

To: Scrutiny Committee
Date: 08 June 2021
Report of: Head of Law and Governance
Title of Report: Scrutiny Operating Principles and Standing Panel Arrangements

Summary and recommendations	
Purpose of report:	To adopt a set of operating principles for the Scrutiny Committee for the 2021/22 municipal year, establish standing panels and appoint standing panel Chairs.
Key decision:	No
Scrutiny Lead Member:	Councillor Gant, Chair of the Scrutiny Committee 2020/21
Corporate Priority:	All
Recommendations: That the Scrutiny Committee resolves to:	
1.	Agree the proposed Committee Operating Principles for the 2021/22 municipal year, as set out in Appendix 1.
2.	Agree to establish the following standing panels for the 2021/22 municipal year with the following remits and timeframes: <ul style="list-style-type: none"> i) Finance and Performance Panel – finance and budgetary issues and decisions, annual review of the Council’s budget, quarterly monitoring of finance and performance (including performance of the Council’s companies); ii) Housing and Homelessness Panel – strategic housing and landlord issues and decisions, homelessness, housing services performance; iii) Companies Scrutiny Panel - executive decisions made in relation to any companies wholly or partly owned by the Council. or to agree to consider the establishment of alternative panels at a subsequent meeting.
3.	Agree the schedule of meetings as presented within the report.
4.	Agree the allocation of seats on standing panels to political groups for 2021/22 (Finance and Performance Panel: 6, Companies Scrutiny Panel: 6, Housing and Homelessness Panel: 6, are recommended).
5.	Agree members and appoint Chairs of the Finance and Performance, Housing and Homelessness, and Companies Scrutiny Panels or any other

panels as agreed by the Committee.	
6. Co-opt Tony Buchanan as a Council tenant representative onto the Housing Homelessness Panel.	
7. Agree i) the new means of managing the Scrutiny function's work plan as in Appendices 2a and 2b, ii) the preliminary work plan covering the period to August 2021 as detailed in Appendix 3 and iii) that Committee members will send ideas for topics for Scrutiny-commissioned reports to the Scrutiny Officer by e mail for consideration at the Committee's 14 July meeting.	
Appendices	
Appendix 1	Draft Scrutiny Committee Operating Principles
Appendix 2a	Explanation of draft new means of work planning
Appendix 2b	Example priority list
Appendix 3	Preliminary work plan to September 2021
Appendix 4	List of suggested items for Scrutiny-commissioned reports

Introduction and background

1. At the start of a new administrative year the Scrutiny Committee is asked to re-establish the key principles by which the Committee, and its standing panels and review groups, will operate. This provides clarity to members, officers and the public about how Scrutiny will manage and organise its activities during the year.
2. The Committee is able to delegate responsibility for scrutiny of certain issues to specific standing panels, which report back to the Committee with recommendations (where time allows). The Committee should consider whether it wishes to re-establish the previous standing panel arrangements, or establish different panels. As standing panels are established, it is recommended that the number of seats and political make-up of the panels and membership is agreed, and the Chairs are appointed.

Role of the Scrutiny Committee

3. Scrutiny operates to provide democratic oversight and public assurance that the Council is carrying out its business effectively, and a check and balance function to ensure that decisions are taken in the best interests of the residents of Oxford. Scrutiny carries out research, reviews and hears from independent experts, as well as Council officers, making recommendations for service improvement where necessary. One focus of the Committee's work is to hold the Cabinet to account but Scrutiny also pursues its own agenda by commissioning reports from officers on priority issues, assisting the Council in developing policy. As outlined in the Council's Constitution, the Committee can:
 - a) Carry out research and consultation on policy options, and introduce schemes to involve the public in developing policy;
 - b) Review the performance and decisions of the Cabinet, and council officers (but not decisions on individual planning or licensing applications);
 - c) Review the progress of the Council and individual services in achieving its policy aims and performance targets;

- d) Work with national, regional and local organisations to promote the interest of local people.
 - e) Review executive decisions in respect of any companies wholly or partly owned by the Council and hold the shareholder to account for the performance of those companies. The decisions of Council-owned companies do not fall within the remit of the scrutiny committee.
 - f) Require the attendance of Cabinet Members and Senior Officers to answer questions about their decisions and performance.
 - g) Hold other public service providers to account (though there is no legal requirement for them to engage).
4. Members of the Committee are encouraged to read the Scrutiny Guide for Councillors which provides a detailed review of how the Committee operates, how to be effective as a scrutiny councillor, and the support and development opportunities available to members.

