

## Appendix 3b

### Part Four - Procedure Rules Section D - Overview and Scrutiny Procedure Rules

#### Arrangements for overview and scrutiny

1. The Council will have a Scrutiny Panel and four Scrutiny Commissions as set out in Article 7 of this Constitution. Article 7 sets out the broad framework for the operation of the Council's overview and scrutiny function. These rules set out some of the more detailed working arrangements.

#### Meetings of the Scrutiny Panel and Commissions

2. The Scrutiny Panel will hold 4 ordinary meetings in every municipal year. Extraordinary Meetings may be called from time to time if the Chair of the Panel or the Monitoring Officer considers it necessary or expedient.
3. The Scrutiny Commissions are each expected to meet at least 8 times every municipal year; this may include site visits and informal meetings undertaken as part of a review.

#### Quorum

4. The quorum for the Scrutiny Panel and the Scrutiny Commissions shall be one quarter of voting Members or three voting Members, whichever is the greater.

#### Chairs and Vice-chairs

5. The Chairs of the Scrutiny Panel and the Scrutiny Commissions shall be appointed at the Annual Meeting. The Vice-Chairs may be appointed at the Annual Meeting or at the first meeting of the Panel / Commission.
6. The Chair of the Scrutiny Panel must be a Councillor of the majority political group of the Council, but may not be a Chair of a Scrutiny Commission. The Vice-Chair shall ordinarily be a Councillor from the largest minority political group of the Council. However, if the largest minority group fails to make a nomination then the Scrutiny Panel may elect a Vice-Chair at their first meeting.

#### Reports from Scrutiny Panel or Commissions

7. Once a Scrutiny Panel or Commission has prepared recommendations, it will prepare a formal report for consideration by the Elected Mayor, a Cabinet Councillor, the Cabinet or Full Council as appropriate. A report to Full Council

is only usually necessary if the recommendation(s) would require a departure from or a change to the agreed budget or policy framework. Where recommendations are made that relate to an external organisation (such as an NHS Trust), the report will also be submitted to that body.

8. A copy of any report must be given to the Monitoring Officer. The Monitoring Officer must also be told by which decision making body the report is to be considered.
9. If the Scrutiny Panel or Commission cannot agree on one single final report, then up to one minority report may be prepared and submitted for consideration alongside the majority report.
10. When a report is referred to Full Council or Cabinet, the report of the Scrutiny Panel or Commission will normally be considered at the next scheduled meeting.

#### **Ensuring that reports are considered by the Cabinet and other bodies**

11. If a report is referred to Full Council, it must also consider the executive's response to the recommendations. The decision made by Full Council will be placed on the agenda of the next scheduled meeting of the Scrutiny Panel and/or Commission.
12. If the report is referred to Cabinet, the report will be considered under the standing item "Issues Arising from Overview and Scrutiny", unless it can be considered in the context of Cabinet's deliberations on a substantive item on the agenda. Cabinet shall also consider the response of the lead Cabinet Councillor(s) for the portfolio area(s) to which the report's recommendations relate. The outcome of the discussion by Cabinet will be placed on the agenda of the next scheduled meeting of the Scrutiny Panel and/or Commission.
13. In cases where the decision maker is the Elected Mayor personally or any other individual Councillor of the Cabinet, they must consider the matter and report back to the Scrutiny Panel and / or Commission within 2 weeks. If the Elected Mayor or Councillor does not accept some or all of the recommendations then they must include within that report the reasons for not doing so. A copy of the response must be sent to the Monitoring Officer. The Elected Mayor or Councillor must attend the meeting of the Scrutiny Panel and/or Commission that considers their response.
14. Where the decision-making is an external (non-Council organisation) and they have a statutory duty to respond to the Scrutiny Panel and / or a Commission, a written response shall be requested within the timescale required, or if

mutually agreed, by another set deadline, so the response can be placed on the agenda of the next scheduled meeting of the Panel and / or Commission. Where that organisation does not have a statutory duty to respond to the Scrutiny Panel and/or a Commission, a written response shall be invited within a reasonable period of time noting that, if submitted, the response would be placed on the agenda of the next scheduled meeting of the Panel and/or Commission.

