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Article 7 – Overview and Scrutiny

Role of the Overview and Scrutiny

- 7.1** The Council must appoint at least one Overview and Scrutiny committee to:
- i) hold the Executive to account, by examining decisions about to be taken; taken but not yet implemented (call-in); and that have been implemented (post-hoc review) in connection with the discharge of any functions which are the responsibility of the Executive;
 - ii) review general policies (especially those in the Policy Framework), and make suggestions for improving them;
 - iii) contribute to continuous improvement in service delivery (through consideration of service delivery performance, participation in Service and value for money reviews, and investigations of budgets);
 - iv) review and make recommendations relating to the discharge of non-executive (regulatory) functions;
 - v) consider and make recommendations to Full Council (and external partner organisations) on any matters having a direct bearing on the economic, social or environmental well-being of the borough's residents;
 - vi) in the case of the Health in Hackney Scrutiny Commission to review and scrutinise matters relating to the health service in the authority's area, and to make reports and recommendations on such matters in accordance with the Regulations and may, from time to time, decide to appoint a Joint Health Scrutiny Committee, which may involve one or more other local authorities.
 - vii) in the case of the Living in Hackney Scrutiny Commission to review and scrutinise decisions made, or other actions taken, in connection with the discharge by the responsible authorities of their crime and disorder functions, to make reports or recommendations to Full Council and to provide copies of reports to such responsible authorities and co-operating persons and bodies as appropriate, in accordance with the Police and Justice Act 2006, with respect to the discharge of those functions
 - viii) request information from relevant external partner authorities, invite interested parties to comment as appropriate, and make recommendations; and
 - ix) consider any referral by a Councillor under the Councillor Call for

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Action, and if considered appropriate to scrutinise decisions and/or actions taken in relation to a matter;

- x) consider matters referred in accordance with the Council's Petition Scheme as set out in part 6 of this Constitution.

7.2 The Overview and Scrutiny Panel and Commissions may make recommendations arising from such work to the Executive, Full Council and external partner organisations.

Attendance by Mayor and Cabinet Members

7.3 The Overview and Scrutiny Panel and Commissions

- (a) may require the Mayor, Cabinet Members or Chief Officers, to attend before it to answer questions, and
- (b) may invite other persons to attend meetings of the Commissions.

7.4 It shall be the duty of any Councillor or officer to comply with any requirement so made.

7.5 A person is not obliged by this Rule to answer any question which they would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.

7.6 A Councillor must not be involved in scrutinising a decision in which they had been directly involved.

Role and Function of the Overview and Scrutiny Panel

7.7 The Council shall appoint an Overview and Scrutiny Panel to co-ordinate and oversee the work of the Overview and Scrutiny Commissions. The Panel will be responsible for establishing task-finish scrutiny panels and for considering a request made by any 5 non-executive Members for the call-in of an executive decision or a decision of the Joint Committee of the Six Growth Boroughs. The Overview and Scrutiny Panel's terms of reference are set out in Part 3 of the Constitution.

7.8 The Overview and Scrutiny Panel shall comprise 9 Members, who cannot be Members of the Executive, which shall include the Chairs and Vice-Chairs of the Scrutiny Commissions and a member of the larger opposition group, if not already represented as a chair or vice-chair of a commission.

7.9 The Overview and Scrutiny Panel's Chair shall be a Member of the majority political group of the Council. Chairs of the Scrutiny Commissions are not eligible for the position of Chair of the Scrutiny Panel. The vice-chair of the Panel should be a member of the larger

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opposition party.

- 7.10** The Overview and Scrutiny Panel may invite the Elected Mayor and Deputy Mayor to attend meetings of the Panel to assist in consideration of the scrutiny work programme, and how the Elected Mayor and Deputy Mayor can participate in the Panel's work programme. The Overview and Scrutiny Panel may also invite the chairs of the Audit and Corporate Committees to assist with discharging the functions of the Panel.

Role and function of the Overview and Scrutiny Commissions

- 7.11** Full Council will appoint the Overview and Scrutiny Commissions set out in the left hand column of the table below to discharge the functions in relation to the matters set out in the centre column of the table below. Links to Council Directorates and Divisions and to Partnerships are set out in the right hand column of the table below.

Title	Scope	Links to Council Directorates/ Divisions and Team Hackney
<p>Living in Hackney Scrutiny Commission</p> <p>This commission shall carry out the functions of a Crime and Disorder Committee in accordance with the Police and Justice Act 2006.</p>	<p>Quality of life in local communities covering neighbourhoods, place, wellbeing and amenities.</p>	<p>Council: Chief Executive, Neighbourhoods and Housing, and Finance and Corporate Resources.</p> <p>Partnerships: Community Safety Partnership</p>
<p>Working in Hackney Scrutiny Commission</p>	<p>Prosperity of the borough and development, in particular economic development, employment and large scale schemes.</p>	<p>Council: Chief Executive, Neighbourhoods and Housing, and Children, Adults and Community Health and Finance and Corporate Resources</p>
<p>Health in Hackney Scrutiny Commission</p> <p>In accordance with the Acts of Parliament Health Scrutiny is the statutory consultee for all substantial service change and development of local health services.</p>	<p>Health Services, Adult Social Services and Older People</p>	<p>Council: Children, Adults and Community Health, Health and Wellbeing Board</p> <p>Partnerships: All local Health Trusts, City and Hackney Clinical Commissioning Group, NHS England (London), Public Health England</p>

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		(London) and Healthwatch Hackney.
Children and Young People's Scrutiny Commission	Children and Young People, Hackney Learning Trust	Council: Children, Adults and Community Health Partnerships: City and Hackney Safeguarding Children Board and Hackney Youth Parliament

7.12 The Children and Young People Scrutiny Commission shall include in its membership the following voting representatives:

- a) one London Diocesan Board for Schools (Church of England) representative';
- b) one Roman Catholic Westminster Diocesan Schools Commission representative;
- c) two parent governor representatives:

and the following non-voting representatives:

- d) one Orthodox Jewish community representative;
- e) one representative from the North London Muslim Community Centre;
- f) one representative from the Free Churches Group;
- g) one representative from the Hackney Schools Governors' Association;
- h) up to five representatives from the Hackney Youth Parliament.

