

To: Scrutiny Committee
Date: 08 June 2022
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 2022/23 municipal year, establish standing panels and appoint standing panel chairs.
Key decision:	No
Scrutiny Lead Member:	Chair of the Scrutiny Committee 2022/23
Corporate Priority:	All
Recommendations: That the Scrutiny Committee resolves to:	
1.	Agree the proposed Committee Operating Principles for the 2022/23 municipal year, as set out in Appendix A.
2.	Agree to establish the following standing panels for the 2022/23 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 and interaction with the Tenant’s Forum; 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 2022/23 (Finance and Performance Panel: 4, Companies Scrutiny Panel: 4, Housing and Homelessness Panel: 6, are recommended).
5.	Agree to appoint members and chairs of the Finance and Performance, Housing and Homelessness, and Companies Scrutiny Panels in accordance with nominations made

by political groups.	
Housing and Homelessness Panel:	Cllr Dunne (Chair), Cllr Diggins, Cllr Fouweather, Cllr Nala-Hartley, Cllr Rawle, Cllr Sandelson
Finance and Performance Panel:	Cllr Fry (Chair), Cllr Jarvis, Cllr Landell Mills, Cllr Latif
Companies Scrutiny Panel:	Cllr Rowley (Chair), Cllr Fry, Cllr Landell Mills, Cllr Morris
6. Agree	
i) The preliminary Work Plan covering the period to September 2022 as detailed in Appendix B; and	
ii) 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 05 July meeting.	
Appendices	
Appendix A	Draft Scrutiny Committee Operating Principles
Appendix B	Preliminary work plan to September 2022
Appendix C	List of suggested items for Scrutiny-commissioned reports
Appendix D	Scrutiny Guide for Councillors

Introduction and background

1. At the start of a new municipal 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 to act as a check and balance function to ensure that decisions are taken in the best interests of the people 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) Develop and review policy:
 - Help Council and the Cabinet to develop policy by studying issues in detail
 - Carry out research and consultation on policy

- Consider and introduce schemes to involve the public in developing policy
 - Work with national, regional and local organisations to promote the interest of local people.
- b) Hold the Cabinet to account:
- Review the performance and decisions of the Cabinet, and Council officers (but not decisions on individual planning or licensing applications)
 - Review the Council's progress in achieving its policy aims and performance targets
 - Review the performance of individual services
 - 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).
 - Ask Cabinet members, and senior officers questions about their decisions and performance – these may be questions about general performance or about particular decisions and projects.
- c) Require senior officers and Cabinet members to attend meetings and answer questions
- d) 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 (Appendix D) 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 its work which 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 A. 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 A. These Operating Principles are broadly similar to those of previous years. The previous rule that chairs of standing panels and review groups must be members of the Scrutiny Committee has been amended to align with the Constitution (Part 8.2), which states that chairs of standing panels and review groups will be accountable to the Scrutiny Committee.