15. The Scrutiny Panel and each Scrutiny Commission will in any event have access to the Executive Meetings and Key Decisions Notice (EMKDN) and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed consideration by the Panel or a Commission, the Panel or Commission will be able to respond in the course of the Executive's planned consultation process in relation to any Key Decision.

#### **Rights of access to documents**

16. The additional rights that members of the Scrutiny Panel and Commissions have to access documents are detailed in Part X of this Constitution.

#### **Members and Officers giving account**

17. The Scrutiny Panel and any Scrutiny Commission may scrutinise and review decisions made, or actions taken, in connection with the discharge of any Council functions relevant to the issues it is examining. As well as reviewing documentation, it may require any member of the Executive, the Head of the Paid Service and / or any senior Officer and, subject to contractual arrangements, any other person delivering a Council 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;
- (c) the performance of relevant services; and / or
- (d) as required under the Council Petition Scheme

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

18. Where any Councillor or Senior Officer is required to attend the Scrutiny Panel or a Commission under this provision, the Chair of that Panel / Commission will inform the Monitoring Officer who shall inform the Councillor or Senior Officer in writing giving at least 5 working days' notice of the meeting at which their attendance is required. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are

required to be produced for the Commission. Where the account to be given to the Commission will require the production of a report, then the Member or Senior Officer concerned will be given sufficient notice to allow for preparation of that document.

19. Where, in exceptional circumstances, the Member or Senior Officer is unable to attend on the required date, the Scrutiny Panel / Commission will, in consultation with the Member or senior officer, arrange an alternative date for attendance, or, an alternative attendee.
20. A Senior Officer may determine that another Officer should attend because their knowledge and experience is more relevant to the issue being discussed.

### **Attendance by others**

21. The relevant Scrutiny Panel or Commission will be able to exercise legal rights to require attendance by individuals who are not Officers, or Councillor of the Council, such as:
  - (a) the right to require attendance by an Officer of a local NHS body - Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2013;
  - (b) the right to require attendance by Officers or employees of responsible authorities and co-operating bodies of a local Community Safety Partnership - Crime and Disorder (Overview and Scrutiny) Regulations 2009; and
  - (c) the right to require information from partner authorities which relate to local improvement targets - Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2012.
22. A Scrutiny Panel or Commission may invite people other than those referred to above to address it, discuss issues of local concern, and/or answer questions. It may, for example, wish to hear from citizens, stakeholders and Members and / or officers in other parts of the public or private sector; and shall be free to invite such people to attend.

### **Councillor Call for Action**

23. The Councillor Call for Action is a procedure which enables Councillors to have a matter referred to the Scrutiny Panel or relevant Scrutiny Commission for consideration. Prior to requesting such reference, Councillors are invited to raise the matter with the relevant Group Director or Lead Councillor in order to achieve settlement without the need for formal reference.

24. Any member of any Scrutiny Panel / Commission, may by giving written notice of at least 15 working days to the Monitoring Officer, prior to the date of the meeting at which the Councillor wishes to raise the matter, request that any matter which is relevant to the functions of the Scrutiny Panel or Commissions, as the case may be, is included in the agenda for discussion at a meeting of the Panel or Commission.
25. Any Member of the Council, may by giving written notice of at least 15 working days to the Monitoring Officer, request that any local government matter which is relevant to the functions of the Scrutiny Panel or Commissions is included in the agenda and is discussed at a meeting of the Panel or Commission.
26. Any Member of the Council, may, by giving written notice of at least 15 working days to the Monitoring Officer, request that a local crime and disorder matter is included in the agenda for discussion at a meeting of the Living in Hackney Scrutiny Commission.
27. A local government matter pursuant to paragraph 25 shall not include:
  - (a) any matter relating to a planning decision;
  - (b) any matter relating to a 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 the Monitoring Officer determines to be vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Scrutiny Panel or Commissions.
28. A matter shall not fall within a description above if it consists of an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge 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 a matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to review or right of appeal conferred by or under any enactment.
29. The Scrutiny Panel and Commissions will undertake their proceedings pursuant to the powers set out in Article 7 of the Constitution.
30. Where a local government matter is referred to the Scrutiny Panel or one of the Commissions by a Member of the local authority, in considering whether or not to exercise any of its powers in relation to a matter, the Scrutiny Panel / Commission may have regard to:

