

Report of the Special Meeting of the Special Committee  
(Constitution Review)  
21 April 2009

Members:

- \*Councillor Melvin Cohen LLB (Chairman)
- \*Councillor Mike Freer (Vice-Chairman)

Councillors:

- |   |                   |                |
|---|-------------------|----------------|
| *Jack Cohen   | Richard Cornelius | *Alison Moore  |
| *Matthew Offord   | *Barry Rawlings   | *Joan Scannell |
| *Jim Tierney<br>(substituting for Alan<br>Schneiderman) | *Daniel Webb      |                |

**OVERVIEW AND SCRUTINY: NEW ARRANGEMENTS (Reports of the  
Director of Corporate Governance – Agenda Items 5 & 6)**

**BACKGROUND**

At its meeting on 15 July 2008, the Council made a series of decisions concerning the future shape of the Overview & Scrutiny process following on from the report of the Members Working Group, established to examine current practices. The principle points agreed were:

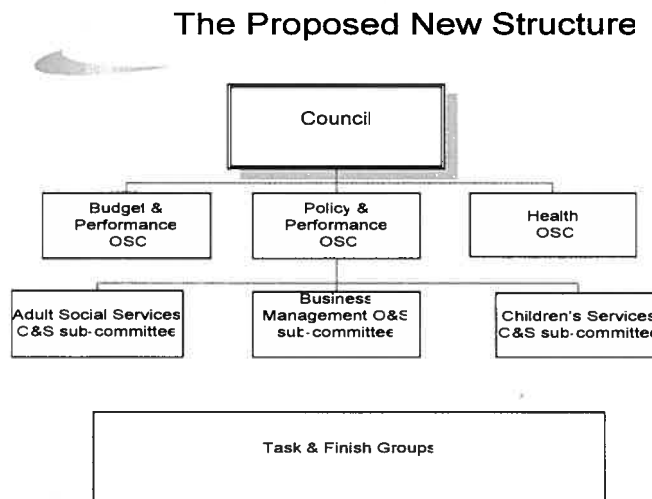
- That the profile, process and credibility of Overview & Scrutiny needed to be raised
- That Overview & Scrutiny should reflect corporate priorities
- A newly created Business Management Overview & Scrutiny sub-Committee should deal with Call-ins
- A newly created Budget & Performance Overview & Scrutiny Committee should scrutinise budget management and proposals and corporate performance
- The Chairmen of the Overview & Scrutiny Committees should meet regularly with the Leader to discuss Overview & Scrutiny issues.
- The Cabinet be requested to provide monthly updates to the Overview & Scrutiny committees

The Special Committee (Constitution Review) held a Special Meeting on 24 February 2009 to consider a range of options for the implementation of the decisions made by Council on 15 July 2008 concerning the future shape of the Overview & Scrutiny process in Barnet. At this meeting, the Committee made recommendations to Council concerning the proposed Overview & Scrutiny process and also agreed to hold a further meeting specifically to consider outstanding matters. A second meeting was held on 21 April 2009. The relevant action sheets are attached as Appendices 1 and 2.

On 24 February 2009 and 21 April 2009 the Committee considered the reports of the Director of Corporate Governance and considered all the matters on which recommendations were to be made to the Council. The reports of the Director of Corporate Governance to both those meetings are available on request.

### **SUMMARY OF THE PROPOSED NEW ARRANGEMENTS**

It is recommended that the Council's current Overview & Scrutiny arrangements be disbanded from 19 May 2009 and be replaced by the following structure;



### **NEW ARRANGEMENTS**

The new structure will comprise six Overview & Scrutiny bodies, as outlined below.

#### **Policy and Performance Overview & Scrutiny Committee**

This is an overarching body that will appoint sub-Committees and Task and Finish Groups (TFGs), will set the Overview & Scrutiny annual work programme for the year, receive and consider the Annual Review of Effectiveness of the Overview & Scrutiny processes and contribute to the Annual Report on the Overview & Scrutiny process in Barnet.

#### **Business Management Overview & Scrutiny sub-Committee**

This is a sub-Committee of the Policy and Performance Overview and Scrutiny Committee. The main function of this body is to support the work of the Policy and Performance Overview and Scrutiny Committee, to appoint additional Scrutiny Panels, co-ordinate and monitor the work of Scrutiny Panels/ Task and Finish Groups and carry out the Call-in Function. Any member of the Business Management Overview & Scrutiny sub-Committee will be able to call in a Key decision.

### **Children's Services Overview & Scrutiny sub-Committee**

This is a sub-Committee of the Policy and Performance Overview and Scrutiny Committee. Its function is to perform the Overview and Scrutiny role in relation to Council's functions as an education authority, services for children, young people and their families including Children's Social Services, local NHS services and health-related issues which impact upon the health of Barnet children and young people aged up to 18, and recreational services.

### **Adult Social Services Overview & Scrutiny sub-Committee**

This is a sub-Committee of the Policy and Performance Overview and Scrutiny Committee. Its function is to scrutinise Community care services for older people and vulnerable adults in Barnet.

### **Budget and Performance Overview & Scrutiny Committee**

This Committee will be responsible for monitoring corporate performance, the revenue and capital budgets and financial outturns and for scrutinising the development of the next year's revenue and capital budgets from the earliest stage of the budget cycle.

### **Health Overview & Scrutiny Committee**

This Committee will be responsible for scrutinising the functions in relation to the National Health Service (NHS) and NHS bodies in the area, including its operations and performance.

### **Task & Finish Groups**

The work of the Task & Finish Groups will reflect the four principles of effective Scrutiny to provide 'critical friend' challenge to executives as well as external authorities and agencies, to reflect the voice and concerns of the public and its communities, to take the lead and own the scrutiny process on behalf of the public and to make an impact on the delivery of public services.

Task & Finish Groups are to be time limited and the membership and Chairman for a Task & Finish Group will be appointed by the Policy & Performance Overview and Scrutiny Committee or the Business Management Overview & Scrutiny sub-Committee. Non-councillors may be co-opted to be additional members of Task and Finish Groups, but elected members shall always constitute the majority. Task & Finish Groups will report their findings to the relevant Overview & Scrutiny Committee.

The number of Task & Finish Groups should not normally exceed 5 in number (at any one time) except in exceptional circumstances.

### **Work Programme, Reporting & Liaison arrangements with the Executive**

The Forward Plan should be compiled and published before the beginning of each municipal year so as to allow time for Overview & Scrutiny to prepare their annual work programme; and thereafter should be monitored and updated on a monthly basis with any changes notified to all members prior to the regular meeting of the Business Management Overview and Scrutiny sub-Committee.

At the April meetings of the six Overview & Scrutiny Committees, it is proposed that the Committees will set the annual Overview & Scrutiny work programme

and seek to appoint the necessary Scrutiny bodies/Task and Finish Groups to deliver this. It is proposed that the setting of the work programmes be brought into line with the corporate planning process through annual meetings between the Chairman, Cabinet Members and Directors to discuss potential items.

Cabinet Members will be requested to submit a brief advice report to the relevant Overview and Scrutiny Committee Members, as appropriate to their respective responsibilities. This report will outline work programme developments within their portfolios which are likely to impact on the future work of the Executive and/or the Overview and Scrutiny Committees and/or sub-Committees.

An Annual Report on the Overview and Scrutiny Process in Barnet will be produced, signed by all Overview and Scrutiny Chairmen and submitted to the Council in April each year. This will be accompanied by the work programmes for each of the Overview and Scrutiny Committees for the coming year.

At its meeting on 21<sup>st</sup> April 2009, the Members of the Special Committee (Constitutional Review) agreed to request that Council approve the deletion of the previously agreed proposed quarterly meetings between the Chairmen of the six Overview and Scrutiny Committees and sub-Committees with the Leader.

### **Training and Development**

It is proposed that the Director of Corporate Governance, in consultation with the Chairmen of the Overview and Scrutiny Committees, arrange a programme of continuing training and development for Members.

### **Political Balance**

Political balance will continue to apply to scrutiny bodies. Overview & Scrutiny Committees and sub-Committees will continue to comprise 10 Members, with Task and Finish groups will consist of five Members.

Chairmanship of Committees will continue to be a matter for Members and the Council to determine.

### **Calendar of Meetings**

In order to give effect to the Special Committee's recommendations 20 (frequency of meetings) and 25 (ii) (implementation), a suggested timetable of Overview & Scrutiny Committee meetings is appended to this report.

**RECOMMEND That the 2009/10 timetable of Overview & Scrutiny meetings appended to the report be approved**

## **RECOMMENDATIONS TO COUNCIL**

The following Recommendations to Council approved at the Special Committee (Constitution Review) meeting on 24 February 2009 were ratified by the Committee on 21 April 2009 for submission to Council:

### **RESOLVED TO RECOMMEND TO COUNCIL:**

- (1) The Business Management Overview and Scrutiny Sub-Committee, when exercising the call-in function will be able to refer decisions back to the Executive or other decision making body or to the Council, as appropriate.**
- (2) That matters relating to crime, the Crime and Disorder Act, anti-social behaviour not within the remit of the Executive, the scrutiny of the Safer Communities Partnerships and the submission of nominations of representatives to serve on any body established by the Act requiring local authority representation be referred to the Council or General Functions Committee, be included within the Terms of Reference of the Policy & Performance Overview & Scrutiny Committee.**
- (3) That the following arrangement be approved and included in the Overview and Scrutiny Rules (as set out in Appendix E to the report):**
  - (a) A meeting of the Business management Overview and Scrutiny Sub-Committee will be convened following consultation with the Chairmen of both bodies within a month from the date on which a Councillor Call for Action is made known to the Democratic Services Manager.**
  - (b) The Sub-Committee will meet within one month to determine what, if any, action to take.**

**Matters falling within the remit of the Health and Budget and Performance Overview and Scrutiny Committees will be referred direct to those Committees by the Democratic Services Manager, with consideration being given to holding special meetings to consider the requests by the Democratic Services Manager in consultation with the appropriate Committee Chairmen.**

- (4) Additional responsibility be included in the Terms of Reference of the Business Management Overview and Scrutiny sub-Committee to review the effectiveness of the Overview and Scrutiny process each year for report to the Policy and Performance Overview and Scrutiny Committee; such report may include recommendations for action by the Health and Budget and Performance Overview and Scrutiny Committees, which, if agreed, will be referred to those Committees by the Policy and Performance Overview and Scrutiny Committee.**
- (5) That the Report referred to in recommendation 4 above form the basis of an Annual Report on the Overview and Scrutiny process in**

**Barnet, to be signed-off by all the Overview and Scrutiny Chairmen and submitted to the Council in April each year together with the Work Programmes for the coming year.**

- (6) That once it has formed recommendations on proposals for development, the relevant Overview and Scrutiny Committee or the Business Management Overview and Scrutiny sub-Committee, will prepare a formal report and submit it for consideration by the Executive or to the Council as appropriate.**
- (7) That the Business Management Overview and Scrutiny sub-Committee conduct a review of the effectiveness of the arrangements after one year of operation in consultation with all other Overview and Scrutiny Committees, and make any necessary recommendations for changes to the Constitution and that the Director of Corporate Governance ensure that a requirement for an annual review along these lines be included in the terms of reference of that sub-Committee.**
- (8) That Call-in, under the new structure, be reviewed after six months of operation.**

At its meeting on 21 April 2009, the Committee

**RESOLVED:**

**That subject to the views of the Leader of the Council on the proposals outlined in recommendation 18 (to Council) below, the Director of Corporate Governance be instructed to report to Council on required changes/amendments to the Constitution.**

**RESOLVED TO RECOMMEND TO COUNCIL:**

- (1) That the current Overview and Scrutiny Committee Structure be disbanded at the Annual Meeting of Council in May 2009 and that the new structure, as proposed by this report, be put in place.**
- (2) Only key decisions as defined by Article 13 (b) (i) of the Constitution may be called in under Section 21 of the Local Government Act 2000 and for the purposes of Call-in, a key decision under Article 13 (b) (i) (a) must involve expenditure or savings in excess of £500,000 as well as otherwise being significant having regard to the Council's budget for the service or function to which the decision relates or (b) must be significant in terms of its effects on communities living or working in an area comprising two or more wards in the borough.**
- (3) That Task and Finish Groups should consist of 5 Members and that the indicative political balance membership of Task & Finish Groups as set out in paragraph 9.17 of this report be noted.**
- (4) That in order to allow for workload to be balanced, a Member should not serve on more than two Task and Finish Groups at any same point in time.**

