

## Chapter 2.5 - Scrutiny

[Updated Council 16/7/2014]

### **5.1 PURPOSE**

The Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by Section 21 of the Local Government Act 2000.

The Overview and Scrutiny Committee is required to take an independent leadership role in the Council's aim of continuous improvement in the performance of its functions and to hold decision-makers to account.

### **5.2 THE OVERVIEW AND SCRUTINY COMMITTEE**

The leadership and co-ordination of the Council's scrutiny function will be the responsibility of the Overview and Scrutiny Committee. The Committee's terms of reference will be:

- Development, co-ordination and implementation of the overall scrutiny annual work programme
- Establishing, prioritising and allocating workstreams and leads for the year and the membership of the standing workstreams.
- Commissioning 'task and finish' reviews via lead members
- Reviewing executive decisions under the Call-in procedures
- Ensure that the Education statutory co-optees are provided with the support they require (these co-optees have voting rights, but only on matters relating to Education)
- Leading consultation on the Budget
- To develop its own work programme, taking a risk based prioritised approach as agreed by Council in June 2014.
- To receive petitions and consider Councillor Calls for Action (CCfA) as set out in the Constitution.
- To take responsibility for the scrutiny of monitoring reports both external and internal, eg reports from OFSTED, the Care Quality Commission (CQC) and Healthwatch.

### **5.3 POWERS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

The powers of the Overview and Scrutiny Committee will be as follows:

- (a) Right of information from the Cabinet and the Executive (those who manage and deliver services);
- (b) Right to make comments and recommendations to the Cabinet and the Council's Management Board and to receive reasoned responses;
- (c) Right to comment or make recommendations to Council on matters reserved to the Council at the same time as the Cabinet make recommendations on those matters;
- (d) Right to make recommendations to the Council on other matters through an annual report;
- (e) Power to request information from other bodies and the public;
- (f) Right to visit different locations;
- (g) Right to have reports published, including minority reports;
- (h) Power to set up enquiries, or to recommend to Council the setting up of enquiries;
- (i) Power to hold hearings on particular topics;
- (j) Power to co-opt up to 3 people without voting rights (in addition to the Education Statutory Co-optees – see Chapter 5, paragraph 5.14(b));
- (k) Power to appoint independent expert advisers;
- (l) Right to establish sub-groups/workstreams responsible for carrying out scrutiny reviews, enquiries and hearings on behalf of the Committee. These will be time-limited and report their findings to the Committee and will enjoy the same powers as set out in this section with the exception of this provision;
- (m) The right to require the attendance before it of any Cabinet Member, and any officer at Head of Service or above.

### **5.4 SCRUTINY**

Scrutiny will

- (1) Monitor and evaluate the performance of relevant services and functions.
- (2) Review relevant services and functions.
- (3) Arrange and undertake relevant scrutiny reviews that cut across service groups and deal with issues thematically.

- (4) Review the effectiveness and appropriateness of relevant Council policies, including assessment of the effectiveness of policy implementation.
- (5) Propose and recommend improvements to the Council's services, functions and policies.
- (6) Review the Council's performance in achieving community consultation, improvement and participation and make recommendations for improvement.
- (7) Comment and advise on service, policy and other proposals made by the Cabinet or the Council's Management Board, including comment to the Council on the Executive's recommendations.
- (8) Consider, comment on and propose amendments to the budget proposed by the Executive.
- (9) Review decisions made under delegated authority and make comments and recommendations to the Cabinet and the Council's Management Board.
- (10) Consider and comment on reports from internal and district audit including any comments made on these by the Council's Best Value Sub-Committee.
- (11) Consider and comment on the Annual Report of the Council's Monitoring Officers' Meeting.
- (12) Review action taken in response to petitions and deputations and make comments and recommendations to the Cabinet and the Council's Management Board.
- (13) Review and/or scrutinise decisions made or actions taken in connection with any Council function.
- (14) Make reports and/or recommendations to the full Council and/or the Executive.
- (15) Receive the Council's corporate priorities from the Leader at its first meeting after each annual council meeting on the Executive's priorities for the coming year and its performance in the previous year.
- (16) Exercise the right to call-in for reconsideration of decisions made but not yet implemented by the Cabinet (and any other Council decision making body except Planning or Licensing Committees and appeal hearings).
- (17) Such other functions as the law shall dictate.

## 5.5 SCRUTINY OF HEALTH & WELLBEING

### (a) Purpose

The Council discharges the scrutiny functions conferred by the Health and Social Care Act 2012 and Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 through the Overview and Scrutiny Committee.

