

13. Scrutiny Committee procedures

- 13.1 Number of scrutiny committees
- 13.2 Membership of the Scrutiny Committee
- 13.3 Co-opted members of the Scrutiny Committee
- 13.4 Scrutiny Committee meetings
- 13.5 Quorum
- 13.6 Chair and Vice Chair of Scrutiny Committee
- 13.7 Programme of work
- 13.8 Agenda
- 13.9 Policy review and development
- 13.10 Reports on scrutiny reviews
- 13.11 Arrangements for the Cabinet to comment on reports to Council
- 13.12 Scrutiny Committee members' rights to see documents
- 13.13 Duty of Cabinet members and officers to attend the Scrutiny Committees
- 13.14 Whipping
- 13.15 Order of business at the Scrutiny Committee
- 13.16 Public speakers at Scrutiny Committee
- 13.17 Councillors Speaking at Scrutiny Committee
- 13.18 Call-In Procedure
- 13.19 Standing Working Group and Review Groups
- 13.20 Gaps in these procedures

13.1 Number of scrutiny committees

Council has appointed one Scrutiny Committee.

13.2 Membership of the Scrutiny Committee

(a) Members of the Scrutiny Committee

The Scrutiny Committee has twelve members. The number of members from each political group will be in proportion to its size.

Members of the Scrutiny Committee and their substitutes must be councillors but they cannot be members of the Cabinet.

(b) Conflicts of interest

Members of the Scrutiny Committee should not scrutinise decisions they have made but such occurrences will be rare because no member of the Cabinet can be a member of the Scrutiny Committee.

(c) Substitutes

Members of the Scrutiny Committee can send other councillors as substitutes. These will have the powers of an ordinary member of the committee.

Substitutions must be for a whole meeting. A councillor cannot take over from their substitute or hand over to them part of the way through. For Working Groups and Review Groups, substitutes can be nominated for each individual meeting.

If a councillor wants to send a substitute, they must tell the Committee and Member Services Manager the name of their substitute before the meeting.

Substitutes cannot appoint substitutes of their own. Substitutes cannot be members of the Cabinet. Substitutes cannot be appointed to attend meetings of a panel or review group established by the Committee.

(d) Procedures when a Councillor resigns from the Scrutiny Committee

A councillor can resign from a committee by writing to the Director of Law, Governance and Strategy. A replacement member will be appointed at the next Council meeting.

(e) Procedure when a Scrutiny Committee member stops being a councillor

If a Scrutiny Committee member stops being a councillor, a replacement member will be appointed at the next Council meeting.

13.3 Co-opted members of the Scrutiny Committee

The Scrutiny Committee can appoint non-voting co-opted members to serve for a specific policy review or until the next annual Council.

At the discretion of the Committee, residents and other specialists may be co-opted as non-voting members of the Committee, Standing Working Groups and Review Groups, as the subject matter dictates for a period ending no later than the day of the first meeting of the next council year. The Committee may discontinue an appointment at any time.

13.4 Scrutiny Committee meetings

The Scrutiny Committee meets on dates set by Council.

The Director of Law Governance and Strategy, in consultation with the Chair of the Scrutiny Committee, can decide to call a special meeting.

The Director of Law, Governance and Strategy can be instructed to call a special meeting by the chair of the Scrutiny Committee or any four Councillors. The instruction must be in writing and must describe the business to be done.

The Director of Law, Governance and Strategy will consult the chair about the time and place of a special meeting.

Special meetings will only deal with the business they have been called to deal with.

If a Scrutiny Committee has nothing to do at one of its fixed meetings, the Director of Law, Governance and Strategy can cancel it after consulting the chair.

Meetings shall conclude no more than four hours after the published start time.

13.5 Quorum

The quorum for the Scrutiny Committee is four.

13.6 Chair and Vice Chair of Scrutiny Committee

(a) Election of Chair and Vice Chair

The Scrutiny Committee will elect a Chair and Vice Chair from among its voting members at the first meeting after annual Council. The chair of the Scrutiny Committee must be an opposition councillor.

(b) Resignation of Chair or Vice Chair

If a councillor wants to resign as Chair or Vice Chair, they must write to the Director of Law, Governance and Strategy. A new Chair or Vice Chair will be elected at the Committee's next ordinary meeting.

13.7 Programme of work

The Scrutiny Committee sets its own programmes of work but must review anything it is asked to review by Council (13.8(c)).

The Scrutiny Committee Work Plan will consist of a number of issues for consideration informed by consultation with all councillors and senior officers. Guidance criteria for prioritising work will be provided by the Scrutiny and Governance Advisor, but the Committee is responsible for agreeing its Work Plan.

The Work Plan will be reviewed at every meeting and adjusted to reflect the wishes of the Committee and take account of changes to the Forward Plan of executive decisions.

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 Working Groups will provide as much notice as is possible when commissioning reports from council officers (minimum 8 weeks).