- (5) That, non-councillors may be co-opted to be additional members of Task and Finish Groups and elected members shall constitute the majority.
- (6) The membership and Chairman for a Task & Finish Group are to be appointed by the Policy & Performance Overview and Scrutiny Committee or the Business Management Overview & Scrutiny sub-Committee.
- (7) That Task and Finish Groups should be time-limited (lasting no more than 12 months) and should not normally exceed 5 in number except in exceptional circumstances.
- (8) That the responsibilities referred to in Paragraph 9.10 of this report and which were set out in the relevant decisions of the Resources, Performance and Partnerships Overview and Scrutiny Committee dated 30 July 2008 be included in the remit of the Budget & Performance Overview and Scrutiny Committee.
- (9) That the following Overview & Scrutiny Committees be established at the Annual Meeting:

  - Policy & Performance Overview & Scrutiny Committee
  - Business Management Overview & Scrutiny sub-Committee
  - Children's Services Overview & Scrutiny sub-Committee
  - Adult Social Services Overview & Scrutiny sub-Committee
  - Budget & Performance Overview & Scrutiny Committee
  - Health Overview & Scrutiny Committee
- (10) That the amendments to the Executive Procedure Rules set out as Appendix D of the report be approved.
- (11) That Call-ins be referred to the Business Management Overview & Scrutiny sub-Committee and that the timescales for a meeting of the sub-Committee to be set to consider a Call-in be set as described below:

  - Written Request for Call-in to be received by the Democratic Services Manager within two working days of notification of the Key decisions of the meeting of the Cabinet, Cabinet Sub-Committees or Area Environment Sub-Committee at which a Key decision has been taken or within five working days of the publication of a Key decision taken under individual delegated powers by Cabinet members.
  - the Democratic Services Manager shall be authorised to return incomplete or inadequate Call-in requests, following consultation with the Chairman of the Business Management Overview & Scrutiny Sub-Committee (or in the absence of the Chairman, the Vice-Chairman), requesting that the member calling in the item provide clarification as to the decision called in and the reason why within one working day.
  - a meeting of the Business Management Overview & Scrutiny Sub-

**Committee shall be set by the Democratic Services Manager, in consultation with the Chairman, within five clear working days of the receipt of the Notice of Call-in request. Business Management Overview & Scrutiny sub-Committee should normally meet once a month save in exceptional circumstances where extra meetings(s) would be required.**

- (12) The Business Management Overview and Scrutiny sub-Committee, when exercising the Call-in function will be able to refer decisions back to the Executive or other decision making body or to the Council, as appropriate.**
- (13) That, subject to the final approval by the Council of new arrangements for the Overview and Scrutiny processes, the Director of Corporate Governance arrange appropriate early training for relevant members in conjunction with the Improvement and Development Agency (IDeA) and, in consultation with the chairmen of Overview & Scrutiny Committees and the Group Secretaries, other appropriate training.**
- (14) To approve the indicative size and political balance of the arrangements of the proposed Overview & Scrutiny bodies, as detailed in the report, the Policy and Performance Overview and Scrutiny Committee to be 30 members.**
- (15) That the Committee make no recommendation to Council on whether the Chairman and Vice-Chairman should be drawn from particular groups and that the appointment of the Chairman and Vice-Chairman of individual Committees be a matter left for the discretion of Council.**
- (16) That the six Overview & Scrutiny Committees present their work programmes, reflecting Council policy, for the ensuing year to the Council together with details of the sub-Committees and panels they wish to establish to deliver the work programmes.**
- (17) That all the Appendices, including the Overview and Scrutiny Procedure Rules at Appendix E, be approved together with the consequential minor amendments to the Budget and Policy Framework Rules (Appendix C) and the Executive Procedure Rules as set out in Appendix D; the Rules to include formalising the Executive's ability to exercise their discretion to take decisions on policy matters if it considers that the Overview & Scrutiny process is causing unnecessary delay.**
- (18) That the following liaison arrangements be put in place:  
That Cabinet Member(s) be requested to submit a brief advice report to the relevant Overview and Scrutiny Committee Members, as appropriate to their respective responsibilities, outlining work programme developments within their portfolios which are likely to**



impact on the future work of the Executive and/or the Overview and Scrutiny Committees and/or sub-Committees.

- (19) That the Forward Plan:
- Should be compiled and published before the beginning of each municipal year so as to allow time for Overview & Scrutiny to prepare their annual work programme; and thereafter should be monitored and updated on a monthly basis with any changes notified to all members prior to the regular meeting of the Business Management Overview and Scrutiny Committee.
  - Should include all policies and key decisions to be taken in-year.
  - Should include a brief summary of the policy/decision – not just the report or policy headline, as well as arrangements for publicising and consulting on the proposals and the timetable for decisions on them.
  - That the Director of Corporate Governance be instructed to report to Council on the required changes/amendments to the Constitution.
- (20) Frequency of Meetings:
- The Policy & Performance Overview & Scrutiny Committee should meet at least twice a year in order to set the annual Overview and scrutiny work programme at the beginning of the year and review the work of overview and scrutiny at the end of the year.
  - The Business Management Overview & Scrutiny sub-Committee should have monthly meetings set in tandem with Cabinet to monitor the Forward Plan, deal with any Call-ins and any issues raised by Council, the Executive and outside bodies.
  - The Budget and Performance Overview & Scrutiny Sub-Committee should have a minimum of six meetings throughout the year.
  - The Health Overview & Scrutiny Committee should meet at least quarterly.
  - The Director of Corporate Governance be instructed to report to Council on the required changes/amendments to the Constitution.
- (21) That Council is requested to agree the deletion of the previously agreed proposed quarterly meetings between the Chairmen of the six Overview and Scrutiny Committees and sub-Committees with the Leader.
- (22) That Appendix B – Article 6 – Overview and Scrutiny Committees paragraph 6.04 be corrected to include the typing error omission ‘6.02 c(iii) above.’
- (23) That Appendix E Page 49 – 7 (f), Line 4 be amended to add ‘and responsibilities’ after ‘priorities’.
- (24) That with effect from 19 May 2009, the changes to the Constitution listed below, and as set out in the appendices to this report as indicated, be approved and adopted:
- (i) Council Procedure Rules (Appendix A)
  - (ii) Article 6 – Overview and Scrutiny Committees (Appendix B)

- (iii) Budget and Policy Framework Procedure Rules (Appendix C)**
- (iv) Executive Procedure Rules (Appendix D)**
- (v) Overview and Scrutiny Procedure Rules (Appendix E)**
- (vi) Constitution of the Council – Summary and Explanation (Appendix F)**

- (25) That the Democratic Services Manager be instructed;**
- (i) To make the necessary changes to the Council's Constitution.**
  - (ii) To implement the new arrangements.**

## Council Procedure Rules

### Appendix A

#### The Council Procedure Rules [EXTRACT]

##### Rules that apply to the report of the Cabinet on the Budget and Council Tax, and Extraordinary Meetings

#### 45 Amendments

45.1 If a member wishes to move an amendment to recommendations in the Cabinet's report or an item on the agenda of an extraordinary meeting he or she may only do so if written notice has been given to the Democratic Services Manager by no later than 10.30 a.m. on the last working day before the day of the meeting.

The member must sign the amendment and deliver it to the Democratic Services Manager by hand, fax, post or e-mail and the Democratic Services Manager must have circulated details to all members on or before that day.

45.2 The Council may at the meeting agree to waive the requirements of this standing order.

#### Dealing with amendments at the meeting

45.3 An amendment shall not be discussed or put to the meeting unless it has been moved and seconded.

45.4 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been dealt with. No member shall move more than one amendment. The mover of the amendment may speak for five minutes.

45.5 If an amendment is lost, other amendments may be moved on the original motion but only where notice has been given. If an amendment is carried, the amended motion replaces the original motion. The amended motion then becomes the motion upon which any further amendment may be moved. This is known as the substantive motion.

45.6 Once all amendments are dealt with in this way, the motion or the motion as amended is then put to the final vote.

#### 46. Speeches

46.1 Except with the consent of the Council, which will normally be granted to specified members for the debate on the adoption of the budget, the speech must not exceed:

46.1.1 four minutes, or

46.1.2 five minutes for each speech when a member is moving:

- the cabinet report;
- an item on the agenda of an extraordinary meeting

## Council Procedure Rules

- an amendment;
- a member is exercising his or her right to reply

46.2 If a member when seconding a motion or amendment declares an intention to do so, he or she may reserve the right to speak until later in the debate.

### 47. Right of reply

The mover of an original motion shall have a right of reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion also has a right of reply at the close of the debate on each amendment, but must not otherwise speak on the amendment. At the end of the debate, the Mayor will call on the original mover of the motion to exercise his or her final right to reply.

### 48 Procedure for Cabinet's budget report

48.1 The Leader, or in his/her absence any other member of the Cabinet, must move a motion for the report to be received. The mover may speak for five minutes.

48.2 If the motion is approved, the recommendations in the report shall be moved for reception by each page number being called out.

48.3 The Chairman of the Budget and Performance Overview and Scrutiny Committee may speak for five minutes.

48.4 If a member has submitted notice of an amendment on a particular item, the Mayor will invite him or her, or another member, to move the amendment. If the amendment is seconded, the mover of the amendment may speak for five minutes when moving the amendment. His or her seconder may also speak for four minutes or, on request, later in the debate. If the amendment is not moved, it shall be treated as having been withdrawn.

48.5 Only one amendment may be moved, discussed and voted on at any one time.

48.6 After all the amendments to the report have been dealt with in this way, the whole report shall be moved for adoption by the Leader or or in his/her absence any other member of the Cabinet subject to any amendments agreed at the meeting. The motion must be seconded and voted on without further discussion.

## APPENDIX B

### Article 6 - Overview and Scrutiny Committees

#### 6.01 Terms of reference

The Council will appoint the overview and scrutiny committees as detailed in the Overview and Scrutiny Procedure Rules.

#### Scrutiny Committee Scope of Scrutiny

#### 6.02 General role

- (a) The Council will allocate responsibility to a single Overview & Scrutiny body to determine call-ins of decisions made but not yet implemented by the executive and/or area committees.
- (b) The Overview and Scrutiny committees are also required to perform the overview and scrutiny role, as far as matters with their remit is concerned, in relation to the following:
  - i. The Council's leadership role in relation to diversity and inclusiveness and;
  - ii. The fulfilment of the Council's duties as an employer, including recruitment and retention, personnel, and payroll services, staff development, equalities and health and safety.
- (c) Within their terms of reference, the other named overview and scrutiny committees will:
  - i. review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
  - ii. make reports and/or recommendations to the full Council and/or the executive and/or any or area committee in connection with the discharge of any functions;
  - iii. consider any matter affecting the area or its inhabitants.
- (d) Any Overview and Scrutiny Committee may appoint Sub-Committees and may arrange for the discharge of their functions by any such Sub-Committees subject to the right of a political group within the meaning of the Local Government and Housing Act 1989 and regulations made under that Act to make nominations for those appointments at the meeting that makes the appointments before the appointments are made.

- (e) Two or more Overview and Scrutiny Committees may appoint Joint Sub-Committees and may arrange for the discharge of their functions by any such Sub-Committees so that the Scrutiny Role may be performed in a cross-cutting way.
- (f) Any such Sub-Committees or Joint Sub-Committees appointed under paragraphs (c) (i) or (ii) above are subject to the rules on public meetings and political balance within the terms of the relevant legislation.
- (g) The Terms of Reference of any Sub-Committees or Joint Sub-Committees appointed under paragraphs (c) (i) or (ii) above must be clearly stipulated by the appointing “parent” Overview and Scrutiny Committee(s) together with a defined period for their operation and existence and must be within the powers of the appointing Overview and Scrutiny Committee(s).
- (h) Overview and Scrutiny Committees individually or jointly with other Overview and Scrutiny Committees may consider that, in order to better facilitate cross-cutting reviews, the discharge of their duties would be best served by the appointment of working parties or panels or other groups to assist the Committees in their functions. Such groups are not Sub-Committees, are not subject to the rules on public meetings and political balance, and accordingly have no powers other than to investigate and make recommendations to the parent Committee. The Terms of Reference of such groups must be within the Committee appointing them and must be clearly stipulated, with a defined period for their operation and existence.

### 6.03 Specific functions

- (a) **Policy development and review.** Overview and scrutiny committees 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, community 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 executive and/or committees and chief officers about their views on issues and proposals affecting the area;
  - (v) 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;
- (b) **Scrutiny.** Overview and scrutiny committees may:

- (i) review and scrutinise the decisions made by and performance of the executive and/or committees and Council officers both in relation to individual decisions and over time;
- (ii) scrutinise decisions, which the executive is planning to take and comment on them to the executive;
- (iii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iv) question members of the executive and/or committee 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 particular decisions, initiatives or projects;
- (v) make recommendations to the executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- (vi) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance; and
- (vii) question and gather evidence from any person (with their consent).

(c) **Finance.** Overview and scrutiny committees may exercise overall responsibility for any finances made available to them.

(d) **Annual report.** Overview and scrutiny committees must report annually to full Council on their workings and make recommendations to full Council for future work programmes and amended working methods if appropriate.