### (b) Health Scrutiny Functions

- (i) The Overview and Scrutiny Committee and Health workstream will
  - a. Scrutinise the planning and provision of local health services and through this process contribute to the continuous improvement of health services and services that impact upon health.
  - b. Respond to consultations by NHS bodies and provide dates and publish timeframes for its decision making process on proposals for substantial developments.
  - c. Comply with regulations formalising arrangements for health scrutiny.
  - d. Consider matters referred to the Council by the local Healthwatch and respond within 20 days.
  - e. Scrutinise Public Health services commissioned by the Council / Health and Wellbeing Boards.
- (ii) The following provisions are preserved:
  - a. Enable health scrutiny to review and scrutinise any matter relating to health services in its area.
  - b. Require NHS bodies to provide information to and attend before meetings of the committee.
  - c. Make reports and recommendations to relevant NHS bodies and to the Local Authority.
  - d. Require health providers to respond within a fixed timescale.
  - e. Require health providers to consult local authorities on proposals for substantial variations to the local health service.

### (d) Rights and Powers on Health & Wellbeing

Health Scrutiny rights and powers of the Council are as follows:

- (1) Power to work directly with representatives of local NHS bodies in order to identify potential items for inclusion in an initial health and wellbeing scrutiny work programme;
- (2) Right of information from the Cabinet and the Executive (those who manage and deliver services);
- (3) Right to make comments and recommendations to the Cabinet and the Council's Management Board and to receive reasoned responses;

- (4) Right to comment or make recommendations to Council on matters reserved to the Council at the same time as the Cabinet make recommendations on those matters;
- (5) Right to make recommendations to the Council on other matters through an annual report;
- (6) Power to request information from other bodies and the public;
- (7) Right to visit different locations;
- (8) Right to have reports published, including minority reports;
- (9) Power to set up enquiries, or to recommend to Council the setting up of enquiries;
- (10) Power to hold hearings on particular topics;
- (11) Power to co-opt up to 3 people without voting rights;
- (12) Power to appoint independent expert advisers;
- (13) Right to establish workstreams responsible for carrying out scrutiny reviews, enquiries and hearings on behalf of the committee. These will be time-limited and report their findings to the committee and will enjoy the same powers as set out above with the exception of this provision;
- (14) Power to require the attendance of any officer of a local NHS body (as defined in the Health and Social Care Act 2012) to attend before the committee/workstream to answer questions.

## **5.7 POLICY FRAMEWORK**

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 detail in the Cabinet's Budget and Policy Framework Procedure Rules.

The Committee will comply with the requirements of the Council's aims as stated from time to time in its strategic directions.

They will work within the same policy framework as the Cabinet.

It is open to the Overview & Scrutiny Committee to propose changes to the Council's policy framework. Such proposals must be made to the Cabinet in the first instance. It will then be for the Cabinet to decide whether to recommend the proposed changes, where appropriate in amended form, to the Council.

When the Council considers a recommendation from the Cabinet as above, the Council must also consider any proposal by the Committee to vary the recommendation before deciding the matter.

Where the Overview & Scrutiny Committee's recommendation, as above, is not accepted by the Cabinet in whole or in part, the Overview & Scrutiny Committee can include the recommendation in a report to the Council.

## **5.8 SPECIFIC FUNCTIONS**

### **(a) Policy Development and Review**

Policy Review by the Overview and Scrutiny Committee in pursuit of their agreed purpose can be of existing Council policy or of the need for a new policy. This can include policy within which the Cabinet and the Council's Management Board exercise delegated authority.

The Overview & Scrutiny Committee may:

- (i) Assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) Conduct research 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;
- (v) Liaise with other external organisations and stakeholders in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

## **(b) Performance Review**

The Overview & Scrutiny Committee may review performance within the following framework:

- Scrutiny will be of the Council and not the performance of individual officers;
- The annual programme of review and scrutiny by the Overview & Scrutiny Committee will be devised within the scope of the Council's Performance Management Framework;
- Scrutinising performance outside the framework in the two bullet points above will be with the agreement of full Council following consultation with the Cabinet;
- The Overview & Scrutiny Committee will build on its programme of performance and service review activities and incorporate these into its annual programme;
- Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- Review and scrutinise the performance and impact of other public bodies with and bounding the area and invite reports from them by requesting their representatives to inform the Overview & Scrutiny Committee and local people about their policies, activities and performance.

The Overview and Scrutiny Committee may:

- (i) Review and scrutinise the decisions made by and performance of the Cabinet and Council Officers both in relation to single decisions or those made over a period of time;
- (ii) 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 a particular decision, initiatives or projects;
- (iii) Make recommendations to the Executive and/or full Council arising from the outcome of a scrutiny process;
  - (iv) To question and gather evidence from any individual (with their consent).

## **5.9 INDEPENDENCE**

The Overview and Scrutiny Committee is independent of the Cabinet and other parts of the Executive. They will co-operate with the Executive in pursuit of the Council's aims, and will help to ensure the effective operation and planning of the Council's business.

## **5.10 FINANCE**

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

The Council's facilities and resources, including budgets, will be available to assist the Overview and Scrutiny Committee in their work. This includes the Council's research budgets. The Cabinet and the Council's Management Board will ensure that these facilities are made available and that unreasonable restrictions are not placed on the Overview and Scrutiny Committee in this regard.