The management of the Work Plan will be with the whole Committee, with the Chair and Vice-Chair taking an organisational role between meetings.

Any councillor can put an item on the Scrutiny Committee agenda if they write to the Director of Law, Governance and Strategy at least 10 working days before the meeting and the item is relevant to the Scrutiny Committee. All Councillor Calls for Action and Call-Ins will be considered at a public meeting of the Committee.

Members of the public can also suggest a topic for the Work Plan. Suggestions can be submitted in person or via email acsscrutiny@oxford.gov.uk.

The Chair will report regularly to Council on the work of the Scrutiny Committee (see also 11.17). The Committee may also produce an annual report.

13.8 Agenda

(a) Putting items on the agenda

Any councillor can put an item on the Scrutiny Committee agenda if they write to the Director of Law, Governance and Strategy 10 working days before the meeting. The item must be relevant to the Scrutiny Committee.

(b) Speaking on agenda items

Any member of the public and any councillor who is not a member of the Scrutiny Committee can speak on an agenda item if the Chair agrees. The Chair will decide how long they can speak for.

(c) Requests for reviews from Council

The Scrutiny Committee must review anything Council asks it to review as soon as it can make space in its programme of work.

(d) Requests for reviews from the Cabinet

The Scrutiny Committee can (but does not have to) review things the Cabinet asks it to review.

13.9 Policy review and development

The Scrutiny Committee's role in developing the budget and policy framework is referred to in Part 16.2.

In areas that are not covered by the budget and policy framework, the Scrutiny Committee can suggest policies for the Cabinet to develop.

The Scrutiny Committee can hold inquiries and consider future policy. This may involve appointing advisers, inviting witnesses, making site visits, holding public meetings, commissioning research or doing anything else that is necessary.

13.10 Reports on scrutiny reviews

(a) Committee report

At the end of each policy review, the Scrutiny Committee will send a report to the Cabinet (if it is about executive responsibilities) or to Council (if it is about Council responsibilities).

(b) Minority report

For each policy review, there can be a minority report giving any dissenting views. The Cabinet or Council will consider the minority report at the same time as the committee report.

(c) Which report is the committee report and which is the minority one?

Each committee member can sign one report but no more than one. The report with the most signatures will be the committee report.

(d) Timing

Once a report reaches the Director of Law, Governance and Strategy:

- The Cabinet must consider it at its next ordinary meeting if it is about executive responsibilities

- Council must consider it at its next ordinary meeting if it is about Council responsibilities.
- In each case if the next meeting is within seven clear working days of the report reaching the Director of Law, Governance and Strategy then the report will go to the next meeting after that.

13.11 Arrangements for the Cabinet to comment on reports to Council

When the Scrutiny Committee sends a report to Council, the Director of Law, Governance and Strategy will send a copy to each member of the Cabinet. Council must consider Cabinet member comments on anything that affects the budget and policy framework.

13.12 Scrutiny Committee members' rights to see documents

Scrutiny Committee members' rights to see document are set out in Part 15.11.

13.13 Duty of Cabinet members and officers to attend the Scrutiny Committees

(a) Duty to attend

The Scrutiny Committee can require members of the Cabinet and officers in the senior management structure (Part 9.1) to attend meetings and answer questions about:

- their performance
- decisions they were involved in
- the extent to which they have followed the budget and policy framework

The Scrutiny Committee can also require Cabinet Members and their advisors to attend and answer questions about shareholder decisions relating to companies wholly or partly owned by the Council and the performance of those companies.

(b) Procedure for attending

The Director of Law, Governance and Strategy will tell the councillor or officer that they are required to attend, what it is about and whether they need to produce a report or provide papers.

The councillor or officer must be given reasonable time to compile information.

13.14 Whipping

Political groups should not pressure their members over how they speak or vote at Scrutiny Committee meetings.

13.15 Order of business at the Scrutiny Committee

The order of business will be:

- Election of Chair (at the first meeting after annual Council or after the post becomes vacant or if the Chair and Vice Chair are absent)
- Election of Vice Chair (at the first meeting after annual Council or after the post becomes vacant)
- Apologies for absence
- Declarations of interest
- Chair's Announcements
- Minutes of previous meeting
- Addresses by members of the public
- Councillor addresses on any item for discussion on the Scrutiny agenda
- Substantive reports
- Scrutiny work plan
- Cabinet responses to Scrutiny recommendations
- Endorsement of Recommendations from Working Groups
- Dates of future meetings

The Chair has the discretion to amend the order of the agenda items.

This order can be suspended if at least half of all the voting members are present and there is a simple majority in favour. It can only be suspended until the end of the meeting.

13.16 Public speakers at Scrutiny Committee

Members of the public can submit addresses in writing about any item for discussion at the meeting. The full text of the address, stating the relevant agenda item, must be received by the Director of Law, Governance and Strategy (acscrutiny@oxford.gov.uk) by 5pm at least three clear working days. Addresses can be submitted either by letter or by email and may last for no more than five minutes.