(e) **Officers.** Overview and scrutiny committees may exercise overall responsibility for the work programme of any officers employed to support their work.

#### 6.04 **Proceedings of overview and scrutiny committees**

Overview and Scrutiny Committees (including any Sub-Committees or Joint Sub-Committees) appointed under paragraph 6.02 (c) will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

## References:

Chapter 2, DETR Guidance

*The Local Authorities (Functions and Responsibilities) (England) Regulations 2000*

### 1. The framework for decisions

References in these rules to the statutory policy framework are to the plans and strategies required by law to be adopted by the Council and set out in Article 4.

The Council will be responsible for the adoption of its statutory policy framework.

**Note** : this refers to the statutory policies that comprise the Policy Framework as set out in regulations that have to be agreed by full Council.

The Council will be responsible for adopting its budget prepared in accordance with the Financial Planning Rules in Part 4 of the Constitution.

The Executive will be responsible for the adoption of all other policies including those listed in Part 3 of the Constitution (section 3 - responsibility for Executive functions).

**Note:** this includes all the other statutory plans, and any policies that do not form part of the statutory Policy Framework

Once a budget or a policy within the statutory policy framework is in place, it will be the responsibility of the Executive to implement it.

### 2. Meetings to develop budget and policy

The Executive will develop the policy and budget framework, normally at private meetings attended by members of the Executive and relevant officers.

These meetings will –

- **Policy** – hold general discussions, receive briefings and consider draft reports and advice from political assistants on policy initiatives that the Executive wishes to promote and draft policies that the Executive is developing.
- **Budget** – hold general discussions receive briefings and consider draft reports and advice from officers (including political assistants) in order to prepare draft estimates of income and expenditure.

Private meetings of the Executive will comply with the Access to Information Procedure Rules in Part 4 of the Constitution, and will be separate from public meetings of the Executive.



### 3. Procedure for policy development

The procedure for developing policies before they are submitted to Council, and policies that are not submitted to Council, shall be at the discretion of the Executive, but the following procedure will usually be followed.

- (a) The Executive may initiate a new policy proposal, or a review of an existing policy, by undertaking consultation with the public and/or persons affected by it before referring it to Council or developing it in detail.
- (b) With or without such consultation, the Executive may refer the proposal or review to Council for discussion. Opposition Groups, Overview and Scrutiny Committees may also refer policy proposals to Council.

**Note:** discussion at Council is optional, but will normally be appropriate for major policies or reviews

- (c) With or without prior discussion at Council, the Executive will publish policy proposals that it intends to promote by including references to them in the Forward Plan and notifying Chairmen of Overview and Scrutiny Committees at a meeting which will normally be arranged in April each year, following publication of the draft Corporate Plan for consideration by Cabinet. Where this is known, this will include the arrangements for publicising and consulting on the proposals and the timetable for decisions on them.

The relevant Overview and Scrutiny Committees will then consider and identify the policies to whose development they wish to contribute for inclusion in their work programmes for submission to Council. Once the programmes have been approved by the Council, the Chairmen will formally notify the Leader. The Overview and Scrutiny Committees should indicate timescales and methodology for carrying out their research and should not delay the work of the Executive.

The Executive will not take decisions to introduce policies where the Overview and Scrutiny Committees have indicated an interest unless they consider that the overview and scrutiny processes are unreasonably and unnecessarily delaying their work.

- (d) If during the year the Executive include other proposed policies in the Forward Plan, the leader will advise the Chairman of the relevant Overview and Scrutiny Committee who will arrange for the Overview and Scrutiny Committee to consider whether it wishes to be involved in the development process without delay, in accordance with (b) above.
- (e) The Executive may use other methods of consultation as well.
- (f) The Executive will take into account any comments made by an overview and scrutiny committee before either approving the new policy or, in the case of a policy that is within the statutory policy framework, deciding to refer it to full Council for adoption.

- (g) The Executive may decide to repeat any part of the process if it wishes to make a change to the proposal, but need not do so.

#### **4. Procedure for budget preparation**

The Executive will follow the process set out in the Financial Standing Orders in Part 4 of the Constitution, or a similar process determined by it. This will include the following elements.

- (a) The Executive will publish draft budget headlines for discussion at Council
- (b) The Executive will arrange detailed consultation with the Budget and Performance Overview and Scrutiny Committee, the public and others where necessary
- (c) The Executive will take into account any comments made during consultation, and including any made by the Chairman of the Budget and Performance Overview and Scrutiny Committee at the meeting of Cabinet, before deciding to refer the final budget proposals to full Council for adoption.

#### **5. Adoption of budget and policies within the statutory framework**

- (a) In the case of a policy that is within the statutory policy framework, and the final budget proposals (both of which are referred to full Council for adoption) the Council may
- adopt the proposals
  - amend the proposals
  - refer the proposals back to the Executive
  - in principle, substitute its own proposals
- (b) If it accepts the recommendation of the Executive without amendment, the Council may make a decision which has immediate effect. Otherwise it may only make an in-principle decision. In either case the decision will be made on the basis of a simple majority of votes cast at the meeting
- (c) The decision will be published and notified to the Leader.
- (d) An in-principle decision will automatically become effective 7 days from the Council's decision, unless the Leader informs the Democratic Services Manager in writing within 5 days that he/she objects and gives reasons why.
- (e) In that case the Democratic Services Manager will place the matter on the agenda for the next Council meeting (and request the Mayor to summon an extraordinary Council meeting if necessary to meet a statutory deadline). The Council will be required to reconsider its decision and the Leader's written submission. The Council may:
- approve the Executive's recommendation by a simple majority of votes cast at the meeting; or

- approve a different decision, which does not accord with the recommendation of the Executive, by a simple majority.
- (f) The decision shall then be made public and implemented immediately.

## **6. Decisions outside the budget or statutory policy framework**

- (a) Subject to the provisions of paragraphs 3.8 and 6.6 of Part 3 of the Council's Constitution (virement) and paragraph 8 (in year changes to the statutory policy framework) the Executive, committees of the executive, individual members of the executive and any officers, area committees or joint arrangements discharging executive functions may only take decisions which are not contrary to the budget and statutory policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the statutory policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the Council, subject to 8 below.
- (b) If the Executive, committees of the executive, individual members of the executive and any officers, area committees or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the monitoring officer and/or the chief financial officer as to whether the decision they want to make would be contrary to the statutory policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or statutory policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 7 (urgent decisions outside the budget and statutory policy framework) shall apply.

## **7. Urgent decisions outside the budget or statutory policy framework**

- (a) The Executive, a committee of the executive, an individual member of the executive or officers, area committees or joint arrangements discharging executive functions may take a decision which is contrary to the Council's statutory policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
- (i) if it is not practical to convene a quorate meeting of the full Council; and
  - (ii) if the chairman of the Business Management Overview and Scrutiny sub-Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the chairman of the Business Management Overview and Scrutiny sub-Committees' consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chairman of the Business Management Overview and

Scrutiny sub-Committee the consent of the mayor, and in the absence of both the deputy mayor, will be sufficient.

- (b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

## **8. In-year changes to the policy framework**

The responsibility for agreeing the budget and statutory policy framework lies with the Council, and decisions by the Executive, a committee of the executive, an individual member of the executive or officers, area committees or joint arrangements discharging executive functions must not conflict with it. No changes to any policy and strategy which make up the statutory policy framework may be made by those bodies or individuals except those changes:

- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.
- (d) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.

## **9. Call-in of decisions outside the budget or policy framework**

- (a) Where, upon a Call-in, the Business Management Overview and Scrutiny sub-Committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the monitoring officer and/or chief financial officer.
- (b) In respect of functions which are the responsibility of the executive, the monitoring officer's report and/or chief financial officer's report shall be sent to the executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the executive must meet to decide what action to take in respect of the monitoring officer's report and to prepare a report to Council in the event that the monitoring officer or the chief finance officer conclude that the decision was a departure, and to the overview and scrutiny committee if the monitoring officer or the chief finance officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the monitoring officer and/or the chief financial officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the overview and scrutiny committee may refer the matter to

the next meeting of the Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. At the meeting the Council will receive a report of the decision or proposals and the advice of the monitoring officer and/or the chief financial officer. The Council may either:

(i) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way.

Or

(ii) amend the council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way;

Or

(iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the executive to reconsider the matter in accordance with the advice of either the monitoring officer/chief financial officer.

### Executive Procedure Rules

#### 1. HOW DOES THE EXECUTIVE OPERATE?

##### 1.1 Who may make executive decisions?

Executive functions may be discharged by:

- (i) the executive as a whole;
- (ii) a committee of the executive;
- (iii) an individual member of the executive;
- (iv) an officer;
- (v) an area committee;
- (vi) joint arrangements; or
- (vii) another local authority through joint arrangements.

##### 1.2 Delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

- (i) the names, addresses and wards of the people appointed to the executive;
- (ii) the extent of any authority delegated to executive members individually, including details of the limitation on their authority;
- (iii) the terms of reference and constitution of such executive committees as the Leader appoints and the names of executive members appointed to them;
- (iv) the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the names of those executive members appointed to any joint committee for the coming year; and
- (v) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

### **1.3 Sub-delegation of executive functions**

- (a) Where the executive, a committee of the executive or an individual member of the executive is responsible for an executive function, they may delegate further to an area committee, joint arrangements or an officer.
- (b) Unless the Council directs otherwise, if the Leader delegates functions to the executive, then the executive may delegate further to a committee of the executive or to an officer.
- (c) Unless the Leader directs otherwise, a committee of the executive to whom functions have been delegated by the Leader may delegate further to an officer.
- (d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

### **1.4 The Council's scheme of delegation and executive functions**

- (a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.
- (b) The Leader may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Democratic Services Manager and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the executive as a whole. The Democratic Services Manager will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader and will immediately make the necessary changes to the Constitution unless the change is to the Cabinet membership, in which case the change will be approved by Council prior to the Constitution being updated. Any changes other than to the Cabinet membership will be reported by the Democratic Services Manager to all Members as soon as possible, generally the working day after notification is received from the Leader.
- (c) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its chairman.

### **1.5 Conflicts of Interest**

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in part 5 of this Constitution.

- (b) If every member of the executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to a committee of the executive, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

#### **1.6 Executive meetings – when and where?**

The executive will meet normally on the days set in the Council calendar at times to be agreed by the Leader. The executive shall meet at the Council's main offices or another location to be agreed by the Leader. The Leader may convene additional meetings of the executive.

#### **1.7 Public or private meetings of the executive?**

The Access to Information Rules in Part 4 of this Constitution set out the requirements covering public and private meetings of the executive.

#### **1.8 Principles of Executive decision making**

All decisions of the Executive will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) explaining what options were considered and giving the reasons for the decision.

#### **1.9 Quorum**

The quorum for a meeting of the executive shall be one half of the total number of members. The quorum for a meeting of a committee of the executive shall be 3.

#### **1.10 How are decisions to be taken by the executive?**

Decisions which have been delegated to the Executive or a committee of the Executive will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.



## **2. HOW ARE EXECUTIVE MEETINGS CONDUCTED?**

### **2.1 Who presides?**

- 2.1.1 At a meeting of the Executive, if the Leader is present he/she will preside. In his/her absence, the Deputy Leader shall preside. In the absence of both, the meeting will be presided over by a member of the Executive as notified by the Leader to the Democratic Services Manager. In the absence of such notification a person shall be appointed to preside by those present.
- 2.1.2 At a meeting of a Committee of the Executive, the Chairman shall preside. In the absence of the Chairman a person shall be appointed to preside by those present.
- 2.1.3 The person presiding at the meeting may exercise any power or duty of a Chairman concerning the conduct of the meeting.
- 2.1.4 The person presiding at the meeting will always have the right to exercise a casting vote in the event of equality of voting on a motion or amendment, in accordance with the provisions of the Local Government Act 1972, provided he or she has voted when the motion or amendment was first put to the vote.

### **2.2 Who may attend?**

These details are set out in the Access to Information Rules in Part 4 of this Constitution.

### **2.3 What business?**

At each meeting of the executive the following business will be conducted:

- (i) consideration and signing of the minutes of the last meeting;
- (ii) declarations of interest, if any;
- (iii) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in part 4 of this Constitution;
- (iv) matters referred to the executive (whether by Overview and Scrutiny or by the Council) for reconsideration by the executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution; and
- (v) consideration of reports from overview and scrutiny committees.

