

## Part Two - Articles of the Constitution

### Article 7 - Overview and Scrutiny

The [Scrutiny Panel](#) and [Scrutiny Commissions](#) carry out the Council's overview and scrutiny function and are set up to hold the [Elected Mayor](#) and [Cabinet](#) to account. The role of scrutiny is non-adversarial and non-partisan. The Scrutiny Panel and Commissions act as a critical friend and provide challenge to decision makers at the Council as well as external agencies.

7.1 The [Council](#) must appoint at least one Overview and Scrutiny body to:

- (a) Hold the Elected Mayor and Cabinet to account by examining executive decisions that are about to be made, decisions which have been made but not yet implemented (known as the call-in process); and decisions which have been implemented (post-hoc review);
- (b) Review [Policy Framework](#) documents and policies more generally and make suggestions for improving them;
- (c) Contribute to continuous improvement of service delivery by considering performance, participation by citizens in the functions delivered by the service, value for money reviews and budget investigations;
- (d) Review and make recommendations on the discharge of regulatory functions;
- (e) Consider and make recommendations to [Full Council](#) and external partner stakeholder organisations on matters which have a direct bearing on the economic, social or environmental well-being of Citizens;
- (f) In the case of the Health in Hackney Scrutiny Commission, to review and scrutinise matters relating to the health and social care services in the Council's area and to prepare reports and make recommendations in accordance with any Regulations and Directions made under the Health and Social Act 2001. The Health in Hackney Scrutiny Commission may, from time to time, decide to appoint a Joint Health Scrutiny Committee involving one or more other local authorities;
- (g) In the case of the Living in Hackney Scrutiny Commission, to review and scrutinise decisions made, or actions taken, by the Council or any responsible authority relating to crime and disorder. To prepare reports or make recommendations to Full Council and to provide

copies to the responsible authorities and any co-operating persons and bodies in accordance with the Police and Justice Act 2006;

- (h) Request information from relevant external partner authorities, invite interested parties to comment as appropriate and make recommendations.
- (i) Consider any referral by a [Councillor](#) under the Councillor Call for Action, and if considered appropriate to scrutinise decisions and/or actions taken in relation to a matter;
- (j) Consider any [Petitions](#) referred to it in accordance with [Part 6, Section D](#) of this Constitution.

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

#### **Attendance by Elected Mayor, Cabinet Councillors and other persons**

7.3 The Scrutiny Panel and [Commissions](#) may require the Elected Mayor, Cabinet Councillors or [Chief Officers](#) to attend meetings of the Panel or Commissions to answer questions and may invite other persons to attend meetings of the Commissions.

7.4 The Elected Mayor, Cabinet Councillors or Chief Officers shall comply with any requirement to attend a meeting.

7.5 A Councillor must not be involved in scrutinising a decision in which they were directly involved.

7.6 A person is not obliged to answer any question. In addition a person is entitled to refuse to answer any question where the topic under discussion is the subject of legal proceedings.

#### **Role and Function of the Scrutiny Panel**

7.7 The Council shall appoint a Scrutiny Panel to coordinate and oversee the work of the Scrutiny Commissions.

7.8 The Scrutiny Panel will be responsible for establishing task-finish scrutiny panels and for considering a request made by any 5 non-executive Members for the call-in of a cabinet decision or a decision of the [Joint Committee](#) of the Four Growth Boroughs. The Scrutiny Panel's terms of reference are set out in [Appendix 3](#) of the Constitution.

- 7.9 The Scrutiny Panel shall comprise 10 Members, who cannot be Members of the Cabinet. It shall include the [Chairs](#) and Vice-Chairs of the Scrutiny Commissions.
- 7.10 The Scrutiny Panel's Chair shall be a member of the [Majority Group](#). Chairs of the Scrutiny Commissions are not eligible for the position of Chair of the Scrutiny Panel. The Vice-Chair of the Panel should be a member of the larger opposition party.
- 7.11 The Scrutiny Panel may invite the Elected Mayor and the Deputy Mayor to attend meetings of the Panel to assist in considering the scrutiny work programme, and how the Elected Mayor and Deputy Mayor can participate in the Panel's work programme. The Scrutiny Panel may also invite the Chairs of the Audit and Corporate Committees to assist in discharging the functions of the Panel.

### Role and function of the Scrutiny Commissions

- 7.12 Full Council will appoint the following Scrutiny Commissions:

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

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

- (a) One London Diocesan board for Schools (Church of England) representative;

- (b) One Roman Catholic Westminster Diocesan Schools Commission representative;
- (c) Two parent governor representatives: and the following non-voting representatives;
- (d) One Orthodox Jewish community representative;
- (e) One representative from the North London Muslim Community Centre;
- (f) One representative from the Free Churches Group;
- (g) One representative from the Hackney Schools Governors' Association; and
- (h) Up to five representatives from the Hackney Youth Parliament or Children in Care Council.