The Council will also make available a specific budget to the Overview and Scrutiny Committee to assist their work and to foster their independence of the Executive. This budget will make provision to meet costs such as hire of rooms and accommodation, preparing reports and making them public, carrying out enquiries, paying fees to and meeting the expenses of independent expert advisers.

## **5.11 ANNUAL REPORT**

- (a) The Overview and Scrutiny Committee will present an annual report to the Council.
- (b) The Annual Report will contain information on the work done by the Committee over the past year and recommendations for work to be done in the year to come.

## **5.12 OFFICERS**

The Chief Executive, Directors and Assistant Directors (or their representatives) may attend Overview and Scrutiny Committee and will attend when requested to do so. The Scrutiny Officer and Scrutiny Secretary supporting the Overview and Scrutiny Committee will also attend and give advice at all meetings including those held in private.

The Overview and Scrutiny Committee, or a member of the Council's Management Board may request the participation of the Council's Monitoring Officer in a scrutiny meeting.

### **5.13 MEMBERSHIP**

All councillors, except members of the Cabinet, may be members of the Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

The Chairman of the Committee will be appointed by the full Council at its annual meeting. The Vice Chairman will be appointed by the Committee itself.

The balance of membership between the party groups will comply with the legal requirements of proportionality. The Chairman and members will be appointed annually by Full Council.

### **5.14 CO-OPTEEES**

#### **(a) General Co-optees**

The following paragraphs will apply if the Committee decides to exercise its power to co-opt.

Co-optees will be able to participate in all aspects of the Committee's work but will not be able to vote. Co-optees will abide by the Council's rules of conduct including the respecting of confidentiality and declaration of interests.

Co-optees will be appointed for no longer than one municipal year ending with the Annual Meeting of the Council. Subject to the decision of the Committee no co-optee will normally be allowed to serve continuously for more than two municipal years and will stand down for one municipal year ending in May before being eligible again for co-option, unless otherwise agreed

The Director of Finance, Resources and Customer Services (in consultation with the Group Leaders, Chief Executive and other Directors as appropriate) will identify and recommend for appointment suitable individuals for co-option. This will be based on the following criteria:

- (1) Co-optees should live or work within the Borough of Enfield, or have a significant local connection.
- (2) They should be able to demonstrate a reasonable knowledge of the Council's role and services.
- (3) Co-optees should not be employees of the Council or of an organisation contracted to provide services on behalf of the Council.
- (4) The role of a co-optee will be voluntary. They will be able to claim travel and other legitimate expenses.



## **(b) Education Representatives**

The Overview and Scrutiny Committee will be responsible for dealing with education matters and shall include in their membership the following 5 Education Statutory Co-optees as co-opted voting representatives:

- (a) 1 Church of England diocese representative;
- (b) 1 Roman Catholic diocese representative;
- (c) 2 parent governor representatives; and
- (d) 1 representatives of other faiths or denominations.

These co-optees will be able to vote, but only on matters relating to schools and pupils who attend them. These representatives shall not vote on other matters, though they may stay in the meeting and speak. These co-optees will also be eligible to participate as voting members in any workstreams, established by the Overview and Scrutiny Committee, for the purpose of reviewing education issues. In addition the Committee may include a representative from the Enfield College Principals Group as a non-voting co-opted member.

## **5.15 APPOINTMENT OF INDEPENDENT EXPERT ADVISERS**

The Overview and Scrutiny Committee will be able to appoint as many non-voting independent expert advisers as they consider necessary, to contribute to the achievement of their purpose, remit and terms of reference.

The Director of Finance, Resources and Customer Services (in consultation with the Chief Executive, Group Leaders, and where appropriate other Directors) will be authorised to identify and recommend suitable candidates for appointment.

The periods of appointment will vary according to the wishes and needs of the Overview and Scrutiny Committee. No adviser however will be appointed for more than the period designated for a review.

Independent advisers may receive payment for travel and other legitimate expenses.

They will be expected to abide by the Council's rules of conduct, including declarations of interest and the respecting of confidentiality.

The criteria for selection will be as follows:-

- (a) candidates must be able to demonstrate an expert knowledge of the subject in question;
- (b) they should have no contact with the Borough of Enfield which could be seen as being prejudicial to their independence; and
- (b) candidates should not be employees of the Council or of an organisation contracted to provide services on behalf of the Council.

## **5.16 STATUTORY SCRUTINY OFFICER**

The Head of Electoral, Registration and Governance Services is designated as the Council's Statutory Scrutiny Officer whose function is:

- (a) To promote the role of the Authority's Overview and Scrutiny Committee
- (b) To provide support to the Authority's Overview and Scrutiny Committee and the Members of that Committee;
- (c) To provide support and guidance to:
  - (i) Members of the Authority
  - (ii) Members of the Executive of the Authority, and
  - (iii) Officers of the Authority