## **2.4 Consultation**

All reports to the executive from any member of the executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant overview and scrutiny committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

## **2.5 Who can put items on the executive agenda?**

- 2.5.1 The Leader will decide upon the schedule for the meetings of the executive. He/she may put on the agenda of any executive meeting any matter which he/she wishes, whether or not authority has been delegated to the executive, a committee of it or any member or officer in respect of that matter. The Democratic Services Manager will comply with the Leader's requests in this respect.
- 2.5.2 Any member of the executive may require the Democratic Services Manager to make sure that an item is placed on the agenda of the next available meeting of the executive for consideration. If he/she receives such a request the Democratic Services Manager will comply.
- 2.5.3 The monitoring officer and/or the chief financial officer may include an item for consideration on the agenda of an executive meeting and may require the Democratic Services Manager to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the head of paid service, chief financial officer and monitoring officer are of the opinion that a meeting of the executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an executive meeting. If there is no meeting of the executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require the Democratic Services Manager to convene a meeting at which the matter will be considered.

## **2.6 Quorum – Rules**

- 2.6.1 Except when authorised by statute, business shall not be transacted at any meeting of any the executive or its committees unless there is a quorum.
- 2.6.2 If the Leader or other member presiding at the meeting finds that a quorum of members is not present at any time during the meeting, they must adjourn the meeting and the Democratic Services Manager shall record in the minutes of the meeting the names of those who were present and those who were absent.

## **2.7 Decisions**

After each meeting decisions made under the executive's or its committee's powers will be produced and made available to all members of the Council.

## **Suspension of business at executive and executive committee meetings**

### **2.8 The time limit for meeting and outstanding business**

2.8.1 No business at any meeting of the executive or its committees shall be transacted after 10 p.m. and any business transacted after that time shall be null and void. At 10 p.m. and without further debate the person presiding at the meeting shall immediately put to the vote any motion or amendment, which has been formally moved and seconded.

2.8.2 If any items remain on the agenda to be dealt with, the executive or its committee may decide to:-

- (i) call a special meeting or refer the remaining items to the next ordinary meeting; or
- (ii) adjourn the meeting, but only the remaining items may be dealt with at the adjourned meeting. No new items may be put on the agenda and any members not present at the meeting must not attend for the adjourned meeting.

### **2.9 Voting at meetings:**

The mode of voting at all meetings of the executive and its committees shall be determined by a show of hands except where otherwise provided by law.

## Appendix E

### Overview and Scrutiny Procedure Rules

- 1.1 The introduction, by the Local Government Act 2000, of the Overview and Scrutiny process into the work of local authorities offered a significant change in approach to the way in which local authorities conducted their business and engaged with their communities and partners.
- 1.2 The Local Government Act 2000 determined that the following responsibilities would fall within the remit of the Overview and Scrutiny function:
  - (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive;
  - (b) to make report or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive;
  - (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive;
  - (d) to make report or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive;
  - (e) To make recommendations to the authority or the executive on matters which affect the authority's area or inhabitants.
- 1.3 These responsibilities have been further strengthened by other legislation, for example the Local Government and Public Involvement in Health Act 2007, and the Crime and Disorder Act 2006. The Health and Social Care Act 2001 paved the way for scrutiny by local authorities of other statutory bodies, by establishing Overview and Scrutiny Committees with the remit of scrutinising health service provision.
- 1.4 In assessing whether the Council is meeting its Corporate Plan objectives and whether the Council and its partners are effectively delivering the Sustainable Community Strategy, Overview and Scrutiny bodies should utilise opportunities to visit and engage with local communities.

The following procedure rules provide the framework for the operation of the Overview and Scrutiny processes in Barnet.

## **Overview and Scrutiny Procedure Rules**

### **Part 1: Formal Committees and sub-Committees**

#### **1. What will be the number and arrangements for Overview and Scrutiny Committees?**

- (a) The Council will have the Overview and Scrutiny Committees set out in Table 1. Such Committees may appoint sub-Committees. Overview and Scrutiny Committees may also be appointed by the Council for a fixed period and with terms of reference stated when they are appointed, on the expiry of which they shall cease to exist
- (b) The setting of Overview & Scrutiny work programmes will be in line with the corporate planning process as follows:
  - The Chairmen of the six main scrutiny bodies will meet annually with relevant Cabinet Members and Directors to discuss potential items for the Overview and Scrutiny work programme as soon as possible after publication of the Report to Cabinet on the draft Corporate Plan, with the following forming the basis of discussion:
    - Draft Corporate Plan
    - Leader's Forward Plan of key decisions for the coming year
  - Meetings of the six Overview & Scrutiny Committees and sub-Committees will take place as soon as possible after the Cabinet Meeting approving the Corporate Plan and the aforementioned meetings with Cabinet Members and Directors.
  - These meetings would set the Overview & Scrutiny work programme for the forthcoming year so that the scrutiny work programme can be submitted to the Annual Meeting of Council for ratification with the Council and the Leader being formally advised of those areas of policy development the Overview and Scrutiny Committees have identified for their involvement.

#### **2. Who may sit on Overview and Scrutiny Committees?**

All councillors except Members of the Executive may be members of an Overview and Scrutiny Committee. However, no Member may take part in scrutinising a decision in which he/she has been directly involved.

#### **3. Co-opted Members**

##### (a) Education

The membership of the Children's Services Overview and Scrutiny sub-Committee shall include the following co-opted members who will be invited to attend and vote at any meeting where matters are being considered that relate, either in whole or in part, to any education functions which are the responsibility of the Executive.

Where the Children’s Services Overview and Scrutiny sub-Committee then considers other items that do not relate to the above, the co-opted members may remain and speak but not vote.

|   |
|---|
| <b>VOLUNTARY AIDED SCHOOL REPRESENTATIVES (3)</b>   |
| <ul style="list-style-type: none"> <li>• One Church of England diocese representative</li> <li>• One Roman Catholic diocese representative</li> <li>• One representative of persons who appoint foundation governors to voluntary aided Jewish schools</li> </ul> |
| <b>PARENT GOVERNOR REPRESENTATIVES (2)</b>  |
| Two parent governor representatives - one for secondary schools and one for primary schools   |

(b)Housing

That where issues relating to housing or housing benefits and/or the Council’s functions as a housing authority are to be discussed by any Overview and Scrutiny body, the Democratic Services Manager, in consultation with the relevant Chairman will arrange for two non-voting representatives appointed by ~~the Board of Barnet Homes~~ to be invited to attend the meeting and speak but not vote on such issues.

Deleted: the Barnet Housing Consultative Panel

Deleted:

**4. Formal Meetings of the Overview and Scrutiny Committees and sub-Committees**

Each Overview and Scrutiny Committee and sub-Committee shall meet as frequently as it considers necessary to complete its programme of work.

Meetings will normally be held on the dates reserved for Overview and Scrutiny Committees in the Council’s calendar of meetings.

Additional meetings will be arranged by the Democratic Services Manager in consultation with the Chairman, and as required by the Committees.

Although Overview and Scrutiny Committees will normally meet at the Town Hall meetings may be held at other venues, provided the venue fulfils legislative requirements with respect to the admission of the press and public.

**5. Quorum**

The quorum for an Overview and Scrutiny Committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

**6. Who chairs Overview and Scrutiny Committee meetings?**

Chairmen of Overview and Scrutiny Committees will be appointed by the Council, normally at their Annual Meeting, from among the councillors sitting on the committee. Chairmen of sub-Committees will be appointed by the Overview and Scrutiny Committee that establishes them.

## 7. Work Programmes and Policy Development

- (a) The Chairmen of the six Overview and Scrutiny bodies should meet annually with relevant Cabinet Members and Directors each year to discuss potential items for the Overview and Scrutiny work programme as soon as possible after publication of the Report to Cabinet on the draft Corporate Plan with the following forming the basis of discussion:-
- Draft Corporate Plan
  - Leader's Forward Plan of key decisions for the coming year
- (b) The Overview and Scrutiny Committee Chairmen will also invite all non-executive members and others (including community and voluntary groups, partners, members of the community) whom the Chairmen consider appropriate to submit potential items for inclusion in the work programmes.
- (c) The Overview and Scrutiny Committees will meet prior to the April Council meeting each year to consider suggestions and agree the work programme and methodology for submission to the Council. The methodology will include the appointment of sub-Committees, as necessary, and setting the annual work programme for Scrutiny Panels/Task and Finish Groups and deadlines for that work.

The relevant Cabinet Members, officers and any appropriate people to be determined by the Overview and Scrutiny Chairmen will be invited to attend.

The agreed work programme will also include details of the policy development areas to which the Overview and Scrutiny Committees wish to contribute, including a framework methodology and timescales, and potential consultations. The timescale for submission of recommendations to the Executive will not be unreasonable as the Executive, in general, will not take decisions on the matters identified until the Overview and Scrutiny recommendations have been received.

- (d) Following agreement of the work programme by the Council, the Chairmen of the six Overview and Scrutiny Committees and sub-Committees will advise the Leader of their views relating to policy development, as set out in (c) above.

The involvement of the Overview and Scrutiny processes in policy development is not a mechanism for delaying the work of the Executive. The Executive Procedure Rules enable the Executive to take decisions on policy matters without the benefit of the Overview and Scrutiny comments, if it considers that Overview and Scrutiny process is unreasonably delaying matters.

- (e) If, during the year, the Leader makes any additions, deletions or amendments to his Forward Plan of key decisions, the Leader will through his monthly report advise the Chairmen of the Overview and Scrutiny Committees and Business Management sub-Committee accordingly, in accordance with the Budget Policy and Framework Rules, to enable those Chairmen to consult their respective

Committees on whether they wish to be involved in the development of these new policies and advise the Leader of the outcome, in accordance with (c and d) above.

- (f) The work programmes of the Overview and Scrutiny Committees and the Business Management Overview and Scrutiny sub-Committee will also include details of proposals for ensuring that the work of the respective Committees is reflective of the Council's priorities and responsibilities as evidenced by the Corporate Plan and the programme followed by the Executive.

## **8. Annual Review of Effectiveness and Annual Report**

The Business Management Overview and Scrutiny sub-Committee will, each year, review the effectiveness of the Overview and Scrutiny processes and report to the Policy and Performance Overview and Scrutiny Committee; this report may include recommendations for action by the other Overview and Scrutiny Committees and sub-Committees.

This Report will form the basis of an Annual Report on the Overview and Scrutiny Process in Barnet, to be signed off by all the Overview and Scrutiny Chairmen and submitted to the Council in April, each year, together with the Work Programmes for the coming year.

## **9. Agenda Items**

- 9.1 Any member of an Overview and Scrutiny Committee or sub-Committee shall be entitled to give notice to the Democratic Services Manager that he/she wishes an item relevant to the functions of the Committee or sub-Committee to be included on the agenda for the next available meeting of the Committee or sub-Committee. On receipt of such a request the Democratic Services Manager will ensure that it the item included on the next available agenda.
- 9.2 The following matters, subject to paragraph 9.3 below may not be considered by an Overview & Scrutiny Committee
  - (a) a matter relating to an individual planning decision;
  - (b) a matter relating to an individual 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 is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Overview and Scrutiny Committee or at a meeting of a sub-Committee
- 9.3 A matter does not fall within a description in paragraph 9.2 if it consists of an allegation that a function for which the authority is responsible 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 an appeal matter

#### **10. Referrals by others**

- (a) Requests, reports and submissions from the Council, the Executive, residents' forums, community and voluntary groups, partnership and outside bodies and locally constituted groups and responses to "Councillor call for Action" if and when the relevant statutory provisions come into force will be referred to the Business Management Overview & Scrutiny sub-Committee.
- (b) The sub-Committee will meet within one month of the referral being received and will determine what, if any action is required
- (c) Matters clearly within the remit of the Health and Budget and Performance Overview and Scrutiny Committees will be referred direct to those Committees by the Democratic Services Manager.

#### **11. Reports from Overview and Scrutiny Committees**

- (a) Once it has formed recommendations on proposals for development the Overview and Scrutiny Committee will prepare a formal report and submit it for consideration by either:
  - the Executive (if the proposals are consistent with the existing budgetary and policy framework),
  - to the Council as appropriate (eg if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.
- (c) The Council or Executive shall consider the report of the Overview and Scrutiny Committee at their next scheduled meeting.

#### **12. Ensuring that Overview and Scrutiny Reports are considered by the Executive**

- (a) The agenda for the Cabinet meeting shall include an item entitled 'Issues arising from Overview and Scrutiny'. Any reports of Overview and Scrutiny Committees referred to the Executive shall be included at this point in the agenda at their next available meeting (unless they have been considered in the context of the Executive's deliberations on another substantive item on the agenda).
- (b) Where an Overview and Scrutiny Committee or sub-Committee prepares a report for consideration by the Executive in relation to a matter where decision making power has been delegated to another individual member of the Executive, then the Overview and Scrutiny Committee will submit a copy of their report to that individual for consideration with copies to the Democratic Services Manager and Leader.