The public speaker must stick to the submitted address except with the Chair's permission and the Chair of the Committee has discretion to curtail the address if the public speaker departs from the submitted address.

Addresses may be rejected by the Monitoring Officer on the basis as set out at Part 11.13 of this Constitution.

Members of the Scrutiny Committee can ask questions to the public speaker.

13.17 Councillors Speaking at Scrutiny Committee

Oxford City councillors may, when the chair agrees, address the Scrutiny Committee on an item for discussion on the agenda. The member seeking to make an address must notify the Director of Law, Governance and Strategy (acscrutiny@oxford.gov.uk) by 5pm at least three clear working days before the

meeting, stating the relevant agenda items. An address may last for no more than five minutes.

Members of the Scrutiny Committee can ask questions to the Councillor.

13.18 Call-In Procedure

If a decision has been called-in by 4 Members, or the Chair of the Scrutiny Committee, the Committee will review the item. The Order of Business for this item will be:

- Introduction from Members who called in decision
- Local Members to comment (if appropriate)
- Response from Cabinet and Corporate Leadership Team
- Deliberation and Outcome

13.19 Standing Working Group and Review Groups

(a) Establishment of Groups

The Scrutiny Committee can set up Standing Working Groups and Review Groups each year to consider selected issues in more detail.

(b) Functions of Standing Working Groups

Standing Working Groups will hold meetings throughout the year, and consider quarterly performance reports, executive decisions and other issues within their remit.

(c) Functions of Review Groups

Review Groups will be formed to undertake issue-led and time-bound 'task and finish' reviews of specific issues. Review Groups will conclude their work with a report and recommendations, to be presented to the Cabinet or the Council.

(d) Meeting protocols

Both Standing Working Group and Review Group meetings will be held in private and virtually. Hybrid meetings will not be possible due to capacity constraints.

The quorum for standing working groups and review groups shall be two councillors.

(e) Appointment and accountability of Group Chairs

Group Chairs will be elected at the first meeting of the Committee in the municipal year. Review Group Chairs will be elected by the Committee when the groups are established.

Chairs of both Standing Working Groups and Review Groups will be accountable to the Scrutiny Committee and can be from any political group. Chairs of Standing Working Groups and Review Groups will report back to the Committee on progress and outcomes. They may also be invited to present their reports and recommendations to the Cabinet.

(f) Frequency of meetings

- Standing Working Groups will meet approximately 5 times each year.
- Review Groups will meet as often as is required for them to conclude their work.

The Scrutiny Committee will oversee the work of Review Groups to ensure they do not overrun unduly.

(g) Additional meetings

Any additional meetings of Standing Working Groups must be approved by the Director of Law, Governance and Strategy to ensure the capacity of the Scrutiny and Governance Advisor and the Committee and Member Services team is not exceeded.

(h) Scope and final agreement on recommendations

The Scrutiny Committee will commission and scope the work of Standing Working Groups and Review Groups. The Scrutiny Committee has final agreement on their recommendations.

Where there is no Scrutiny Committee meeting scheduled before a Cabinet or Shareholder and Joint Venture Group meeting to endorse a Working Group recommendation, authority will be delegated to the Scrutiny and Governance Advisor, in consultation with the Chair of the Scrutiny Committee, to forward the recommendations to the executive. The recommendations and Cabinet response will then be reported to the Committee at the next available meeting.

(i) Capacity

In any given year, the organisation ordinarily has capacity to support either:

- 2 Standing Working Groups and 3 Review Groups; or
- 3 Standing Working Groups and 2 Review Groups

(j) Substitution and Political Group Allocations

For substitutions at Standing Working Groups and Review Groups, see Part 13.2(c).

The Scrutiny Committee will set the membership of both Standing Working Groups and Review Groups, drawing from all non-executive members. Political groups will be asked to nominate members to any such groups for agreement by the Committee. Standing Working Groups and Review Groups are not required to reflect the Council's political composition.

(k) Handling of unused seats

Where a political group does not wish to take-up its allocation of a seat on a Standing Working Group or Review Group, it will first be offered to political groups that would not normally have a seat allocation through the cross-party principle guide for appointment to Standing Working Groups and Review Groups. The seat will be offered to those political groups in priority order based on strongest entitlement to a seat as per political proportionality calculations. Should there be no take-up of the seat after offering to other political groups, the Scrutiny Committee will decide what to do.

(l) Seat allocation dispute

Where two or more political groups have the same entitlement to a seat based on political proportionality calculations, but where there are not enough available seats to allocate to all those political groups, the Scrutiny Committee will decide what to do.

13.20 Gaps in these procedures

If there is a gap in these procedures, the Chair will decide what to do.

This page is intentionally left blank