Standing Scrutiny Panels

8. In previous years, the Committee has established Finance and Performance, Housing and Homelessness and Companies Scrutiny 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 a degree of 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. This will not normally be possible where the standing panels are making recommendations on Cabinet reports.
9. The Committee is invited to agree the remits of standing panels for the year and is recommended to re-establish the Finance and Performance Panel, Housing and Homelessness Panel and Companies Scrutiny Panel. However, following a review of the Council's governance arrangements for its companies, the intention is that the Companies Scrutiny Panel will operate differently this year.
10. Previously, the Companies Scrutiny Panel met a few days prior to the Shareholder and Joint Venture Group (SJVG) to consider the reports going to the Shareholder meeting. The Panel's views were submitted through a report or, latterly, in-person attendance at the SJVG meeting. The recommendation this year is that the SJVG and Companies Scrutiny Panel hold 'simultaneous meetings'. For all intents and purposes, this would operate as one meeting for the membership of the SJVG and Companies Scrutiny Panel with combined agendas and minutes. It is suggested that having Scrutiny members 'in the room' at SJVG meetings is a more effective and efficient way of providing Scrutiny oversight of the shareholder function. Members' attention is brought to the fact that a reduction in membership from the current six to four is suggested in order to prevent the combined membership from being too large.
11. There may be occasions where Scrutiny does want to look at a specific element of a company's work, which is not covered by the SJVG. Last year, for example, Scrutiny commissioned a report on tree management, a function undertaken by ODS. This new arrangement does not preclude Scrutiny from doing so but any such reports would be considered at additional meetings held separately to SJVG meetings.
12. The simultaneous SJVG and Companies Scrutiny Panel meetings will not be clerked by the Scrutiny Officer. This means that there is additional capacity within the Scrutiny function for other things. There are a total of six simultaneous meetings of the SJVG and Companies Scrutiny Panel scheduled. If one is given over for the purposes of Scrutiny commissioned reports related to the companies (para. 11), capacity for five meetings remains. It is anticipated that the Committee will have capacity for an additional review group focused on a priority topic of the Committee's choosing.
13. After agreeing which standing panels to establish, the Committee is recommended 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)
14. 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 Cabinet reports may pass without formal cross-party scrutiny, and other items may need to be delayed.
15. A further issue for the Scrutiny Committee to consider regarding standing panels is whether they should be held virtually, in-person or as hybrid meetings – noting that it is now Council practice that most officers may attend in-person meetings virtually. Given

that these meetings are not formal Committees of the Council, standing panels have the flexibility to choose to be virtual should they wish. Last year all Panel meetings were held virtually.

16. The Members Allowances Scheme allocates a Special Responsibility Allowance equivalent to 25% of the Basic Allowance (£1,311 in 2022/23) to a maximum of two standing panel chairs, on the basis that panels meet at least five times a year. This Special Responsibility Allowance is to reflect the additional responsibility of standing panel chairs.

Schedule of meetings

17. 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 22			22 June 22
05 July 22	07 July 22	04 July 22	28 July 22
02 Aug 22			
06 Sept 22	07 Sept 22		
11 Oct 22		06 Oct 22	
07 Nov 22		03 Nov 22	02 Nov 22
05 Dec 22	07 Dec 22		08 Dec 22
16 Jan 23	23 Jan 23		
01 Feb 23			
06 Mar 23	28 Mar 23	02 Mar 23	01 March 23
04 Apr 23		24 Apr 23	27 Apr 23

Alternative options for Standing Panels

18. The Committee is not required to reappoint the recommended standing panels, and it may choose to appoint panels with different remits.
19. 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 number and remits of standing panels.

Co-Option

20. 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.’
21. The membership of the Housing and Homelessness Panel has included a co-opted tenant since the panel was first established in 2013. The most recent tenant co-optee has decided to take a step back so the Housing and Homelessness Panel will recommend the appointment of a different tenant to a future meeting of the Scrutiny Committee. Last year, the Housing and Homelessness Panel also invited Tenant Ambassadors, involved with the Council’s Tenant Involvement Team, to participate. Following the Council’s DSS Discrimination motion passed by Council in July 2021 the

Panel will also be hosting twice a year the Tenants' Forum, established from this motion.

Scrutiny Commissioned reports

22. 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. 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 standing panels will provide as much notice as is possible when commissioning reports from Council officers (minimum 8 weeks).' As a guideline, to allow time for consideration of reports in sufficient depth whilst maintaining timely meetings of Scrutiny and its standing panels, each meeting will aim to have three reports for consideration. Being mindful of resource implications of Scrutiny-commissioned reports, it is recommended that the Committee seeks to average not more than one Scrutiny-commissioned report per meeting over the municipal year.
23. The decision for the report topics Scrutiny would like to commission is expected to be made at the meeting on 05 July 2022. In preparation for that, the Committee is recommended to agree that ideas from Members will be sent to Democratic Services by e-mail for collation outside the meeting.
24. Attached to this report at Appendix B is a draft Work Plan to August 2022, which provides a recommended Work Plan until that date, which will enable items to be considered until such point as the Committee has had time to organise its own priorities for the remainder of the year.
25. Attached to this report at Appendix C 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