- (c) If the relevant Cabinet Member does not accept the recommendations of the Overview and Scrutiny Committee then he/she must then refer the matter to the next available meeting of the Executive for debate, before exercising his/her decision making power and responding to the report in writing to the Overview and Scrutiny Committee.
- (d) The Executive member to whom the decision-making power has been delegated will respond to the Overview and Scrutiny Committee within four weeks of receiving the recommendations. A copy of his/her written response to it shall be sent to the Democratic Services Manager and he/she will attend a future meeting to respond.

### **13. Rights of Overview and Scrutiny Committee Members to Documents**

- (a) In addition to their rights as councillors, members of Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

### **14. Members and Officers Giving Account**

- (a) Any Overview and Scrutiny Committee or Sub-Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive, the Head of Paid Service and any Director or Head of Service or other senior officer where appropriate to attend before it to explain in relation to matters within their remit:
  - (i) any particular decision or series of decisions;
  - (ii) the extent to which the actions taken implement Council policy; and/or
  - (iii) their performance

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

- (b) Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Democratic Services Manager shall inform the member or officer in writing giving notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance or agree a suitable substitute.

## 15. Ability to invite others to attend meetings

- (a) The Overview and Scrutiny Committees, including sub-Committees, Task and Finish Groups and other bodies appointed to carry out any aspect of the Overview and Scrutiny responsibilities may invite whoever they wish to assist them in their work.
- (b) The Committees may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.
- (c) Attendance by Members and community is of course entirely optional, but they will be encouraged to attend, send representatives and/or make submissions. **Officers unable to attend must send a representative.**

## 16. Call-in

### Explanatory note:

Call-in is a statutory process under Section 21 of the Local Government Act 2000.

- (a) When a decision is made by Cabinet, an individual member of the Cabinet or a committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet or an area committee, the decision shall be published, normally by electronic means, and shall be available at the Town Hall or other *Offices of the Council*, normally within 2 days of being made.
- (b) The Democratic Services Manager shall send a copy of each decision to all members of the Business Management Overview & Scrutiny sub-Committee and to all members of the Cabinet.
- (c) Each decision will bear the date of publication and will specify the date on which it will come into force and be implemented.
- (d) Only key decisions as defined by Article 13 (b) (i) of the Constitution may be called in under Section 21 of the Local Government Act 2000 and for the purposes of Call-in, a key decision under Article 13 (b) (i) (a) must involve expenditure or savings in excess of £500,000 as well as otherwise being significant having regard to the council's budget for the service or function to which the decision relates.
- (e) Where the decision is a qualifying key decision for call-in purposes, the implementation date will not be less than 5 working days after publication. Before

the expiry of that date any Member of the Business Management Overview & Scrutiny sub-Committee may call in the decision by a written request to the Democratic Services Manager to place the decision on the agenda for the next meeting of the Business Management Overview & Scrutiny sub-Committee. The decision shall not take effect until that sub-Committee has met.

- (f) If a report has more than one recommendation/decision, the Member must in the written request state and specify which decision(s) he or she is calling in, the reason for the Call-in and what objective the Member seeks to achieve.
- (g) The Democratic Services Manager shall return incomplete or inadequate call-in requests, following consultation with the Chairman of the Business Management Overview & Scrutiny Sub-Committee (or in the absence of the Chairman, the Vice-Chairman), requesting that the member calling in the item provide clarification as to the decision called in and the reason why within one working day in order to progress the call-in.

#### **Attendance at Meetings**

- (h) For Executive decisions called-in under Rule 10.6 (f), the relevant Cabinet Member shall attend the meeting of the Business Management Overview & Scrutiny sub-Committee in order to respond to questions and other issues raised by the sub-Committee. The relevant Cabinet Member is the Member with delegated executive responsibility for the subject matter of the Call-in. If the Cabinet Member is unable to attend the meeting then the Leader or the Deputy Leader will attend to deal with the item.

#### **Reference Back**

- (i) If, having considered a decision the Business Management Overview & Scrutiny sub-Committee remains concerned about it then it may refer it back to the decision making body or person for reconsideration, setting out the nature of its concerns, or refer it to full Council if they consider the decision is contrary to the policy framework or budget.

The Committee shall indicate, in the case of decisions with several aspects, the part(s) that is (are) referred back in order that the remaining decisions may be implemented.

If the Committee is content with the action/decision, then can be implemented immediately.

#### **Procedure for decisions referred back to decision-maker**

- (j) Where a decision is referred back to the original decision maker, he/she will reconsider the decision and decide whether or not to change it before adopting a final decision.

- (k) Where the decision was taken by the Executive as a whole or a committee of it the Democratic Services Manager shall place it on the agenda for the next regular meeting of the Executive or of the relevant committee.

#### **Procedure for decisions referred to Council**

- (l) The Democratic Services Manager shall include those decisions referred to Council on the agenda for the next available ordinary meeting of the Council.
- (m) If the matter was referred to full Council and the Council does not object to a decision or refer it back to the decision maker, then no further action is necessary and the decision will be effective in accordance with the provision below.
- (n) However, if the Council does object, it has no locus to make decisions in respect of an Executive decision, unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that it is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision.
- (o) Subject to the arrangements in (l) above applying where appropriate, that decision-making body or person shall choose whether to amend the decision or not before reaching a final decision within 5 working days of the Council request.

#### **Executive decisions taken by area committees**

- (p) Where an Executive decision has been taken by an area committee then the right of call-in shall extend to any other area committee, which resolves to refer a decision, which has been made but not implemented to the Business Management Overview and Scrutiny sub-Committee for consideration in accordance with these provisions.
- (q) An area committee may only request the Democratic Services Manager to call-in the decision if it is of the opinion that the decision will have an adverse effect on the area it has responsibility for under its terms of reference. All other provisions relating to call-in shall apply as if the call-in had been exercised in the ordinary course.

#### **Exceptions**

- (r) In order to ensure that Call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
- a decision maker can only be asked to reconsider a particular decision once;
  - day-to-day management and operational decisions taken by officers shall not be subject to any Call-in procedure
  - The Call-in procedure does not apply to recommendations made by the Cabinet to full Council on the budget or any part of the policy framework. However, the

Business Management Overview and Scrutiny sub-Committee may comment on such recommendations.

## **17. Call-in and urgency**

- (a) The Call-in procedure set out above shall not apply where the decision being taken by the executive is urgent. An urgent decision may be exempted from the Call-in process.
- (b) A decision which, if it were not taken promptly or otherwise delayed by the call-in process, would seriously prejudice the Council's or the public's interests will be regarded as urgent.
- (c) The record of the decision shall state whether, in the opinion of the decision-making body or person, it is urgent and therefore should be exempted from call-in.
- (d) The Chairman of the Business Management Overview and Scrutiny sub - Committee must agree that the decision proposed is reasonable in all the circumstances and is urgent and consent to it being exempted from Call-in.
- (e) In the absence of the Chairman of the Business Management Overview and Scrutiny sub-Committee, consent to exempt a proposed decision from call-in must be obtained:
  - From the Vice-Chairman of the sub-Committee; or
  - From the Head of Paid Service in the absence of both the Chairman and Vice-Chairman; or
  - From the nominee of the Head of Paid Service in the absence of the Chairman, Vice-Chairman and the Head of Paid Service.
- (f) For the purposes of granting consent to exempt an urgent decision from call-in, the Head of Paid Service may, if absent, delegate the granting of that consent only to his/ her deputy or another Chief Officer of the Council.

For the purposes of this Rule, "absence" is deemed to mean:

Where the individual concerned cannot be contacted by any method of communication or has indicated by formal notice to the Democratic Services Manager that he or she will not be contactable during a specified period.

- (g) Urgent decisions treated as exempt from call-in must be reported, with an explanation for the reasons for urgency, to the next available Council meeting.
- (h) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

## **18. The Party Whip**

When considering any matter in respect of which a Member of an Overview and Scrutiny Committee is subject to a party whip the Member must declare the existence of

the whip, and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

## 19. Procedure at Overview and Scrutiny Committee Meetings

(a) Overview and Scrutiny Committees and sub-Committees shall consider the following business:

- (i) minutes of the last meeting;
- (ii) declarations of interest (including whipping declarations);
- (iii) responses of the Executive to reports of the Overview and Scrutiny Committee;
- (iv) the business otherwise set out on the agenda for the meeting.

### Note

**The following item will also appear on the Agenda of the Business Management Overview and Scrutiny sub-Committee;**

Consideration of any matter referred to the Committee for a decision in relation to Call-in of a decision or councillor call for action ( the arrangements set out in (b) below apply when the sub-Committee is dealing with call-in items of business )

(b) The Business Management Overview and Scrutiny sub-Committee may not transact any business after 10pm (Section 2 – Committees and Sub-Committees – para 17)

At 9.45pm, if the meeting has not yet concluded and it does not appear that it would otherwise complete its business, the Chairman, without further debate, shall immediately call for a vote on any motion, duly moved and seconded, that any remaining items on the agenda be referred back to the original decision making body or person, or that it be referred to full Council if it is considered that the decision is contrary to the policy framework or budget.

Any motion by a Member to refer a decision back must concisely articulate the Member's reasons for concern about the original decision; the motion to refer back must be voted upon immediately without further debate.

Any Call-in matters not dealt with by 10pm will be implemented forthwith.

(c) Where an Overview and Scrutiny Committee or sub-Committee (or Task and Finish Group/Panel etc) conducts investigations (eg with a view to policy development), the body may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:

- that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;

- that those assisting the committee by giving evidence be treated with respect and courtesy; and
- that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

Following any investigation or review, the committee/sub-committee/panel, etc shall prepare a report, for submission to the executive and/or Council as appropriate and shall make its report and findings public.

**20. Speaking at Executive Meetings**

A member of any Overview and Scrutiny Committee or sub-Committee may speak on an item of business on the agenda for a meeting of the Cabinet or a Cabinet Committee subject to:

- giving notice to the Leader or Chairman respectively at least 15 minutes before the start of the meeting;
- the Leader or Chairman respectively giving his or her consent; and
- the effective conduct of the business of the meeting not being prejudiced.

|  |
|--|
| <b>Explanatory Note – Speaking at Executive meetings</b>   |
| <p>Although the rule says only 15 minutes' notice is required, it is courteous and good practice to ensure the Leader or Chairman knows of your request in good time and is able to discuss any concerns with you. The Leader or Chairman is unlikely to withhold consent to any reasonable requests that would not interfere with the effective conduct of the business of the meeting. However your request could be refused if a large number of members have requested to speak on the same item.</p> <p>A note sent the day before the meeting or message left on the answer phone or at an e-mail address on the day of the meeting is unlikely to reach the Leader or Chairman in time.</p> <p>Unless the Leader or Chairman receives the message, notice has not been given.</p> |

**21. Application of Committees and Sub-Committees Rules to Overview and Scrutiny Committee Meetings**

The following rules contained within Section 2 of Part 4 of the Constitution shall apply to Overview and Scrutiny Committees and Sub - Committees.

Rule 17 below will **not** apply to the Business Management Overview and Scrutiny Sub - Committee, as Overview and Scrutiny Procedure Rule 19 (b) deals with this point.

|   |                               |
|---|-------------------------------|
| 1 | Substitute Members and Quorum |
|---|-------------------------------|



|    |  |
|----|--|
| 2  | Substitute Members – Rules   |
| 4  | Quorum – Rules   |
| 5  | Chairman of Meetings   |
| 6  | Minutes  |
| 8  | Councillors' rights to attend meetings where they are not a member of the committee or sub-committee |
| 9  | Councillors' rights to speak at committees or sub-committees when they are not a member              |
| 10 | Personal and prejudicial interests   |
| 11 | Disorderly conduct   |
| 12 | Validity of Motions and amendments   |
| 13 | Motions which may be moved during debate   |
| 14 | Decisions  |
| 16 | Reports of Sub-Committees and Panels   |
| 17 | The time limit for meeting and outstanding business  |
| 18 | Voting at meetings   |
| 19 | Members dissent  |
| 20 | Voting on appointments   |

## 22. **Part 2 - Other arrangements**

### 22.1 **Task and Finish Groups, Project Groups, Research**

Much of the work of Task and Finish Groups will be carried out informally both in gathering information and interviewing relevant personnel. Those sessions will not be expected to be held in public nor will they be subject to the Access to Information Rules. However, where it is appropriate for more formal meetings to be held in public, the presumption is that they will be. The findings and recommendations of Task and Finish Groups will be presented for consideration by the appropriate Overview & Scrutiny body, operating under the Access to Information Rules.

HOWEVER, when these Groups are conducting their research there will be a general expectation that:

- (i) Members in carrying out these activities will, as appropriate, visit and meet with local communities, meet with the Council's partners and others as necessary.
- (ii) Members will look at a variety of methods for inviting comments and views and publicising their work.
- (iii) Meetings and other activities may, on occasions, take place at locations away from the Town Hall or other Council offices. The Democratic Services Manager will make the necessary arrangements in consultation with the relevant Chairman and Members.

