

Article 7 - Overview and Scrutiny

The Overview and Scrutiny function is carried out by the [Scrutiny Panel](#) and the [Scrutiny Commissions](#). They are set up to hold the Elected Mayor and Cabinet to account. The role of Scrutiny is to be non-adversarial, non-partisan and act as a critical friend to challenge decision makers within the Council as well as external agencies.

7.1 The Council must appoint at least one Overview and Scrutiny Committee to: -

- i) Hold the Cabinet to account, by examining decisions that are about to be taken; taken but not yet implemented (known as the call-in process); and that have been implemented (post-hoc review) in connection with the discharge of any functions which are the responsibility of the Cabinet;
- ii) Review the general policy framework document and policies generally 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 stakeholder organisations on any matters having a direct bearing on the economic, social or environmental well-being of Hackney Citizens;
- 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 any Regulations and Directions made under the Health and Social Act 2001. The Health in Hackney scrutiny commission 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 to make recommendations.
- ix) Consider any referral by a Councillor under the Councillor Call for Action, and if considered appropriate to scrutinise decisions and/or actions taken in relation to a matter;
- x) Consider matters referred to in accordance with the Council's Petition Scheme as set out in [Part 6](#) of this Constitution

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

Attendance by Elected Mayor, Cabinet Councillors and other persons

7.3 The Scrutiny Panel and Commissions may require the Elected Mayor, Cabinet Councillors or Chief Officers to attend before it to answer questions and 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 Councillor must not be involved in scrutinising a decision in which they had been directly involved.

- 7.6 A person is not obliged to answer any question. However, they would be entitled to refuse to answer a question in or for the purposes of proceedings in a court in England and Wales.

Role and Function of the Scrutiny Panel

- 7.7 The Council shall appoint a Scrutiny Panel to coordinate and oversee the work of the Scrutiny Commissions
- 7.8 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 a cabinet decision or a decision of the [Joint committee](#) of the Four Growth Boroughs. The Scrutiny Panel's terms of reference are set out in [Part 3](#) of the Constitution
- 7.9 The Scrutiny Panel shall comprise 9 Members, who cannot be Members of the Cabinet. It shall include the [Chairs](#) and [Vice-Chairs](#) of the Scrutiny Commissions and a Councillor of the larger opposition group, if not already represented as a Chair or Vice-Chair of a commission.
- 7.10 The 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 opposition party.
- 7.11 The Scrutiny Panel may invite the Elected Mayor and the 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 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 Scrutiny Commissions

- 7.12 Full Council will appoint the following Scrutiny Commissions as set out in the table below:

Commission	Scope
Living in Hackney Scrutiny Commission	Quality of life in local communities covering neighbourhoods, place, wellbeing and amenities.
Skills, Economy and Growth scrutiny Commission	Prosperity of the borough and development, in particular economic development, employment and large-scale schemes.
Health in Hackney Scrutiny Commission	Health Services, Adult Social Services, Older People
Children and Young People's Scrutiny Commission	Children and Young People, Hackney Learning Trust

7.13 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; and
- h) Up to five representatives from either the Hackney Youth Parliament and/or the Hackney Care Council.

7.14 Within their terms of reference, the Scrutiny Commissions may: -

- i) Develop a rolling programme of scrutiny and review which shall be reviewed 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 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 a Cabinet decision
- v) Make reports and / or recommendations to the Cabinet for possible forwarding to Full Council and/or the Cabinet, and/or Corporate Committee and/or any Ward Forum with the discharge of any [Council functions](#); and
- vi) Exercise responsibility for any resources made available to them.

Specific functions of Scrutiny Commissions

7.15 Scrutiny Commissions specific functions are: -

- i) **Policy Development and Review**

- To assist Full Council and the Cabinet 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 councillors of the Cabinet and senior officers about their views on issues and proposals affecting the area.

ii) **Scrutiny**

- To review and scrutinise Cabinet decisions made by the Elected Mayor, the Cabinet, by an individual Councillor of the Cabinet, by a Committee of the Cabinet, 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 Councillors of the Cabinet 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;
- For the Health in Hackney Scrutiny Commission, to carry out health Scrutiny in accordance with Section 244 Regulations under 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;

- For the Living in Hackney Scrutiny 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;
- 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 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 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 Scrutiny Commission's remit. Where considered appropriate, to refer them to the Cabinet, an appropriate Committee or Officer for action, with a recommendation for a report back if requested.

iv) **Developing the Work Programme**

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

- Recommendations received from the Scrutiny Panel;
- Cross-cutting items proposed for the programme by the Scrutiny Panel;
- Petitions received from the public;
- The contents of the Cabinet Meetings and Key Decisions Notice;
- Issues emerging from the ward/representational role of any Councillor;
- Issues relating to Councillor Call for Action;
- Referrals made by Healthwatch Hackney relating to health and social care matters;
- Referrals by any Councillor of the Council on any matter relevant to the functions of the Scrutiny Commission;
- Referrals by any Councillor on a local crime and disorder matter;
- Referrals to it by Full Council, the Cabinet 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 Citizens;
- Issues relating to Joint Overview and Scrutiny Committees.

Proceedings of Overview and Scrutiny

7.16 The 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