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

- (a) Develop a rolling programme of scrutiny and review which shall be reviewed on a quarterly basis;
- (b) Have oversight of the Community Strategy for the purpose of contributing to policy development;
- (c) Review and/or scrutinise decisions or actions relating to the discharge of the Council's functions within its terms of reference, which may include reviewing decisions before they have been taken (policy development) or after they have been implemented (post-hoc review);
- (d) Consider a request made by any 5 non-executive Members for the call-in of a Cabinet decision where the request is referred to the Commission;
- (e) Make reports and or recommendations to the Cabinet for possible forwarding to Full Council and/or the Cabinet, and/or Corporate Committee and/or any Ward Forum with the discharge of any Council functions; and
- (f) Exercise responsibility for any resources made available to them.

## Specific functions of Scrutiny Commissions

7.15 The specific functions are: -

### Policy Development and Review

- (a) To assist Full Council and the Cabinet in the development of the budget and policy framework by in-depth analysis of policy issues;
- (b) To conduct research and consult with the community on policy issues and options available to the Council;
- (c) To liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and
- (d) To consult or question Councillors of the Cabinet and Chief Officers about their views on issues and proposals affecting the area.

### Scrutiny

- (e) To review and scrutinise executive decisions made by the Elected Mayor, the Cabinet, by an individual Councillor of the Cabinet, by a Committee of the Cabinet, or by an Officer of the Council;
- (f) To review and scrutinise the work of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (g) To question Councillors of the Cabinet and Chief Officers about their decisions and the performance of the services for which they are responsible, whether generally in comparison with service plans and targets over a period of time or in relation to particular decisions initiatives or projects;
- (h) For the Health in Hackney Scrutiny Commission, to carry out health and social care scrutiny in accordance with Regulations under section 244 of the National Health Services Act 2006 (as amended by the Local Government and Public Involvement in Health Act 2007 and the Health and Social Care Act 2012 relating to reviewing and scrutinising local health service matters) and the Health and Social Care Act 2022. Where the proposal relates to more than one local authority area, it must be considered by a Joint Health Scrutiny Committee appointed by each of the local authorities in question;
- (i) For the Living in Hackney Scrutiny Commission, to discharge the functions conferred under the Police and Justice Act 2006;

- (j) To make recommendations to Cabinet arising from the outcome of the scrutiny process for possible forwarding to Full Council;
- (k) To review and scrutinise the performance of other public bodies in the area, invite them to address the Scrutiny Commission, and prepare reports about their initiatives and performance;
- (l) To gather evidence from any person or organisation outside the Council;
- (m) To consider referrals from Ward Forums and Enhanced Tenants Residents Associations and initiate reviews of issues as deemed appropriate.

#### Community Representation

- (n) To promote closer links between Overview and Scrutiny Councillors and Citizens;
- (o) To encourage an enhanced community representation role for Overview and Scrutiny Members including enhanced methods of consultation with local people;
- (p) To receive information from the Council's consultative Ward Forums and Enhanced Tenants Residents' Associations on matters that affect or are likely to affect the local area;
- (q) To keep the Council's area-based governance arrangements under review and to make recommendations to the Scrutiny Panel, to the Cabinet and/or Full Council as to how participation in the democratic process by local people can be enhanced;
- (r) To receive petitions, [deputations](#) and representations from local people and other stakeholders about matters of concern within the Scrutiny Commission's remit. Where considered appropriate, to refer them to the Cabinet, an appropriate Committee or [Officer](#) for action, with a recommendation for a report back if requested.

#### **Developing the Work Programme**

7.16 In developing their work programmes, the Scrutiny Commissions shall take into account the following:

- (a) Recommendations received from the Scrutiny Panel;
- (b) Cross-cutting items proposed by the Scrutiny Panel;

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- (c) Petitions received from the public;
- (d) The contents of the [Forward Plan](#);
- (e) Issues emerging from the ward/representational role of any Councillor;
- (f) Issues relating to Councillor Call for Action;
- (g) Referrals from Healthwatch Hackney relating to health and social care matters;
- (h) Referrals from any elected member on any matter within the remit of the Scrutiny Commission;
- (i) Referrals from any Councillor on a local crime and disorder matter;
- (j) Referrals from Full Council, the Cabinet or another Committee;
- (k) Issues which, whilst not the direct responsibility of the Council, have a direct bearing on the economic, social or environmental well-being of the borough's Citizens;
- (l) Issues relating to any Joint Overview and Scrutiny Committees.

### **Proceedings of Overview and Scrutiny**

7.17 The Scrutiny Panel and Commissions will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in [Part 4, Section D](#) of this Constitution.