## **22.2 Information Reports by the Executive**

The relevant Cabinet Member(s) will send by monthly email an Information Report to Overview and Scrutiny Committee Members outlining current issues occurring in their respective portfolios relating to recent practice and developments which are likely to impact on the future work of the Executive and/or the Overview and Scrutiny Committees and/or sub-Committees to update members on the progress of important current projects.

### **Part 3- Constitutional issues**

The Business Management Overview and Scrutiny sub-Committee will review the operational and constitutional arrangements each year and make recommendations, as necessary, to the Special Committee (Constitution Review).

## Terms of Reference

### Policy and Performance Overview and Scrutiny Committee

#### Membership

30 Non-executive Members of the Council

Co-opted members, as necessary, in accordance with the provisions of Overview & Scrutiny Procedure Rule 2

#### **Responsibilities;**

1. To appoint annually at the Joint Meeting of Committees, the Business Management Overview and Scrutiny sub-Committee, the Children's Services sub-Committee and the Adult Social Services sub-Committee and such other sub-Committees as may be deemed appropriate.
2. To carry out a general duty to meet at least twice a year to appoint its sub-Committees and Scrutiny Panels/Task and Finish Groups and also set the Overview & Scrutiny annual work programmes, including policy development, in accordance with the provisions of Overview & Scrutiny Procedure Rule 7, for sub-Committees Scrutiny Panels/Task and Finish Groups, working to set limits.
3. To receive and consider the Annual Review of Effectiveness of the Overview & Scrutiny processes and contribute to the Annual Report on the Overview & Scrutiny process in Barnet in accordance with the provisions of Overview & Scrutiny Procedure Rule 8.
4. To contribute as necessary to the review of the operational and constitutional arrangements for Overview & Scrutiny.
5. To have overall responsibility for the review of policy framework and development of policy and strategy not within the remit of the other Overview and Scrutiny Committees by setting tasks and timescales for the Business Management Overview and Scrutiny sub-Committee.
6. To ensure that the annual work programmes of Overview & Scrutiny is reflective of Council priorities as evidenced by the Corporate Plan and the programme being followed by the Executive.
7. Crime and Disorder matters -
  - To deal with all matters, not the responsibility of the Executive, relating to crime, the Crime and Disorder legislation, anti-social behaviour and scrutiny of the Safer Communities Partnership
  - To make recommendations to Council on the appointment of representatives to serve on the body to replace the Police Consultative Group and to receive regular reports as necessary from those representatives

Additionally and insofar are relating to matters within its remit, to perform the Overview and Scrutiny role in relation to:

- The Council's leadership role in relation to diversity and inclusiveness; and
- The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

## **Business Management Overview & Scrutiny sub-Committee**

### Membership

10 Non-executive Members serving on and appointed by the Policy and Performance Overview & Scrutiny Committee

Co-opted members, as necessary, in accordance with the provisions of Overview & Scrutiny Procedure Rule 2.

**Overall responsibility:** To support the work of the Policy and Performance Overview and Scrutiny Committee

1. As required, The Business Management Overview and Scrutiny sub-Committee will appoint any additional Scrutiny Panels/Task and Finish Groups needed to facilitate the Overview & Scrutiny function.
2. To contribute as required by the Policy and Performance Overview and Scrutiny Committee to the development of the Overview and Scrutiny Annual Work Programme.
3. To instigate and carry out the Annual Review of Effectiveness of the Overview & Scrutiny processes and report thereon to the Policy and Performance Overview & Scrutiny Committee and contribute to the Annual Report on the Overview & Scrutiny processes in Barnet in accordance with the provisions of Overview & Scrutiny Procedure Rule 8.
4. To review each year the operational and constitutional arrangements for Overview & Scrutiny and make recommendations, as necessary, to the Special Committee (Constitution Review) in accordance with the provisions of Overview & Scrutiny Procedure Rule 22.
5. To receive, consider and allocate for action if required, requests, reports and submissions from Council, the Executive, residents' forums, community and volunteer groups, partnership and outside bodies and other locally constituted groups and to respond to "Councillor Calls for Action" under the Local Government and Public Involvement in Health Act.
6. To co-ordinate and monitor the work of Scrutiny bodies and Task and Finish Groups, to consider the most appropriate arrangements for reviews, to consider the recommendations from these and where appropriate, make recommendations to the Council, the Executive or Policy and Performance Overview & Scrutiny Committee.
7. To consider the most appropriate arrangements for reviews, whether by politically balanced committees or panels, non-proportional panels or a rapporteur with a cross-party reference group and, where appropriate, make recommendations to the Policy and Performance Overview and Scrutiny Committee.
8. To carry out such tasks and responsibilities delegated by the Policy and Performance Overview and Scrutiny Committee.
9. To ensure that Overview & Scrutiny in Barnet is reflective of Council priorities as evidenced by the Corporate Plan and the programme being followed by the Executive.

10. Scrutinising Executive decisions as appropriate by means of the Call-in arrangements in Rule 16 (e) of the Overview & Scrutiny Procedure Rules
11. Additionally and insofar as relating to matters within its remit, to perform the Overview and Scrutiny role in relation to:-
  - The Council's leadership role in relation to diversity and inclusiveness; and
  - The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

## Children's Services Overview & Scrutiny sub- Committee

### Membership

10 Non-executive Members serving on and appointed by the Policy and Performance Overview & Scrutiny Committee.

Co-opted members, as necessary, in accordance with the provisions of Overview & Scrutiny Procedure Rule 2.

|   |
|---|
| <b>VOLUNTARY AIDED SCHOOL REPRESENTATIVES (3)</b>   |
| <ul style="list-style-type: none"><li>• One Church of England diocese representative</li><li>• One Roman Catholic diocese representative</li><li>• One representative of persons who appoint foundation governors to voluntary aided Jewish schools</li></ul> |
| <b>PARENT GOVERNOR REPRESENTATIVES (2)</b>  |
| Two parent governor representatives - one for secondary schools and one for primary schools   |

### Responsibilities;

To perform the Overview and Scrutiny role in relation to:

1. The Council's functions as an education authority including raising and enhancing standards in schools, services to schools, Early Years Provision and the Youth Service for clients up to the age of 19;
2. The provision of opportunities for ongoing education, skills development and training including adult education and literacy;
3. Services for children, young people and their families including Children's Social Services, the Council's corporate parenting role, the Youth Offending Team and the Youth Justice Plan.
4. Local NHS services and health-related issues which impact upon the health of Barnet children and young people aged up to 18, in accordance with the powers granted under Section 7 of the Health and Social Care Act 2001.
5. Cultural and recreational services including sports and leisure facilities, libraries, arts, museums, countryside sites and public events;
6. Any other:
  - non-educational issues relevant to supporting vulnerable children and young people in Barnet or improving their life chances, directly or in partnership with others;
  - issues relevant to the provision and development of first class education and lifelong learning in Barnet, directly or in partnership with others;

- issues relevant to the promotion and development of culture, recreation, sport and tourism, directly or in partnership with others.

7. Additionally, and in so far as relating to matters within its remit, to perform the Overview and Scrutiny role in relation to:

- The Council's leadership role in relation to diversity and inclusiveness; and
- The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.



## Adult Social Services Overview & Scrutiny sub-Committee

### Membership

10 Non-executive Members serving on and appointed by the Policy and Performance Overview & Scrutiny Committee

### **Responsibilities;**

1. To scrutinise Community care services for older people and vulnerable adults, including those who have physical disabilities, sensory impairment, learning disabilities, mental health needs or other special needs, and such preventative, advice and advocacy transport, respite and other services as may be needed to help people remain independent in their own homes.
2. To scrutinise and review promotion of effective partnerships with health and other agencies in the public, private and voluntary sectors to support the above.
3. Any other issues relevant to supporting vulnerable people in the community or promoting good health in Barnet, directly or in partnership with others.
4. To contribute to the Annual Report on the Overview & Scrutiny process in Barnet in accordance with the provisions of Overview & Scrutiny Procedure Rule 8.
5. To consider the following:
  - Annual Complaints Report (Adult Social Services)
  - Annual Performance Plan for CSC Inspection (Adult Social Services)
  - Annual report on Safeguarding Vulnerable Adults (regulator expectation).
6. Additionally and insofar as relating to matters within its remit, to perform the Overview and Scrutiny role in relation to:-
  - The Council's leadership role in relation to diversity and inclusiveness; and
  - The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

## **Budget and Performance Overview and Scrutiny Committee**

### Membership

10 Non-executive Members

### **Responsibilities;**

To scrutinise;

1. The overall performance, effectiveness and value for money of Council services, including the planning, implementation and outcomes of all corporate improvement strategies;
2. The effectiveness of the Council's partnerships in furthering the Council's community and corporate plans, communication and public consultation;
3. The robustness of Best Value reviews and implementation of Best Value improvement plans;
4. The Council's Information and Communications Technology systems including e-government, investment, implementation and service delivery.
5. Scrutinising the Council's annual budget process, reviewing and scrutinising its performance in relation to budget management, and assisting the Council in developing the three-year budget strategy.
6. To consider, consult upon, comment and, where appropriate, make recommendations to the Executive in respect of the proposed Council budget and Medium Term Financial Strategy.
7. The financial management of resources available to the Council including property and asset acquisitions and disposals, reviewing the council-wide property and asset strategy and the capital investment programme.
8. To contribute as required by the Policy and Performance Overview and Scrutiny Committee to the development of the Overview and Scrutiny Annual Work Programme.
9. To contribute to the Annual Report on the Overview & Scrutiny process in Barnet in accordance with the provisions of Rule 7.
10. To undertake scrutiny of:
  - Local Strategic Partnership
  - Thematic Boards
  - Partnerships and sub-Partnerships
  - Relevant partner associations not covered by other stand alone committees.

11 Additionally and insofar as relating to matters within its remit, to perform the Overview and Scrutiny role in relation to:

- The Council's leadership role in relation to diversity and inclusiveness; and
- The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

## Health Overview and Scrutiny Committee

### Membership

10 Non-executive Members of the Council

### Responsibilities

1. To set work programmes, including policy development.
2. To contribute to the Annual Report on the Overview & Scrutiny process in Barnet in accordance with the provisions of Rule 8.
3. To perform the overview and scrutiny role in relation to health issues which impact upon the residents of the London Borough of Barnet and the functions services and activities of the National Health Service (NHS) and NHS bodies located within the London Borough of Barnet and in other areas.
4. To make reports and recommendations to the Executive and/or other relevant authorities on health issues which affect or may affect the borough and its residents.
5. To receive, consider and respond to reports and consultations from the Barnet Primary Care Trust and/or other health bodies.
6. To invite executive officers and other relevant personnel of the Barnet Primary Care Trust and/or other health bodies to attend meetings of the Overview and Scrutiny Committee as appropriate.
7. To scrutinise and review promotion of effective partnerships with health and other agencies in the public, private and voluntary sectors.
8. To make recommendations as necessary to the Council for the formation of Joint Overview and Scrutiny Committees in accordance with the provisions of the section 21 of the Local Government Act 2000 as amended by the Health and Social Care Act 2001.
9. Additionally and insofar as relating to matters within its remit, to perform the overview and scrutiny role in relation to:
  - The Council's leadership role in relation to diversity and inclusiveness; and

- The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

# CONSTITUTION OF THE COUNCIL

## Summary and Explanation

### The Council's Constitution

This Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.

The Constitution is divided into 16 Articles that set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

### What's in the Constitution?

Article 1 of the Constitution commits the Council, working as a community leader in partnership with others, to providing high quality services to Best Value principles that address inequalities, with governance arrangements that deliver efficient, open and accountable decision-making.

Articles 2-16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Council Meeting (Article 4)
- Chairing the Council (Article 5)
- Overview and Scrutiny of Decisions (Article 6)
- The Executive (Article 7)
- Regulatory and other Committees (Article 8)
- The Standards Committee (Article 9)
- Area Committees and Forums (Article 10)
- Joint arrangements (Article 11)
- Officers (Article 12)
- Decision making (Article 13)
- Finance, contracts and legal matters (Article 14)
- Review and revision of the Constitution (Article 15)
- Suspension, interpretation and publication of the Constitution (Article 16)

## **How the Council operates**

The Council is composed of 63 councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a Local Code of Conduct for Members to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council each year appoints the Executive; that is the Leader and a Cabinet of 9 other councillors. The Executive is responsible for developing the policy framework and budget and, following Council approval where necessary, for implementing it by running most services. The Council meeting also assists the Executive in the development of policy. The Council holds the Executive to account by appointing non-executive councillors to Overview and Scrutiny Committees. Non-executive councillors are also able to question the Leader and members of the Cabinet, and have the opportunity to comment on and question in writing the work of the Cabinet. The information in these processes is normally made public.

