from the Barnet Primary Care Trust and/or other health bodies.
6. To invite executive officers and other relevant personnel of the Barnet Primary Care Trust and/or other health bodies to attend meetings of the Overview and Scrutiny Committee as appropriate.
7. To scrutinise and review promotion of effective partnerships with health and other agencies in the public, private and voluntary sectors.
8. To make recommendations as necessary to the Council for the formation of Joint Overview and Scrutiny Committees in accordance with the provisions of the section 21 of the Local Government Act 2000 as amended by the Health and Social Care Act 2001.
9. Additionally and insofar as relating to matters within its remit, to perform the overview and scrutiny role in relation to:
  - The Council's leadership role in relation to diversity and inclusiveness; and
  - The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.