General role of Overview and Scrutiny Commissions

7.13 Within their terms of reference the Overview and Scrutiny Commissions may:-

- i) develop a rolling programme of scrutiny and review and review it on a quarterly basis;
- ii) exercise an overview of the Sustainable Community Strategy for the purpose of contributing to policy development;
- iii) review and/or scrutinise decisions or actions relating to the discharge of any of the Council's functions within its terms of reference. This could include reviewing decisions before they have been taken (policy development) or after they have been implemented (post-hoc review);
- iv) Where referred to it, consider a request made by any 5 non-executive Members for the call-in of an executive decision;

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- v) make reports and/or recommendations to the Cabinet for possible forwarding to Full Council and/or the executive, and/or Corporate Committee and/or any Ward Forum with the discharge of any Council functions;
- vi) consider any matter affecting the economic, social or environmental well-being of the area or its inhabitants, within the remit of the Commission, and make reports and/or recommendations to the Cabinet, Full Council or appropriate external body;
- vii) exercise responsibility for any resources made available to them.

Specific functions of Overview and Scrutiny Commissions

7.14 Overview and Scrutiny Commissions specific functions are:

- i) Policy Development and Review
 - to assist Full Council and the Executive in the development of the budget and policy framework by in-depth analysis of policy issues;
 - to conduct research and consult with the community on policy issues and options available to the Council;
 - to consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - to liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and
 - to consult (or question) members of the Executive and senior officers about their views on issues and proposals affecting the area.
- ii) Scrutiny
 - to review and scrutinise executive decisions made by the Elected Mayor, the Executive collectively, by another individual member of the Executive, by a committee of the Executive, or, by an officer of the Council;
 - to review and scrutinise the work of the Council in relation to its policy objectives; performance targets and/or particular service areas;
 - to question members of the Executive and senior officers about their decisions and the performance of the services for which they are responsible, whether generally in comparison with service plans and targets over a period of time or in relation to particular decisions, initiatives or projects;
 - the Health in Hackney Scrutiny Commission to carry out Health Scrutiny in accordance with Section 244 and Regulations under

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that section of the National Health Services Act 2006 as amended by the Local Government and Public Involvement in Health Act 2007 and the Health and Social Care Act 2012 relating to reviewing and scrutinising local health service matters. Where the proposal relates to more than one local authority area, it must be considered by a Joint Health Scrutiny Committee appointed by each of the local authorities in question;

- the Living in Hackney Commission to discharge the functions conferred under the Police and Justice Act 2006
- to make recommendations to Cabinet arising from the outcome of the scrutiny process, for possible forwarding to Full Council;
- to review and scrutinise the performance of other public bodies in the area, invite them to address the Scrutiny Commission, and prepare reports about their initiatives and performance;
- to gather evidence from any person or organisation outside the Council (with their consent);
- to consider referrals from Ward Forums and Enhanced Tenants Residents Associations and initiate reviews of issues as deemed appropriate.

iii) Community Representation

- to promote and put into effect closer links between Overview and Scrutiny Members and the local citizens;
- to encourage and stimulate an enhanced community representation role for Overview and Scrutiny Members including enhanced methods of consultation with local people;
- to liaise with the Council's consultative Ward Forums and Enhanced Tenants Residents Associations on matters that affect or are likely to affect the local area;
- to keep the Council's area based governance arrangements under review and to make recommendations to the Overview and Scrutiny Panel, to the Cabinet and/or Full Council as to how participation in the democratic process by local people can be enhanced;
- to receive petitions, deputations and representations from local people, and other stakeholders about matters of concern within the Overview and Scrutiny Commission's remit, and where considered appropriate, to refer them to the Executive, an appropriate Committee or officer for action, with a recommendation for a report back if the Commission considers that necessary.

iv) Developing the work programme

In considering their work programme, the Overview and Scrutiny Commissions shall have regard to the following:

- recommendations received from the Overview and Scrutiny Panel;
- cross-cutting items proposed for the programme by the

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- Overview and Scrutiny Panel;
- petitions received from the public;
 - the contents of the Executive Meetings and Key Decisions Notice;
 - issues emerging from the ward/representational role of any Member;
 - issues relating to Councillor Call for Action;
 - referrals made by Healthwatch Hackney relating to health and social care matters;
 - referrals by any member of the Council on any matter relevant to the functions of the Scrutiny Commission;
 - referrals by any Member on a local crime and disorder matter;
 - referrals to it by Full Council, the Executive or another Committee;
 - issues which, whilst not the direct responsibility of the Council, have a direct bearing on the economic, social or environmental well-being of the borough's residents;
 - issues relating to Joint Overview and Scrutiny Committees.

Proceedings of Overview and Scrutiny

- 7.15** The Overview and Scrutiny Panel and Commissions will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.