## **How Decisions are Made**

The Executive is the part of the Council that is responsible for most day-to-day decisions. When major decisions are to be discussed or made, these are published in the Executive's forward plan in so far as they can be anticipated. If these major decisions are to be discussed with council officers at a meeting of the Executive, this will generally be open for the public to attend, except where personal or confidential matters are being discussed. The Executive has to make decisions that are in line with the Council's overall policies and budget. If it wishes to make a decision that is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

## **OVERVIEW AND SCRUTINY**

There are various Overview and Scrutiny Committees and from time to time Barnet will be a member of a pan London and other Overview and Scrutiny Committees which support the work of the executive and the Council as a whole. They allow citizens to have a greater say in Council matters by holding investigations into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

One of the Overview and Scrutiny Committees monitors the decisions of the Executive. It can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables it to consider whether the decision is appropriate. It can recommend that the Executive reconsider the decision.

## **AREA COMMITTEES AND FORUMS**

In order to give local citizens a greater say in Council affairs there are three area planning sub-committees dealing with planning applications. These are based on the parliamentary constituency boundaries– Finchley and Golders Green, Hendon and Chipping Barnet. In addition, there are three environment sub-committees for the same areas that look after issues such as highways, transport, town centre management and regeneration, refuse collection, recreation and leisure facilities, litter and recycling.

Residents Forums also meet in the same local constituency areas and are for local issues citizens want to raise.

## **The Council's Staff**

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and members of the Council.

## **Citizens' Rights**

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes.

Where members of the public use specific council services, for example as a parent of a school pupil or as a council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- to be treated equally
- vote at local elections if they are registered
- contact their local councillor about any matters of concern to them
- obtain a copy of the Constitution
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed
- petition to request a referendum on a mayoral form of executive
- speak at a residents forum on any aspect of Council services and to comment on Council plans and proposals before decisions are made



- contribute to investigations by the Overview and Scrutiny committees
- ask a question and speak at most meetings
- find out, from the Executive's forward plan, what major decisions are to be discussed by the Executive or decided by the Executive or officers, and when
- attend meetings of the Executive where key decisions are being discussed or decided
- see reports and background papers, and any record of decisions made by the Council and Executive
- complain to the Council if:
  - the Council has not done something it promised to do
  - the Council has treated anyone unfairly or impolitely
  - the Council has not provided a service within the time set
  - another organisation providing services on behalf of the Council has not done so properly
  - there is any other justifiable complaint

A leaflet with further information about complaints is available from Barnet libraries and Barnet On-line.

- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process
- complain to the Council's Standards Committee if they have evidence which they think shows that a councillor has not followed the Local Code of Conduct for Members; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. A leaflet giving further information is available from Barnet libraries.

Citizens have the right to attend all meetings held in public. A weekly list of meetings is published outside The Town Hall in Hendon, at Barnet House Reception, Building 2, North London Business Park Reception other Council locations as appropriate, and on the Council's Website "Barnet On-line" at [www.barnet.gov.uk](http://www.barnet.gov.uk).

Citizens also have the right to inspect agendas and reports to these meetings and to take copies. These documents are also available at Hendon Library, Barnet House Reception, Building 2 Reception, North London Business Park and on the Council's Website "Barnet On-line" at [www.barnet.gov.uk](http://www.barnet.gov.uk). Further information is available from the contact officer named on each agenda.

For further information telephone 020 8359 4000.

REPORT OF THE SPECIAL COMMITTEE (CONSTITUTIONAL REVIEW)

APPENDIX

SUGGESTED TIMETABLE OF MEETINGS FOR OVERVIEW & SCRUTINY COMMITTEES – 2009/10

|   | May | June | July | Aug | Sept | Oct   | Nov   | Dec   | Jan  | Feb  | Mar | Apr  |
|---|-----|------|------|-----|------|-------|-------|-------|------|------|-----|------|
| Policy & Performance Overview & Scrutiny Committee      |     | 30/6 |      |     |      |       |       |       |      |      |     | 13/4 |
| Cabinet - Formal Meeting                                |     | 8/6  | 6/7  |     | 1/9  | 26/10 |       | 7/12  | 18/1 | 22/2 |     | 12/4 |
| CRC   |     | 15/6 | 30/7 |     | 2/9  | 27/10 |       | 8/12  | 19/1 | 23/2 |     | 22/4 |
| Business Management Overview & Scrutiny sub-Committee   |     | 18/6 | 13/7 |     | 7/9  |       | 2/11  | 14/12 | 25/1 |      | 1/3 | 26/4 |
| Children's Service Overview & Scrutiny sub-Committee    |     |      | 15/7 |     |      |       | 18/11 |       |      | 1/2  |     | 27/4 |
| Adult Social Services Overview & Scrutiny sub-Committee |     |      | 16/7 |     |      |       | 5/11  |       |      | 2/2  |     | 19/4 |
| Health Overview & Scrutiny Committee                    |     | 17/6 | 20/7 |     |      |       | 9/11  |       |      | 8/2  |     | 28/4 |
| Budget & Performance Overview & Scrutiny Committee      |     | 15/6 | 23/7 |     |      | 19/10 | 26/11 |       | 28/1 |      |     | 10/4 |

The dates for Cabinet and Cabinet Resources Committee are shown for information.

## Special Committee (Constitution Review): 24 February 2009

## Action Sheet

| Item   | Reco No./<br>Page No. | Action   | By      |
|--|-----------------------|--|---------|
| 1. Apologies for<br>Absence:<br>Councillor Daniel<br>Webb who was<br>substituted by<br>Councillor Lynne<br>Hillan. |                       |  |         |
| 2. Overview and<br>Scrutiny: new<br>arrangements   |                       | <b>The Committee made the following decisions:</b>   |         |
|  |                       |  |         |
|  | 3<br>Page 15          | That the Director of Corporate Governance submit to a future meeting proposals for achieving political balance, across the Council in the light of the new arrangements for the overview and scrutiny processes; the proposals to also include provision for substitute members and quorums. | DCG/DSM |
|  | 4 (ii)<br>Page 15     | That only "key decisions" taken by the Executive should be capable of call-in.   | DCG/DSM |
|  | 4 (ii)<br>Page 15     | That a further report should be presented to the Committee on what should constitute key decisions to include an indicative list.  | DCG/DSM |
|  | 5 (i)<br>Page 15      | That the ability to activate the call-in process should rest solely with members of the Business Management Overview and Scrutiny Sub-Committee with only one member required to make a request in order to trigger a call-in.   | DCG/DSM |
|  |                       | That no form be required for call-in, which should continue to be instigated by  | DCG/DSM |

| Item | Reco No./<br>Page No.            | Action  | By                     |
|------|----------------------------------|---|------------------------|
|      |                                  | email. To be reviewed after six months.   |                        |
|      | 6(i)-(vi)<br>Page 15             | That Appendices D, E, F, G, and I be brought back to the next meeting of the Committee.   | DCG/DSM                |
|      | 7 & 11<br>Page 20<br>and Page 21 | That the views of the Leader of the Council be sought on the proposals outlined in the proposed recommendation 11 on Page 21 of the report concerning liaison arrangements and the Director of Corporate Governance be instructed to advise the Committee of the outcome and of any subsequent changes which are required to the proposed changes/amendments to the Constitution. | DCG/DSM                |
|      | 8<br>Page 20                     | That residents and other stakeholders should be given the opportunity to submit proposals for inclusion in the Overview & Scrutiny work programme.  | DCG/DSM                |
|      | 1 & 2<br>Pages 6,7               | <b>Recommendations to Council:</b><br>Recommendations 1 and 2 (Pages 6&7 report) <b>not currently agreed.</b>   |                        |
|      | 3<br>Page 16                     | That the following Overview & Scrutiny Committees be established at the Annual Meeting:<br>Policy & Performance<br>Business Management Sub<br>Budget & Performance<br>Health  | DCG/DSM<br><br>DCG/DSM |
|      | 4<br>Page 16                     | That, in light of the decisions taken by the Committee above, amendments to the Executive Procedure Rules be made, setting criteria for a call-in, and the number and status of councillors able to initiate a call-in.   | DCG/DSM                |
|      | 5<br>Page 16                     | That, call-ins be referred to the Business Management Sub-Committee and the procedures for a meeting of the Sub-Committee to consider a call-in be amended in light of the decisions taken by the Committee above.  | DCG/DSM                |

| Item | Reco No./<br>Page No.                                   | Action  | By      |
|------|---|---|---------|
|      | 6<br>Page 16  | That the Business Management Overview & Scrutiny Sub-Committee, when exercising the call-in function will be able to refer decisions back to the Executive or other decision making body or to the Council, as appropriate.   | DCG/DSM |
|      | 7<br>Page 16  | Agreed but do not include reference to Social Care.   | DCG/DSM |
|      | 8<br>Page 16  | That matters relating to crime, the Crime and Disorder Act, anti-social behaviour not within the remit of the Executive, the scrutiny of the Safer Communities Partnerships and the submission of nominations of representatives to serve on any body established by the Act requiring local authority representation be referred to the Council or General Functions Committee, be included within the Terms of Reference of the Policy and Performance Overview and Scrutiny Committee. | DCG/DSM |
|      | 9<br>Page 20  | That, subject to built-in flexibility, the following recommendation to Council be agreed:<br>'that the three Overview & Scrutiny Committees present their work programme, reflecting Council policy for the ensuing year to the Council together with details of the sub-committees and panels they wish to establish to deliver the work programme'.   | DCG/DSM |
|      | 10<br>Page 20   | Recommendation to Council 10 (Page 20 of report) <b>not currently agreed.</b>   | DCG/DSM |
|      | 12 (a,b,c)<br>Page 21<br>13, 14, 15,<br>16<br>(Page 23) | That the following Recommendations be made to Council:<br>12, a, b and c (Page 21 of the report) and 13, 14, 15 and 16 (Page 23 of the report).   | DCG/DSM |

| <b>Item</b>  | <b>Reco No./<br/>Page No.</b> | <b>Action</b>   | <b>By</b> |
|--|-------------------------------|---|-----------|
| Scheduling of another meeting of the Committee specifically to consider Overview & Scrutiny: new arrangements. |                               | That available dates are sought with a view to holding another meeting of the Committee at the end of March/beginning of April. | DCG/DSM   |

The meeting, which started at 5.30pm, ended at 7.17pm

Special Committee (Constitution Review): 21 April 2009

Action Sheet

| Item   | Reco No/<br>Page No | Action   | By: |
|--|---------------------|--|-----|
| <p><b>1. Apologies for absence;</b><br/>Councillor Richard Cornelius who was attending the Civic Forum.<br/>Councillor Lynne Hillan (substitute for Cllr Cornelius) who was unwell.<br/>Cllr Alan Schneiderman who was substituted by Cllr Jim Tierney.</p>  |                     |  |     |
| <p><b>2. Action Sheet from 24 February meeting:</b></p>  |                     | Noted and agreed by the Committee.   |     |
| <p><b>3. Overview and Scrutiny: new arrangements:</b><br/>Two papers were circulated to members :<br/>1. Paragraphs 7 (e) and 16(e) which had been omitted from the Overview &amp; Scrutiny Procedure Rules at the bottom of pages 48-49 and 52-53 of the report.<br/>2. Proposed amendments to recommendations within the report put forward by the Labour Group.</p> |                     | Add missing Paragraphs 7(e) and 16 (e) to the proposed Overview and Scrutiny Procedure Rules | DSM |

| Item | Reco No/<br>Page No                 | Action  | By:     |
|------|-------------------------------------|---|---------|
|      |                                     | <b>The Committee made the following decisions:</b>  |         |
|      |                                     | That subject to the views of the Leader of the Council on the proposals outlined in recommendation 19 (to Council) below the Director of Corporate Governance be instructed to report to Council on required changes/amendments to the Constitution.  | DCG/DSM |
|      |                                     | <b>The Committee made the following recommendations to Council:</b>   |         |
|      | Page 23<br>Reco. 1.                 | That the current Overview and Scrutiny Committee structure be disbanded at the Annual Meeting of Council in May 2009 and that the new structure as proposed by this report be put in place.   | DCG/DSM |
|      | Page 23<br>Reco. 2                  | Only key decisions as defined by Article 13 (b) (i) of the Constitution may be called in under Section 21 of the Local Government Act 2000 and for the purposes of Call-in, a key decision under Article 13 (b) (i) (a) must involve expenditure or savings in excess of £500,000 as well as otherwise being significant having regard to the Council's budget for the service or function to which the decision relates.<br>or<br>(b) must be significant in terms of its effects on communities living or working in an area comprising two or more wards in the borough. | DCG/DSM |
|      | Page 23<br>Reco 3<br><br>As amended | That Task and Finish Groups should consist of 5 Members and that the indicative political balance membership of Task & Finish Groups as set out in paragraph 9.17 of this report be noted.  | DCG/DSM |
|      | Page 23<br>Reco 4                   | In order to allow for workload to be balanced, a Member should not serve on more than two Task and Finish Groups at any same point in time.   | DCG/DSM |
|      | Page 23                             | Non-councillors may be co-opted to be additional  | DCG/DSM |