- (a) any powers which a Councillor may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local Councillors in England); and
  - (b) any representations made by the Councillor as to why it would be appropriate for the Scrutiny Panel / Commission to exercise any of its powers to include a matter on the agenda for discussion at a meeting of any Panel/Commission.
31. If the Scrutiny Panel or Commission decides not to exercise any of those powers in relation to the matter, it shall notify the Councillor of –
- (a) its decision; and
  - (b) the reasons for it.
32. The Scrutiny Panel or Commission shall provide the Councillor with a copy of any report or recommendations which it makes to the authority or the Cabinet if the matter is included in the agenda and discussed at a meeting of the Scrutiny Panel / Commission.

### **Crime and Disorder Matters**

33. The Living in Hackney Scrutiny Commission is the designated Crime and Disorder Commission. A “crime and disorder matter” means a matter concerning crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment) or the misuse of drugs, alcohol and other substances in that area.
34. Where the Living in Hackney Scrutiny Commission, as the Crime and Disorder Commission makes a report or recommendations to Full Council it must:
- (a) provide a copy of the report or recommendations to any member of the authority who referred the local crime and disorder matter in question to the Commission;
  - (b) provide a copy of the report or recommendations to such of the responsible authorities, co-operating persons and bodies as it thinks appropriate.
35. Where a copy of a report or recommendations is provided to a responsible authority, co-operating person or body under paragraph 13.2 above that authority, person or body shall:

- (a) consider the report or recommendations;
- (b) respond to the Living in Hackney Scrutiny Commission indicating what (if any) action it proposes to take;
- (c) have regard to the report or recommendations in exercising its functions.

### **Joint Committee of the Four Growth Boroughs**

- 36. This Committee is a formally constituted Joint Committee undertaking executive functions on behalf of the Four Growth Boroughs including Hackney.
- 37. Decisions of the Joint Committee may be called-in by one or more participating boroughs pursuant to the Joint Committee's Procedure Rules. Each of the boroughs shall apply their existing overview and scrutiny arrangements to decisions of the Joint Committee.
- 38. Upon publication of the record of Joint Committee decisions, members of Hackney Council may call-in any such decision pursuant to the Joint Committee Procedure Rules.

### **Agenda items at Scrutiny Panel and Commission meetings**

- 39. The Scrutiny Panel and Commissions shall include within their agendas the following business:
  - (a) declarations of interest (including whipping declarations);
  - (b) minutes of any previous meetings;
  - (c) consideration of the body's own work programme;

### **Other business**

- 40. Where the Scrutiny Panel or Commissions conducts investigations (e.g. with a view to policy development), the Panel/Commission may also ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles; that:
  - (a) the investigation be conducted fairly and all Councillors (including co-opted Members) of the Panel / Commission be given the opportunity to ask questions of attendees, and to contribute and speak;
  - (b) those assisting the meeting by giving evidence be treated with respect and courtesy;



- (c) the investigation be conducted so as to maximise the efficiency of the investigation or analysis;
  - (d) evidence collected is analysed; and
  - (e) any recommendations made are based upon that evidence.
41. Following any investigation or review, the Scrutiny Panel or Commission, may prepare a report for submission to the relevant decision-maker, Executive and/or Full Council as appropriate and shall make its report and findings public except to the extent that they may include confidential or exempt information.
  42. These procedure rules shall apply to any Scrutiny Commissions and working parties.
  43. Nothing in these procedure rules prevents more detailed liaison between the Executive and the Scrutiny Panel and Commissions as appropriate, depending on the particular matter under consideration.