

Constitution, Ethics and Probity Committee, 25 November 2014, Agenda Item 6 – Members’ Item in the name of Cllr Barry Rawlings

Paragraph 1.2 on page 20 of agenda item 6 (Members’ Item in the name of Cllr Barry Rawlings) refers to legal opinion already obtained via Governance. The legal opinion was omitted from the published agenda papers for the meeting and is therefore set out below:

“Whilst overview and scrutiny is seen essentially as a check on the cabinet system of governance, in accordance with S9JA Local Government Act 2000 it is permissible within a committee system of governance. The terms of reference of the Health Overview and Scrutiny Committee are set out in the constitution. They are wide reaching and include decisions relating to other organisations. They do include the ability to scrutinise the work of the Health and Wellbeing Board. (HWBB)

Under the Local Authorities (Committee System) (England) Regulations 2012/1020 this scrutiny includes the power to review or scrutinise a decision taken by the HWBB but not yet implemented. However, there is no requirement that the decision cannot be implemented in the meantime i.e. a call in procedure.

If such a procedure were to be introduced in Barnet it would need to be considered by the Constitution Ethics and Probity Committee with a recommendation to full Council.”