**APPENDIX 2**

| Item | Reco No/<br>Page No                   | Action   | By:     |
|------|---------------------------------------|--|---------|
|      | Reco 5<br><br>As amended              | members of Task and Finish Groups and elected members shall constitute the majority.   |         |
|      | Page 23<br>Reco 6                     | The membership and Chairman for a Task & Finish Group are to be appointed by the Policy & Performance Overview and Scrutiny Committee or the Business Management Overview & Scrutiny Sub-Committee.  | DCG/DSM |
|      | Page 23<br>Reco 7<br><br>As amended   | That Task and Finish Groups should be time-limited (lasting no more than 12 months) and should not normally exceed 5 in number except in exceptional circumstances.  | DCG/DSM |
|      | Page 23<br>Reco 8<br><br>As corrected | That the responsibilities referred to in Paragraph 9.9 of this report and which were set out in the relevant decisions of the Resources, Performance and Partnerships Overview and Scrutiny Committee dated 30 July 2008 be included in the remit of the Budget & Performance Overview and Scrutiny Committee.   | DCG/DSM |
|      | Page 23<br>Reco 9                     | That the following Overview & Scrutiny Committees be established at the Annual Meeting:<br><ul style="list-style-type: none"> <li>▪Policy &amp; Performance Overview &amp; Scrutiny Committee</li> <li>▪Business Management Overview &amp; Scrutiny Sub-Committee</li> <li>▪Children's Services Overview &amp; Scrutiny Sub-Committee</li> <li>▪Adult Social Services Overview &amp; Scrutiny Sub-Committee</li> <li>▪Budget &amp; Performance Overview &amp; Scrutiny Committee</li> <li>▪Health Overview &amp; Scrutiny Committee</li> </ul> | DCG/DSM |
|      | Page 24<br>Reco 10                    | That the amendments to the Executive Procedure Rules set out as Appendix D of the report be approved.  | DCG/DSM |

| Item | Reco No/<br>Page No | Action   | By:     |
|------|---------------------|--|---------|
|      | Page 24<br>Reco 11  | Call-ins be referred to the Business Management Overview & Scrutiny Sub-Committee and that the timescales for a meeting of the Sub-Committee to be set to consider a Call-in be set as described below:  | DCG/DSM |
|      | As amended          | <ul style="list-style-type: none"> <li>● Written Request for Call-in to be received by the Democratic Services Manager within <u>two</u> working days of notification of the Key decisions of the meeting of the Cabinet, Cabinet Sub-Committee or Area Environment Sub-Committee at which a Key decision has been taken or within <u>five</u> working days of the publication of a Key decision taken under individual delegated powers by Cabinet members.</li> <li>● the Democratic Services Manager shall be authorised to return incomplete or inadequate call-in requests, following consultation with the Chairman of the Business Management Overview &amp; Scrutiny Sub-Committee (or in the absence of the Chairman, the Vice-Chairman), requesting that the member calling in the item provide clarification as to the decision called in and the reason why within one working day.</li> </ul> | DCG/DSM |
|      | As amended          | ● a meeting of the Business Management Overview & Scrutiny sub-Committee shall be set by the Democratic Services Manager, in consultation with the Chairman, within five clear working days of the receipt of the Notice of Call-in request. Business Management Overview & Scrutiny Sub-Committee should normally meet once a month at diarised meetings save in exceptional circumstances where extra meeting(s) would be required.  | DCG/DSM |
|      | Page 24<br>Reco 12  | The Business Management Overview and Scrutiny Sub-Committee, when exercising the Call-in function will be able to refer decisions back to the Executive or other   | DCG/DSM |

## APPENDIX 2

| Item | Reco No/<br>Page No                  | Action   | By:     |
|------|--------------------------------------|--|---------|
|      |                                      | decision making body or to the Council, as appropriate.  |         |
|      | Page 24<br>Reco 13<br><br>As amended | That subject to the final approval by the Council of new arrangements for the Overview and Scrutiny processes the Director of Corporate Governance arrange appropriate early training for relevant members in conjunction with the Improvement and Development Agency (IDeA) and, in consultation with the Chairmen of Overview & Scrutiny Committees and the Group Secretaries, other appropriate training.                 | DCG/DSM |
|      | Page 24<br>Reco 14                   | To approve the indicative size and political balance of the arrangements of the proposed Overview & Scrutiny bodies. As detailed in the report, the Policy and Performance Overview and Scrutiny Committee to be 30 members.   | DCG/DSM |
|      | Page 24<br>Reco 15                   | That the Committee make no recommendation to Council on whether the Chairman and Vice-Chairman should be drawn from particular groups and that the appointment of the Chairman and Vice-Chairman of individual Committees be a matter left for the discretion of Council.  | DCG/DSM |
|      | Page 24<br>Reco 17                   | That the six Overview & Scrutiny committees present their work programmes, reflecting Council policy, for the ensuing year to the Council together with details of the sub-Committees and panels they wish to establish to deliver the work programmes.  | DCG/DSM |
|      | Page 24<br>Reco 18                   | That all the Appendices including the Overview and Scrutiny Procedure Rules at Appendix E, be approved together with the consequential minor amendments to the Budget and Policy Framework Rules (Appendix c) and the Executive procedure Rules as set out in Appendix D; the Rules to include formalising the Executive's ability to exercise their discretion to take decisions on policy matters if it considers that the | DCG/DSM |

**APPENDIX 2**

| Item | Reco No/<br>Page No  | Action  | By:     |
|------|----------------------|---|---------|
|      |                      | Overview and Scrutiny process is causing unnecessary delay.   |         |
|      | Page 24<br>Reco 19   | That the following liaison arrangements be put in place:<br>That Cabinet member(s) be requested to submit a brief advice report to the relevant Overview and Scrutiny Committee Members, as appropriate to their respective responsibilities, outlining work programme developments within their portfolios which are likely to impact on the future work of the Executive and/or the Overview and Scrutiny Committees and/or Sub-Committees.   | DCG/DSM |
|      | Page 25<br>Reco 20   | That the Democratic Services Manager be instructed:<br>(i) To make the necessary changes to the Council's Constitution;<br>(ii) To implement the new arrangements.  | DCG/DSM |
|      | Extra Reco<br>Agreed | The Forward Plan:<br><ul style="list-style-type: none"> <li>●Should be compiled and published before the beginning of each municipal year so as to allow time for Overview &amp; Scrutiny to prepare their annual work programme; and thereafter should be monitored and updated on a monthly basis with any changes notified to <u>all members</u> prior to the regular meeting of the Business Management Overview and Scrutiny Committee.</li> <li>●Should include all policies and key decisions to be taken in-year</li> <li>●Should include brief summary of the policy/decision ● not just the report or policy headline, as well as arrangements for publicising and consulting on the proposals and the timetable for decisions on them</li> <li>●the Director of Corporate Governance be instructed to report to Council on the required changes/amendments to the Constitution.</li> </ul> | DCG/DSM |
|      | Extra Reco           | Frequency of Meetings:  | DCG/DSM |

| Item | Reco No/<br>Page No  | Action   | By:     |
|------|----------------------|--|---------|
|      | Agreed               | <ul style="list-style-type: none"> <li>●The Policy &amp; Performance Overview &amp; Scrutiny Committee should meet at least twice a year in order to set the annual overview and scrutiny work programme at the beginning of the year and review the work of overview and scrutiny at the end of the year.</li> <li>●The Business Management Overview &amp; Scrutiny Sub-Committee should have monthly meetings set in tandem with Cabinet to monitor the Forward Plan, deal with any call-ins and any issues raised by Council, the Executive and outside bodies</li> <li>●The Budget and Performance Overview &amp; Scrutiny Sub-Committee should have a minimum of six calendered meetings throughout the year.</li> <li>●The Health Overview and Scrutiny Sub-Committee should meet at least quarterly.</li> <li>●The Director of Corporate Governance is instructed to report to Council on the required changes/amendments to the Constitution.</li> </ul> |         |
|      | Extra Reco<br>Agreed | That Council be requested to agree the deletion of the previously agreed proposed quarterly meetings between the Chairmen of the six Overview and Scrutiny Committees and Sub-Committees with the Leader.  | DCG/DSM |
|      |                      | <b>The following Recommendations to Council Approved at the Special Committee (Constitution Review) meeting on 24 February 2009 were ratified by the Committee for submission to Council:</b>  |         |
|      | Page 26<br>Reco 2    | The Business Management Overview and Scrutiny Sub-Committee, when exercising the call-in function will be able to refer decisions back to the Executive or other decision making body or to the Council, as appropriate.   | DCG/DSM |
|      | Page 26<br>Reco 3    | That matters relating to crime, the Crime and Disorder Act, anti-social behaviour not within the remit of the  | DCG/DSM |

| Item | Reco No/<br>Page No | Action   | By:     |
|------|---------------------|--|---------|
|      |                     | Executive, the scrutiny of the Safer Communities Partnerships and the submission of nominations of representatives to serve on any body established by the Act requiring local authority representation be referred to the Council or General Functions Committee, be included within the Terms of Reference of the Policy & Performance Overview & Scrutiny Committee.  |         |
|      | Page 26<br>Reco 5   | <p>That the following arrangement be approved and included in the Overview and Scrutiny Rules (as set out in Appendix E to the report):</p> <p>a ) a meeting of the Business Management Overview and Scrutiny sub-Committee will be convened following consultation with the Chairmen of both bodies within a month from the date on which a councillor call for action is made known to the Democratic Services Manager.</p> <p>b) The sub-committee will meet within one month to determine what if any action to take</p> <p>Matters falling within the remit of the Health and Budget and Performance Overview and Scrutiny Committees will be referred direct to those Committees by the Democratic Services Manager, with consideration being given to holding special meetings to consider the requests by the Democratic Services Manager in consultation with the appropriate Committee Chairmen.</p> | DCG/DSM |
|      | Page 27<br>Reco 6   | Additional responsibility be included in the terms of reference of the Business Management Overview and Scrutiny Sub-Committee to review the effectiveness of the Overview and Scrutiny process each year for report to the Policy and Performance Overview and Scrutiny Committee; such report may include recommendations  | DCG/DSM |

**APPENDIX 2**

| Item | Reco No/<br>Page No | Action   | By:     |
|------|---------------------|--|---------|
|      |                     | for action by the Health and Budget and Performance Overview and Scrutiny Committees which, if agreed will be referred to those Committees by the Policy and Performance Overview and Scrutiny Committee.  |         |
|      | Page 27<br>Reco 7   | That the Report referred to in recommendation 6 above form the basis of an Annual Report on the Overview and Scrutiny process in Barnet, to be signed-off by all the Overview and Scrutiny Chairmen and submitted to the Council in April each year together with the Work Programmes for the coming year.   | DCG/DSM |
|      | Page 27<br>Reco 8   | That once it has formed recommendations on proposals for development, the relevant Overview and Scrutiny Committee or the Business Management Overview and Scrutiny Sub-Committee, will prepare a formal report and submit it for consideration by the Executive or to the Council as appropriate.   | DCG/DSM |
|      | Page 27<br>Reco 9   | That the Business Management Overview and Scrutiny Sub-Committee conduct a review of the effectiveness of the arrangements after one year of operation in consultation with all other overview and Scrutiny Committees, and make any necessary recommendations for changes to the Constitution and that the Director of Corporate Governance ensure that a requirement for an annual review along these lines be included in the terms of reference of that sub-Committee. | DCG/DSM |
|      | Page 27<br>Reco 10  | That Call-in under the new structure be reviewed after six months of operation.  | DCG/DSM |
|      |                     |  |         |
|      |                     | <b>Amendments to the Constitution agreed by the Committee, in addition to any required by amendments above :</b>   |         |

**APPENDIX 2**

| <b>Item</b> | <b>Reco No/<br/>Page No</b>   | <b>Action</b>   | <b>By:</b> |
|-------------|---|---|------------|
|             | Appendix B<br>Article 6 –<br>Overview and<br>Scrutiny<br>Committees | 6.04 – Correct typing error which omits 6.02 c(iii)<br>‘Consider any matter affecting the area or its<br>inhabitants’.                                      | DCG/DSM    |
|             | Appendix E<br>Page 49 – 7 (f)<br>Line 4                             | Add ‘and responsibilities’ after ‘priorities’.  | DCG/DSM    |
|             |   |   |            |
|             |   | <b>Other Issues agreed :</b>  |            |
|             |   | Notice of decisions including Delegated Powers Reports<br>etc., to be copied to Group Offices as well as to<br>members. (To be added to circulation lists). | DSM        |

The meeting ended at 8.28pm