Scrutiny Operating Principles

5. The Council's Constitution sets out the role and procedures of the Scrutiny Committee, as outlined above, but it is not prescriptive about how the Scrutiny function will be organised and managed. In previous years, the Committee has agreed a set of operating principles to govern key aspects of their work that are not covered by the Constitution. Key matters addressed in the document include: resource expectations, membership guidelines for panels and meeting frequency.
6. The Operating Principles are designed as a reference document to guide the Committee's work, and a draft set of principles for adoption are set out in Appendix 1. The Committee may make revisions as it sees appropriate within the confines of the Constitution, relevant legislation and resource capacity. In which case, members are asked to discuss any proposed changes in advance with the Scrutiny Officer or to take advice at the meeting.
7. The Committee is recommended to adopt the draft Operating Principles as outlined in Appendix 1. These Operating Principles are the same as historically agreed by the Committee, except that last year a temporary derogation on the requirement that the Chair of Housing and Homelessness Panel also be a member of the Committee. This derogation is no longer included.

Standing Scrutiny Panels

8. In previous years, the Committee has established Finance and Performance, Housing and Homelessness and Companies Panels to undertake detailed scrutiny of decisions and issues relevant to their remit. The reason being that small groups of members with an interest in these priority areas can build up specialist knowledge and insights and use these to produce better scrutiny outcomes. These Panels have discretion to manage their own work plans, but remain accountable to the Scrutiny Committee for their work. Where time permits, the standing panels will report to the Scrutiny Committee before their recommendations are submitted to the Cabinet.

9. The Committee is invited to agree a set of standing panels for the year and is recommended to agree standing panel arrangements as previously. Scrutiny members should be aware that the Council is currently exploring changes to the governance and oversight of its Companies; should any changes be made that have implications for Scrutiny these will be subject to a separate report.
10. After identifying which panels to appoint, the Committee is requested to appoint Chairs of these panels and agree their full membership. The proposed Operating Principles stipulate that four or six councillors should sit on these panels, and that panel membership will be cross-party as follows:
 - 4 members (2 Labour, 1 Lib Dem, 1 Green)
 - 6 members (3 Labour, 2 Lib Dem and 1 Green)
11. The quorum for standing panels is two members for panels of four, and three for panels of six. If the quorum is not reached, some decisions may pass without formal cross-party scrutiny, and other items may need to be delayed.
12. The Members Allowances Scheme allocates a Special Responsibility Allowance equivalent to 25% of the Basic Allowance (£1,286 in 2021/22) to a maximum of two standing panel chairs, on the basis that panels meet at least five times a year. Where there are more than two standing panels, the total allocation of £2,571 will be divided between the panel chairs. This Special Responsibility Allowance is to reflect the additional responsibility of standing panel chairs.

Schedule of meetings

13. Whilst Council has agreed the schedule of meetings for this year, there have been a few small changes to reflect changing Cabinet meeting dates and better alignment by Scrutiny with Cabinet meetings. Members of the Committee are invited to take note of the schedule of meetings for the remainder of the municipal year and to diarise these where necessary:

Scrutiny	Finance and Performance	Housing and Homelessness	Companies
08 June 21			21 June 21 ¹
14 July 21	08 July 21	05 July 21	
03 Aug 21	02 Aug 21		
08 Sept 21	06 Sept 21		20 Sept 21
05 Oct 21		06 Oct 21	
02 Nov 21		04 Nov 21	
06 Dec 21	08 Dec 21		14 Dec 21
18 Jan 22	24 Jan 22		
01 Feb 22		02 Feb 22	
07 Mar 22	09 Mar 22		28 March 22
05 Apr 22		04 Apr 22	

¹ This date may well change

Alternative options for Standing Panels

14. The Committee is not required to reappoint the recommended standing panels, and it may choose to appoint panels with different remits.
15. If the Committee decides to set up different standing panel arrangements, the Scrutiny Officer will liaise with the Scrutiny Committee Chair and return to the next available meeting with a revised proposal for agreement. Consideration would need to be given to the organisation's capacity to support the overall number of panels.

Co-Option

16. The Scrutiny Committee has the right to co-opt members as non-voting members under the Local Government Act 2000 (section 9FA(4)). Section 13.3 of the Council's constitution allows the Scrutiny Committee to 'appoint non-voting co-opted members to serve for a specific policy review or until the next annual Council.'
17. At the end of last municipal year the Scrutiny function had one co-opted member. Tony Buchanan was co-opted onto the Housing Panel as a Council-tenant representative. Mr Buchanan has been an active and insightful member of the Housing Panel and is willing to continue in the role. It is recommended that he be appointed as a co-optee for a further year.
18. It is not recommended that further co-optees are appointed at this time, but that the Scrutiny function more regularly seeks to hear from key external stakeholders on case by case issues as they arise.

Other Changes - Scrutiny Work Plan

Cabinet Papers

19. A key element underpinning the Scrutiny function's ability to discharge its responsibility to provide independent scrutiny and challenge is, as enshrined in Part 13.7 of the Council's Constitution, its ability to set its own programme of work. The bulk of this programme is made up selected Cabinet reports but is also augmented by Scrutiny-commissioned reports on topics it considers to be of particular importance. The work plan is an area, however, where Scrutiny's processes have not always worked as well as they might.
20. When giving pre-decision Scrutiny to Cabinet reports Scrutiny must fit its consideration within Cabinet's timetable for the report, as published in the Forward Plan. Scrutiny and Cabinet meetings are timed in relation to one another such that there is a window to allow Scrutiny to provide pre-decision Scrutiny of Cabinet decisions. This means that although Scrutiny has control over its work plan in deciding what it wishes to consider, it does not have complete control over the process. The timing of Cabinet reports coming to Scrutiny is determined primarily by the Forward Plan.
21. The problems for the Scrutiny work plan are most exposed when Cabinet reports are delayed. Delays can happen at relatively late notice with the consequence that a report

is unable to be considered at the meeting scheduled to hear it on the work plan, and without Committee members being aware that a scheduled report is no longer due to come to the expected meeting. Further, if a report is delayed at late notice it has proven unfair to call other officers and members in at late notice to present an alternative report. This has previously caused some meetings to be 'light' and Scrutiny members having fewer opportunities to influence policy than they otherwise would. The other consequence is that subsequent meetings can have a surfeit of important Cabinet reports to consider, with prioritisation between reports necessary. As such, a delay in a report going to Cabinet can mean Scrutiny does not consider an issue it had planned on doing so.

22. There is very little if anything Scrutiny can do to prevent Cabinet reports being delayed, but adopting a new approach to work planning, as explained in Appendix 2a will seek to mitigate the effects of those delays by ensuring the Committee's priorities are met as far as they can be within the constraints it faces, and that the number of reports the Committee considers is maximised.

Scrutiny Commissioned Papers

23. As referenced above, Scrutiny has the power to commission its own reports. However, it should be recognised that doing so is significantly more resource-intensive for officers than presenting a report which is already being written for Cabinet to Scrutiny. The draft Scrutiny Operating Principles recognises this, stating that 'Items will be taken forward as resources allow, and the Committee must provide officers with sufficient notice and guidance on what they are requesting to consider, mindful of the impact on resources and the constraints of the organisation. The Scrutiny Committee and its Panels will provide as much notice as is possible when commissioning reports from council officers (minimum 8 weeks).' As a general rule, to allow time for consideration of reports in sufficient depth whilst maintain timely meetings of Scrutiny and its Panels will aim to have three reports for consideration. Being mindful of resource implications of Scrutiny-commissioned reports, it is recommended that no more than one such report is considered per meeting.
24. The decision for the report topics Scrutiny would like to commission is expected to be one made at the meeting on 14 July 2021. In preparation for that, the Committee is recommended to agree that ideas from members will be sent to the Scrutiny Officer for collation by e mail outside the meeting.
25. Attached to this report as Appendix 3 is a draft work plan to August 2020, which provides a recommended work plan until that date, which will enable items are considered until such point as the Committee has had time to organise its own priorities for the remainder of the year.
26. Attached to this report as Appendix 4 is a list of suggestions already made; these are comprised of suggestions by last year's Council members, senior staff, and recurring Scrutiny-commissioned reports.

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Background Papers: None

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